



WILL LIGHTBOURNE
DIRECTOR

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

744 P Street • Sacramento, CA 95814 • www.cdss.ca.gov



EDMUND G. BROWN JR.
GOVERNOR

August 11, 2011

ALL COUNTY LETTER 11-57

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 WELFARE-TO-WORK COORDINATORS
ALL CALFRESH COORDINATORS
ALL CONSORTIUM PROJECT MANAGERS

SUBJECT: CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITY TO
KIDS (CalWORKs) AND CALFRESH PROGRAMS FREQUENTLY
ASKED QUESTIONS AND ANSWERS

REFERENCE: ALL COUNTY LETTERS 98-35 AND 97-72, MANUAL OF
POLICIES AND PROCEDURES (MPP) SECTIONS 21-115,
40-105.4(a)(1), 40-105.4(c)1(C), 40-105.5(a), 40-107(a),
42-711.522(e), 42-719.11, 63-504.61, and 63-504.61(a).

The purpose of this letter is to provide counties with answers to questions regarding the CalWORKs and CalFresh Programs. These questions were submitted to the California Department of Social Services by welfare advocates, in response to common programmatic policy questions.

If you have any CalWORKs questions regarding this letter, please contact your CalWORKs County Consultant or call the CalWORKs Eligibility Bureau at (916) 654-1322. For any CalFresh questions, please call Rosie Avena at (916) 654-1514 or e-mail at rosie.avena@dss.ca.gov.

Sincerely,

Original Document Signed By:

CHARR LEE METSKER
Deputy Director
Welfare to Work Division

Enclosure

CalWORKs and CalFresh Programs Frequently Asked Questions and Answers

CalWORKs Immunizations

- 1. Are County Welfare Departments (CWDs) required to inform parents about the immunization exemptions?**

Answer: Yes. MPP Section 40-105.4(c)1(C) requires that clients be informed of their right to claim an exemption from immunization requirements for religious or personal beliefs. Without being informed about possible exemptions, parents will not know that they can voice their objections to the immunization requirements and qualify for an exemption. CWDs are reminded that they must effectively communicate this information to applicants and recipients whose primary language is not English, in accordance with regulations at MPP Section 21-115 through bilingual workers, interpreters, and/or language appropriate notices.

- 2. How does an individual document an exemption to the immunization requirements based on personal/religious beliefs?**

Answer: A sworn statement signed under penalty of perjury by the recipient is sufficient to document the exemption (MPP Section 40-105(c)1(C)). Recipients are not required to explain their reasons for their personal or religious beliefs and counties shall not require information beyond the sworn statement.

- 3. Eligibility and Assistance Standards (EAS) Manual Handbook Section 40-105.4(a)(1) refers to good faith efforts to initiate immunizations for applicant/recipient children. How does the county determine that an applicant or recipient has made a good faith effort to initiate immunizations for the children in the Assistance Unit (AU)?**

Answer: If the applicant/recipient is attempting to meet immunization requirements, but is not able to meet them due to scheduling problems or unavailability of vaccines, the CWD shall not impose a penalty. For example, if the child has received some, but not all recommended immunizations or if vaccinations are delayed through no fault of the applicant/recipient, this shows the applicant/recipient is making a good faith effort to cooperate. Similarly, if an applicant/recipient has a good reason for not being able to meet recommended immunization schedules, they can be determined to have good cause.

Other possible reasons for having good cause include, but are not limited to: applicant/recipient has transportation problems, or an applicant/recipient may be unable to take the child to a doctor during work hours. When the CWD determines that good cause exists, the applicant/recipient shall be given an additional 30 days to submit immunization verification. Additionally, the county is

required by MPP Section 40-107(a) to assist applicants/recipients in establishing their eligibility, such as obtaining necessary verification of immunizations.

Time Limit Extenders

4. How are CWDs to process CalWORKs time limit extenders after a person has been removed from the grant because of time limits?

Answer: If the county has sufficient information necessary to determine that an optional person or mandatorily included former recipient meets extender criteria, such as receipt of the specified disability benefits, or that the person turned 60, allowable mid-quarter actions must be taken based on extender criteria and known program eligibility information.

When the former recipient is a mandatorily included person that is currently tied to an active case, the individual does not have to request to be added to the AU. The county will take mid-quarter action to add the individual to the existing AU when all program eligibility information is available.

If the former recipient is an optional person, the county shall inform the individual that they appear eligible to receive post-time limit benefits. Optional persons are not automatically included in the AU and must therefore request aid. The county may need to ask the individual to complete a CW 8 or SAWS 2 Statement of Facts form (as appropriate) in order to determine if the individual is otherwise eligible.

If additional information is necessary to make a determination of eligibility or to an extender, the county is to provide the former recipient with an Extender Request Form (CW 2190A).

As a reminder, a former recipient may request a time limit extender at any time, not only when that individual reaches their 48-month time limit.

Compulsory School Attendance/Truancy Penalty

5. Can CWDs impose a penalty on the adult whose child under 16 is not attending school, if the adult was not informed about the compulsory school attendance requirements in the adult's Welfare to Work (WTW) plan?

Answer: Yes, school attendance requirements and penalties for an adult recipient's child are independent of WTW plans. School attendance requirements are detailed in the SAWS-2A QR, which recipients are required to sign during application and annual redetermination. In addition, individuals assigned to WTW must be informed of school attendance requirements prior to or during WTW appraisal (MPP Section 42-711.522(e)).

School attendance requirements are also outlined in the WTW Handbook, which is part of a participant's WTW plan.

If the penalty was imposed for failing to turn in verification, and then the adult turns in verification that shows that the child was attending school, the county shall process an underpayment for the penalty period.

Prior to imposing the penalty, the county should inquire whether the child's attendance issues are related to good cause. If good cause exists, no penalty will be imposed.

6. If a 16-17 year old child is not attending school, should the CWD: a) impose a penalty and then refer to WTW, or b) not impose the penalty but refer to WTW?

Answer: The county shall impose a penalty, and simultaneously refer to WTW. In order to have his/her needs included in the grant a 16-17 year old must be attending school regularly as defined by the county (MPP Section 40-105.5(a)). Once he/she fails to attend regularly without good cause, his/her needs are taken out of the grant after being given timely and adequate notice. The child also loses his/her WTW exemption and is referred to WTW (MPP Section 42-719.11). The WTW plan shall be to obtain the high school diploma or its equivalent, and may contain other activities, if the student volunteers and they do not interfere with school attendance.

**CalWORKs And CalFresh
Redeterminations/Recertifications**

7. Can CWDs defer annual redeterminations and/or recertifications if workers are not able to schedule them (e.g., due to high workload?)

Answer: No. CalWORKs annual redeterminations are required by law, and cannot be waived because of staffing or budget constraints. Workers must ensure that the appropriate notice be sent in advance of the end of the redetermination period with sufficient time for there to be no break in aid. These reviews are crucial, not only for updating any needed information, but to ensure that the worker reviews all recipient rights and responsibilities outlined in the SAWS 2A QR.

In CalFresh, recertifications are required by federal law, and cannot be waived or extended because of staffing or budget constraints. Therefore, counties are not able to defer the annual recertification process because workers are not able to schedule them due to high workload. The county shall complete the application process and approve or deny a timely application for recertification prior to the end of the household's current certification period, and the county shall provide an eligible household with an opportunity to participate by the household's

normal issuance cycle in the month following the expiration of the household's certification period (MPP Section 63-504.61). Joint processing requirements for Public Assistance CalFresh categorical eligible households shall also apply to applications for recertification (MPP Section 63-504.61(a)).