



CDSS

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DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES

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EDMUND G. BROWN JR.
GOVERNOR

October 21, 2016

ALL COUNTY LETTER (ACL) NO. 16-90

REASON FOR THIS TRANSMITTAL

- 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 CONSORTIA REPRESENTATIVES

SUBJECT: CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITY TO KIDS (CALWORKS) PROGRAM: IMPLEMENTATION OF ASSEMBLY BILL (AB) 433 UNDER SEMI-ANNUAL REPORTING (SAR) AND ANNUAL REPORTING/CHILD ONLY (AR/CO) REPORTING SYSTEMS

REFERENCE: [AB 433 \(CHAPTER 514, STATUTES OF 2015\)](#); ALL COUNTY INFORMATION NOTICE ([ACIN NO. I-13-16](#)) AND [ACIN NO. I-13-16E](#); MANUAL OF POLICIES AND PROCEDURES (MPP) SECTIONS [44-316.321 AND 44-316.331](#); WELFARE AND INSTITUTIONS CODE (WIC) SECTIONS [11265.2\(d\)](#), [11265.3\(h\)](#), [11265.45](#), [11265.47](#), AND [11450.05](#)

The purpose of this ACL is to transmit information regarding the eligibility changes that became effective with the enactment of AB 433 (Chapter 514, Statutes of 2015). The intent of this letter is to explain how these changes apply to grieving CalWORKs recipients who have experienced the death of a child, specifically in regards to when the County Welfare Departments (CWDs) can take action to remove the deceased child from the grant under SAR and AR/CO rules. Examples are included. This ACL also transmits a new Notice of Action (NOA) message for the CWDs to use in these circumstances.

Background

AB 433 requires that a deceased child not be removed from the CalWORKs assistance unit (AU) in the month in which his or her death occurred or the following month. AB 433 also prohibits sanctions from being applied or overpayments being established

for a grieving CalWORKs recipient due to failure or refusal to comply with the Welfare to Work (WTW) program requirements during the month in which a child in the AU died, or the following month. Please see ACIN No. I-13-16 for a complete explanation of how AB 433 affects WTW requirements and the sanction process.

Implementation Under SAR and AR/CO

AB 433 makes no changes to current SAR reporting requirements. The CWD is not required to take any mid-period actions if it is not aware of the death of an AU member. However, if the county becomes aware of the death of a child in the AU, benefits shall not be decreased in the month of the death, or the following month. For example, a SAR case is in the January through June SAR payment period. A child in the AU dies in February. The family is under no obligation to report the death until their semi-annual report due in June, at which point benefits would be decreased beginning in July and no overpayment would be assessed. However, if the family reports the death to the county in February, the county shall not decrease the family's benefits based on this death until April 1st, with timely and adequate notice.

In contrast to SAR, household composition changes are mandatory mid-period reports under AR/CO. This means that clients are required to report the death of an AU member within 10 days and the CWD is required to recalculate benefits based on this change effective the first of the month following the change. Prior to the implementation of AB 433, the death of a child in the AU would result in decreased benefits for an AR/CO case effective the first of the month following the death. With the implementation of AB 433, AR/CO cases will now receive one additional month of aid at the higher amount.

For example, an AR/CO case is in the January through December payment period. A child in the AU dies on February 26th. The AU is required to report this death within 10 days (by March 8th) and the county will remove the deceased AU member effective April 1st. (Prior to the implementation of AB 433, this change would have taken place effective March 1st, with an overpayment assessed due to the lack of time for 10 day notice.) If the client does not report the change in time for the county to decrease benefits by April 1st with timely notice, an overpayment would be assessed for any benefits they were not entitled to receive.

Additional Scenarios

AB 433 does not impact pregnant women only (PWO) cases. The WIC section 11450.05(a) specifically states that, "for purposes of determining the maximum aid payment...the number of needy persons in the same family shall not be decreased because of the death of a child in the AU for the month in which the death occurred or the following month." Because the language so clearly talks about removing needy AU members, the AB 433 changes only apply when the deceased child was a needy member of the AU. In a PWO case, the unborn child is neither considered a needy AU

member nor a child in the AU; therefore, in the event of a loss of pregnancy in a PWO case, AB 433 does not apply. However, the PWO case is under no obligation to report the pregnancy loss mid-period, and even if the PWO did report the loss, no county action should be taken to discontinue her case under such circumstances, until the end of the SAR payment period.

As a reminder, regardless of whether the AU is impacted by AB 433 or not, when a deceased AU member is removed from the AU mid-period, the CWD must issue the AU a new Income Reporting Threshold (IRT) based on the new AU size. If the AU is over their new IRT based on this change, they would have to report this to the county after they have been notified of their new IRT amount. If their income is expected to continue at that amount, then the case would be discontinued at the end of the month in which the income first exceeded the new IRT (generally the month after the removal of the deceased AU member).

Lastly, AB 433 only applies to recipient families that are already on aid. If the only eligible child dies before the application is approved, the application would be denied because there is no eligible child. If one of multiple eligible children dies before the application is approved, the deceased child would not be included in the AU, but the application could be granted for the remaining eligible AU members.

New NOA Message

The Department of Social Services (CDSS) has created a new NOA message, M44-316e (10-01-16). CWDs must use this new NOA message when clients report the death of a child in the month of occurrence, in order to inform clients about when the change in their grant will take place based on this change. In SAR cases when the report of the death takes place more than a month after the occurrence, CWDs may continue to use existing NOA messages to inform the case of the removal of a deceased AU member.

CAMERA READY COPIES AND TRANSLATIONS:

For a camera-ready copy in English, contact the CDSS Forms Management Unit at fmudss@dss.ca.gov. You may obtain these forms from the CDSS webpage at: <http://www.dss.cahwnet.gov/cdssweb/PG167.htm>.

When all translations are completed per Manual of Policies and Procedures (MPP) section 21-115.2, they are posted on an on-going basis on the CDSS webpage. Copies of the translated forms can be obtained at: http://www.dss.cahwnet.gov/cdssweb/FormsandPu_274.htm.

For questions on translated materials, please contact the CDSS Language Services at (916) 651-8876. Until translations are available, recipients who have elected to receive materials in languages other than English should be sent the English version of the form

or notice along with the GEN 1365 - Notice of Language Services and a local contact number. <http://www.cdss.ca.gov/cdssweb/entres/forms/Multi/GEN1365MUL.pdf>

The CWDs shall ensure that effective bilingual services are provided. This requirement may be met through utilization of paid interpreters, qualified bilingual employees, and qualified employees of other agencies or community resources. These services shall be provided free of charge to the applicant/recipient.

In the event that CDSS does not provide translations of a form, it is the CWD's responsibility to provide interpreter services if an applicant or recipient requests them. More information regarding translations can be found in [MPP section 21-115](#).

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

Sincerely,

Original Document Signed By:

TODD R. BLAND
Deputy Director
Welfare to Work Division

Attachment

State of California
Department of Social Services

NOA Msg Doc No. : M44-316 E Page 1 of 1
Action : Change
Issue : County-Initiated mid-
period actions
Title : Mid-period change due to
the death of a child

Auto ID No. :
Source :
Issued by : ACL No. 16-90
Reg Cite : 44-316.33

Use Form No. : NA 200
Original Date : 10-01-16 New
Revision Date :

MESSAGE:

The County would like to express its sympathy to your family due to the loss of your child.

The law now allows the County to continue your cash aid at the same amount until_____.

Effective_____your new cash aid amount is \$_____.

Your new assistance unit size is_____.

Your new Income Reporting Threshold (IRT) amount is \$_____.

Your new cash aid amount is figured on this page.

INSTRUCTIONS: Use this notice to inform clients that their aid will be recalculated based on the death of a child in the AU effective the month following the month after the death occurred. Only use this notice when the death was reported in the month of occurrence, so action cannot be taken until the following month. In the first blank, enter the last day that they can still receive aid for their child. In the second blank, enter the effective date of the change. Enter the new cash aid amount, the new AU size, and new IRT amount in the following three blanks.