

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



July 1, 1998

ALL COUNTY LETTER NO. 98-44

TO: ALL COUNTY WELFARE DIRECTORS
ALL CalWORKs PROGRAM SPECIALISTS

REASON FOR THIS TRANSMITTAL

- State Law Change
 Federal Law or Regulation Change
 Court Order
 Clarification Requested by One or More Counties
 Initiated by CDSS

SUBJECT: CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITY TO KIDS (CalWORKs) 60-MONTH TIME LIMIT REGULATIONS

REFERENCE: WELFARE AND INSTITUTIONS CODE (WIC) SECTIONS 11454, 11454.5, AND 11495.1 AS ENACTED BY ASSEMBLY BILL (AB) 1542, CHAPTER 270, STATUTES OF 1997; ALL COUNTY LETTERS (ACLs) 97-65, 97-68, AND 98-09

The purpose of this letter is to provide County Welfare Departments (CWDs) with proposed emergency regulations and instructions regarding the CalWORKs program's 60-month time limit for cash aid. These regulations have been submitted to the Office of Administrative Law and are effective July 1, 1998.

Summary of Regulations

The regulations continue the 60-month time limit policies established in ACLs 97-65, 97-68, and 98-09 and provide the clarifications and/or additions below. Please note that there are exemptions to the time limit that exempt months from the count ("stop the clock") or enable an individual to receive aid after reaching the 60-month time limit. Some of the same exemption criteria "stop the clock" and allow aid beyond the 60-month time limit. However, to "stop the clock" it is only necessary for exemption criteria to be met by the individual. The exemptions allowing aid beyond the 60-month time limit apply only if all parents, caretaker relatives, and aided stepparents of the applicant child meet an exemption criterion. The county may also find that a victim of domestic violence has good cause to "stop the clock" or extend aid beyond the time limit, and this circumstance applies only to the individual. The clarifications and/or additions are as follows:

Cash Grant Status Cases: The 60-month time limit applies only to cash-grant-eligible cases, which include cases that receive Zero Base Grants (ZBGs) as defined in Section 44-315.9, Special Needs as defined in Section 44-211, and Reduced Income Supplemental Payments (RISPs) as defined in Section 44-400.

Diversion Payments: The month in which the diversion payment is made counts toward the 60-month time limit unless the recipient reapplies during the diversion period and opts to have the diversion payment recouped. If the recipient reapplies during the diversion period and is determined eligible, the recipient may opt to have the diversion payment recouped from the cash grant or apply all the months of the diversion period toward the 60-month time limit.

Time Limit for Adults: The lifetime 60-month time limit applies to all aided adults, including aided stepparents, unless all of the adults meet at least one of the exemptions.

Advanced Age of 60: The exemption for an individual age 60 or older also "stops the clock" for purposes of the 60-month count.

Incapacitated Household Member: The exemption for providing care for an ill or incapacitated "household" member defines "household" member as any member residing in the home.

Teen Parent Program: The exemption for being "eligible for" or "a participant in" Cal-Learn or another teen parent program approved by CDSS, is clarified to say the exemption does not apply to individuals 19 years of age who do not opt to volunteer for Cal-Learn. In this circumstance, these individuals are not considered "eligible for" or "participating in" Cal-Learn.

Reimbursed Child Support: The exemption which precludes any month from counting toward the 60-month time limit when the cash grant is fully reimbursed as a result of child support collection applies to the months of aid reimbursed to other states, as well as California. The exemption may apply retroactively.

Domestic Violence: The county welfare department may waive time limits for victims of domestic violence who are found to have good cause. This exemption applies as one of the criteria to receive aid beyond the 60-month time limit as well as one of the criteria which "stops the clock" for purposes of the 60-month count.

Notices of Action (NOAs) and Forms

The 60-month time limit regulations will require new NOAs and minor changes on some forms. The informing narrative provided in ACL 97-65 for TEMP SL 5, 60-Month Time Limit, is out of date. This material will be made available at a later date under separate cover.

Translations

Counties should call the Forms Management Bureau at (916) 654-1907 or CALNET at 437-1907 for camera-ready copies of any form, NA form, NOA message, or suggested informing language in any language. However, counties that have provided Language Services Bureau with a county contact and the specific languages (Spanish, Chinese, Cambodian, Vietnamese and Russian) will automatically be sent those languages as soon as the document (form/NA form/NOA message/informing notice) is translated.

Contacts

If you have questions regarding the 60-month time limit, please contact Julie Lopes at (916) 654-1786 or CALNET at 464-1786.

Sincerely,
***Original Document Signed By
Bruce Wagstaff on July 1, 1998***
BRUCE WAGSTAFF
Deputy Director
Welfare to Work Division

Attachment

c: CWDA
CSAC