STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY

DEPARTMENT OF SOCIAL SERVICES
744 P Street • Sacramento, CA 95814 • *www.cdss.ca.gov*

January 28, 2015

ALL COUNTY INFORMATION NOTICE NO. I-01-15

REASON FOR THIS TRANSMITTAL
[X] State Law Change
[ ] Federal Law or Regulation Change
[ ] Court Order
[ ] Clarification Requested by One or More Counties
[ ] Initiated by CDSS

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY CALWORKS PROGRAM SPECIALISTS
ALL CALFRESH COORDINATORS
ALL COUNTY WELFARE-TO-WORK COORDINATORS
ALL COUNTY CONSORTIUM PROJECT MANAGERS
ALL COUNTY CHILD WELFARE SERVICES PROGRAM MANAGERS
ALL COUNTY PROBATION OFFICERS

SUBJECT: CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITY TO KIDS (CalWORKs): FINAL REGULATIONS TO IMPLEMENT ASSEMBLY BILL (AB) 12 (CHAPTER 559, STATUTES OF 2010) NON-MINOR DEPENDENTS (NMDs)

REFERENCE: AB 12 (CHAPTER 559, STATUTES OF 2010); WELFARE AND INSTITUTIONS CODE SECTIONS 11253(b), 11253.3, 11403, 11454.5(a)(2) ; ALL COUNTY LETTERs (ACL) NOs. 11-78, 12-27, 13-82 and 13-82E.

The purpose of this letter is to transmit final regulations that implement the extension of CalWORKs benefits to eligible NMDs due to the enactment of AB 12 (Chapter 559, Statutes of 2010). The relevant provisions of AB 12 were initially implemented through ACL No. 11-78, dated November 30, 2011, ACL No. 12-27, dated June 12, 2012, ACL No. 13-82, dated October 16, 2013 and ACL No. 13-82E, dated March 25, 2014. The attached final regulations were approved by the Office of Administrative Law, filed with the Secretary of State on July 7, 2014, and effective October 1, 2014. These updated regulation pages and the accompanying Eligibility and Assistance Standards Manual Letter 14-03 are posted on the internet at:
http://www.dss.cahwnet.gov/ord/PG3153.htm.

Background

AB 12 established a new category of youth, NMDs, eligible to receive CalWORKs benefits. Under AB 12, NMDs who meet at least one of the five AB 12 eligibility conditions noted below, agree and adhere to the Mutual Agreement for Extended Foster Care (SOC 162), and cooperate with the six-month review hearings/certification are eligible for extended CalWORKs benefits.

In order to be eligible for extended CalWORKs, a youth must meet one of the five AB 12 eligibility conditions, which include:

(1) Completing secondary education or a program leading to an equivalent credential;
(2) Being enrolled at least half-time in an institution which provides post-secondary or vocational education;
(3) Participating in a program or activity designed to promote or remove barriers to employment;
(4) Being employed for at least 80 hours per month; or
(5) Being incapable of doing any of the activities described in (1) to (4) due to a documented medical condition.

Summary of Regulation Changes

- Section 40-181.1(c) - clarifies that this section applies to eligibility requirements for CalWORKs NMDs only. Requires the Six-Month Certification of Extended Foster Care Participation (SOC 161) and the Mutual Agreement for Extended Foster Care (SOC 162) forms to establish eligibility of the NMD. Requires eligibility to be re-established by the SOC 161 form every six months. Removes references to eligibility requirements for Aid to Families with Dependent Children – Foster Care (AFDC-FC) and Kinship Guardianship Assistance Payment (Kin-GAP) Program.

- Section 40-188.135 - amends the list of documentation to be sent during an inter-county transfer (ICT) by adding the SOC 161 and SOC 162 forms to verify the NMD's eligibility.

- Section 40-190.15 - directs county welfare departments (CWDs) to transfer a NMD's case to the county with court jurisdiction when the NMD has been receiving aid as part of their caretaker relative's assistance unit (AU) from a county other than the county with court jurisdiction.

- Section 42-101.3 - expands the eligible population beyond age 18 to NMDs who meet at least one of the five specified eligibility criteria and have signed a mutual agreement with the CWD. Exempts a NMD from signing the mutual agreement if the NMD is unable to make an informed decision due to a documented medical condition. Renumbers Sections 42-101.4 through .7.

- Section 42-213.24 - excludes the personal property and vehicles of NMDs from the property limits.

- Section 42-302.1 through .21 - exempts NMDs from the time limit and Welfare-to-Work (WTW) requirements. Renumbers Sections 42-302.21(f) through (l).

- Section 42-712.1 - exempts NMDs from WTW requirements.

- Section 42-712.65 - provides that any month in which a NMD is exempt from participation in WTW activities will not count as a month of aid when computing the time limit.

- Section 44-133.31 – renumbers Section 44-133.3.

- Section 44-133.32 - excludes the NMD's income from the income and grant calculation for the NMD. Clarifies that a NMD may receive both Supplemental Security Income/State Supplementary Payment (SSI/SSP) and extended CalWORKs at the same time.

- Section 44-133.33 - excludes income of a NMD or non-minor former dependent from the income and grant calculation for the caretaker relative's AU.

- Section 44-316.331(SAR)(u) - establishes the transfer of a NMD from a caretaker relative's AU into their own AU as a county-initiated mid-period change.

- Section 80-301 - establishes definitions for NMDs and non-minor former dependents.

- Section 82-820.22 - establishes a NMD in his/her own AU of one. Renumbers Sections 82-820.23 through .25.

- Section 82-832.1(a) - excludes the child of a NMD from the AU when the child is living with his or her NMD parent who is also a recipient of foster care.

- Section 82-832.1(k) - excludes NMDs from the AUs of needy or non-needy caretaker relatives.

If you have questions regarding this letter, please contact your CalWORKs county consultant directly or call the CalWORKs Eligibility Bureau at (916) 654-1322.

Sincerely,

Original Document Signed By:

KÄREN DICKERSON, Chief
CalWORKs Employment and Eligibility Branch

Attachment