



CDSS

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

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EDMUND G. BROWN JR.
GOVERNOR

Date: April 23, 2012

ALL COUNTY INFORMATION NOTICE NO. I-21-12

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 CalWORKs PROGRAM SPECIALISTS
ALL COUNTY CALFRESH COORDINATORS
ALL COUNTY SPECIAL INVESTIGATIVE UNIT CHIEFS

SUBJECT: CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITY TO KIDS (CalWORKs) and CALFRESH: - MID-QUARTER CHANGE WHEN CHILD MOVES TO A NEW ASSISTANCE UNIT/HOUSEHOLD

REFERENCES: MANUAL OF POLICIES AND PROCEDURES (MPP) SECTIONS 40-161; 40-181.3; 44-316.312(c); 44-316.331(i); 82-808; 63-509.671(g), 63-509(h), 63-509(h)(2), and 63-509(m); WELFARE AND INSTITUTIONS (W&I) CODE SECTION 11265.2(f); and ALL COUNTY INFORMATION NOTICE I-84-03, QUESTION 11.

The purpose of this letter is to remind counties of the steps to take when a family applies for cash aid or CalFresh benefits for a child who is currently aided in another assistance unit (AU) or household (HH). In these situations, a prompt determination of eligibility is critical, in order to reduce the time before the new AU/HH can receive cash aid and food benefits, if eligible. In general, if the county determines that pursuant to the relevant program rules, the child should be aided in the applicant household; the county discontinues aid for the child in the former AU/HH mid-quarter and grants cash aid and CalFresh benefits to the new AU/HH. If the child was the only eligible child in the former AU, and the remaining adult is not an eligible pregnant woman, both cash aid and CalFresh benefits are discontinued for the entire AU/HH, and Transitional CalFresh benefits are provided to the remaining member(s) in order to prevent duplicate aid for the child that moved to the new AU/HH. Next are more detailed guidelines regarding the treatment of these situations.

Process for Handling Applications for Aided Members

When cash aid is requested for a child who is already part of another aided AU/HH, counties must verify who has care and control of the child in question before they grant cash aid to the applicant family. For CalFresh, the county must verify with whom the child shares the majority of his/her meals, in accordance with MPP Section 63-402.15. Since delay of a timely determination of the care and control/food arrangements can result in a needy family going an additional month without eligible benefits, it is crucial that counties complete these investigations as soon as possible.

Counties must immediately contact the currently aided parent or caretaker relative and others who can provide evidence responding to the criteria in MPP Section 82-808.3. These criteria include but are not limited to: who decides where the child attends school or child care; who deals with the school on educational decisions and problems; who controls participation in extracurricular and recreational activities; who arranges medical and dental care services; who claims the child as a tax dependent; and, who purchases and maintains the child's clothing. Such evidence may be established by sworn statements by witnesses, information from child welfare agencies, etc. To make a determination of care and control, counties may also check with the child's school or daycare provider to see who drops off and picks up the child (with written permission from the currently aided parent or caretaker relative). Per MPP Section 40-161, a home visit is required when living arrangements or other factors cannot be satisfactorily determined without such a visit.

Due to confidentiality requirements, eligibility workers should be reminded that they cannot acknowledge to the applicant HH or others that anyone is on aid. Also, if either AU parent is a victim of domestic abuse, the county should be alert to the possibility that one parent may be making a false claim to harass, intimidate, and control the other parent.

Cash aid cannot be discontinued in the open case or granted in the new case until the investigation and determination of who has care and control is complete. For this reason, counties must complete this determination as soon as possible in order to be able to grant aid to the applicant family at the earliest opportunity, if the applicant family is found to have custody of the child. If the window of opportunity permitting discontinuance at the end of the month pursuant to a timely and adequate 10-day notice is fast approaching (e.g. it is the 18th or 19th of the month) counties should do everything possible to complete the determination of care and control before the 10-day notice deadline so that the new caretaker relative does not have to wait an additional month before s/he can begin receiving aid for the child in their care.

Because the new applicant will not have apparent eligibility for cash aid until care and control is determined and the child is removed from the former AU (with timely and adequate notice), s/he will not be eligible for emergency benefits such as homeless assistance or immediate need in the month of application (unless s/he has other apparently eligible children who are not currently aided in another AU). For CalFresh, the new applicant may be entitled to get Expedited Service, if otherwise eligible, for the applicant HH except for the child whose presence is in question. In order to decrease this hardship on the applicant family, counties should direct them to any local resources that may be available to help them during this time of transition, including county welfare department social workers, if available.

When discontinuing the child from the first AU/HH, the county must provide that AU/HH with timely and adequate notice, and may not grant aid to the applicant AU/HH until the first of the month after the child's current benefits have been discontinued. The first AU/HH may be discontinued at the end of the current month without timely (10-day) notice only if the caretaker relative in that AU/HH requests a mid-quarter discontinuance in writing.

Since reporting AU/HH composition changes is a voluntary mid-quarter report, no overpayment may be assessed on the current AU/HH based on their not reporting the child leaving the home outside of the quarterly reporting timeframe, not requesting a mid-quarter discontinuance, or the inability of the county to discontinue aid due to timely notice requirements. If it is determined that the new applicant has care and control of the child(ren) being aided in another household, and that fact had not been reported timely under change and QR reporting rules, an Overpayment/Overissuance action should be initiated against the former (now non-custodial) head of household.

Example 1: A single-parent AU has one eligible child and is receiving cash aid and CalFresh benefits. On May 15, a man applies for CalWORKs and CalFresh for himself and that same child, his son. The county immediately realizes that the child is already on aid with his mother. There are no other eligible children in the applicant's family. The county contacts the currently aided parent who states that her son continues to reside with her. The applicant parent states that there is an open child welfare case against the mother, and he has been asked to take custody of their son. The county contacts Child Welfare Services who confirms the arrangement, and that it is expected to continue for more than 30 days. Given that the mother already was not caring for the child, CWS did not yet get a court order or voluntary placement. The county discontinues aid for the first AU by May 20 with a timely and adequate notice and the father's application is approved for cash aid as of June 1. If otherwise eligible, the father would be entitled to Expedited Service for the May 15 application with the child being added to the CalFresh benefits effective June 1. The mother would be eligible for

Transitional CalFresh benefits for herself only upon termination from CalWORKs and CalFresh.

Example 2: Same scenario as above, but dad does not apply for benefits until May 22. Even though the county gets confirmation of the living arrangements from Child Welfare Services before the end of the month, they cannot discontinue aid to the current AU because there is not time to issue timely 10-day notice. Unless, the mother gives the county written permission to discontinue her case at the end of May, or if CWS gets a court order or voluntary agreement from the mother (MPP Section 22-072.2(f) requires adequate but not timely notice in these cases) cash aid for the applicant family cannot be approved until July 1. For CalFresh, dad, if otherwise eligible, would be entitled to Expedited Service for himself only for the May 22 application with the child being added to the CalFresh benefits as of July 1. In this situation, the county should make every effort to provide the applicant family with referrals to any other community resources that may be available to help them during this time of transition until their CalWORKs application can be approved.

If you have any questions regarding this letter, please contact the CalWORKs Eligibility Bureau at (916) 654-1322 or for CalFresh contact Shawn Mainville at (916) 657-3418.

Sincerely,

Original Document Signed By:

KÄREN DICKERSON, Chief
Employment and Eligibility Branch

Original Document Signed By;

LINDA PATTERSON, Chief
CalFresh Branch