

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814



October 25, 2007

ALL COUNTY INFORMATION NOTICE NO. I-63-07

TO: ALL COUNTY WELFARE DIRECTORS
ALL CalWORKs PROGRAM SPECIALISTS
ALL CONSORTIUM PROJECT MANAGERS

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: CalWORKs REFERRAL TO LOCAL CHILD SUPPORT AGENCY WHEN
THE ABSENT PARENT IS DECEASED

REFERENCE: Child Support Services (CSS) Letter 06-39 and Manual of Policies and
Procedures (MPP) Sections 82-504.1, 41-401.3 Handbook and 41-420

The purpose of this Notice is to provide counties with clarification regarding the referral of CalWORKs cash aid cases to the Local Child Support Agency (LCSA) when the applicant/recipient has claimed that the absent parent of an applicant/recipient child is deceased.

MPP 82-504.1 provides in part that all assistance units (AUs) are subject to the provisions of the Child Support Enforcement (CSE) Program except those in which one or both natural or adoptive parents are deceased. When the only deprivation for a child is verified to be based on deceased parent, no referral is made to the LCSA. Child support is the responsibility of the natural or adoptive parent(s). Payments are made by the absent parent for the support of a child not living with them. If one or both of the child's parents is deceased the AU would not be subject to child support enforcement activities as there is no absent parent from which child support may be collected.

However, regardless of the basis of deprivation upon which a child is determined to be eligible for CalWORKs, the requirements for securing absent parent support remain unmodified when an aided child also has an absent parent. (See 41-401.3 Handbook). Therefore, in each instance in which a child has a basis of deprivation of absence a referral to the LCSA is appropriate.

Example 1: If mom and child are the AU and dad is verified deceased, the AU would not be referred to the child support agency as there is no absent parent that can participate in child support enforcement activities.

Example 2: In a case where one parent is deceased and the second parent is absent from the home, a child could be aided based on deceased parent, but a child support referral would be appropriate based on the absence of the second parent.

Example 3: In a case where one parent is deceased and the second parent is incapacitated, the child could be aided base on either deprivation. A referral to the LCSA would be inappropriate as there is no absent parent required to participate in child support enforcement activities.

When establishing a basis of deprivation based on the claim of deceased parent, the eligibility case file must contain acceptable verification of the death of the parent, in accordance with MPP 41-420.2 which includes one of the following:

- A copy of the death certificate.

- An award letter from the Social Security Administration based on the death of the parent.

- A newspaper account of the parent's death.

- Other reliable documentation.

- The applicant/recipient's sworn statement under penalty of perjury when no other evidence can be obtained. (MPP 40-115.22)

When it is necessary to assist the applicant/recipient in obtaining evidence, if the needed evidence of eligibility may already be in the possession of the county, the county shall first retrieve and examine those existing eligibility case files which are in the possession of the county or its agents.

When the applicant/recipient and the county are unable to obtain credible evidence sufficient to establish that the absent parent is deceased, a referral to the LCSA based on absent parent deprivation would be appropriate.

If you have questions regarding this Notice, contact your CalWORKs county consultant.

Original Document Signed By:

KÄREN DICKERSON, CHIEF
Employment and Eligibility Branch

c: CWDA
CSAC
DCSS