

**DEPARTMENT OF SOCIAL SERVICES**

744 P Street, Sacramento, California 95814



February 28, 2001

ALL COUNTY LETTER NO. 01-15

TO: ALL COUNTY WELFARE DIRECTORS  
ALL CalWORKs PROGRAM SPECIALISTS**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: DOMINIKA S. V. SAENZ COURT ORDERREFERENCE: January 5, 2001, All County Welfare Directors/All California Work Opportunity and Responsibility to Kids (CalWORKs) Program Specialists Letter Re: Dominika v. Saenz

Counties were initially notified of the Dominika S. v. Saenz court order in the January 5, 2001, letter referenced above. This letter is to follow-up on that initial notification and to provide counties with specific implementation instructions relevant to the court order.

In cases where a minor parent resides with his/her senior parent, CalWORKs policy has been to consider child support payments made to a senior parent on behalf of the minor parent as income to the minor parent. In accordance with this policy, these payments were, in certain instances, considered available to meet the needs of the minor parent's child. However, the Dominika S. v. Saenz court order requires a change to this policy. The order stipulates that child support payments made on behalf of the minor parent and intended to provide for the needs of the minor parent shall not be considered in determining the CalWORKs eligibility and the grant amount for the minor parent's child.

In order to comply with the terms of the court order, the following policy change shall be implemented. For CalWORKs eligibility and grant determination purposes, any child support paid to a senior parent on behalf of a minor parent, who resides with the senior parent, shall not be included as minor parent income in the "excluded parent computation" at Manual of Policies and Procedures Section 89-201.514. This will ensure compliance with the court order.

In accordance with the court order, County Welfare Departments shall implement this new policy effective with the February 1, 2001, grant payments and eligibility determinations for all CalWORKs recipients and new and pending applications. In our previous letter of January 5, 2001, counties were informed of this effective date and of the need to identify and tag affected cases.

## NOTICES OF ACTION

Attached are Notice of Action (NOA) messages, TEMP NA 1221, TEMP NA 1222, and NA 281. The required translations are also attached for the new TEMP forms. The NA 281 and TEMP NA 1221 are to be used for issuing corrective underpayments to individuals who are affected by this court order. Corrective underpayments are to be paid retroactively to February 1, 2001. The TEMP NA 1222 is to be used to change aid prospectively for individuals affected by this court order.

## FORMS/TRANSLATIONS

To obtain a camera-ready copy of the TEMP NA 1221, TEMP NA 1222, or NA 281, please contact the Forms Management Unit at (916) 657-1907 or by e-mail at [FMU@dss.ca.gov](mailto:FMU@dss.ca.gov). Translated copies of the NA 281 were previously released to county form coordinators. However, additional copies may be obtained by contacting Language Translation Services at (916) 654-1282 or by e-mail at [LTS@dss.ca.gov](mailto:LTS@dss.ca.gov). Each county must provide bilingual/interpretive services and written translations to non-English or limited English speaking populations as required by the Dymally-Alatorre Bilingual Services Act (Government Code Section 7290 et seq.) and by State regulations in Manual of Policies and Procedures, Division 21, Civil Rights Nondiscrimination, Section 115.

If you have any questions about the policy set by the court order in this lawsuit, please contact Ernie Villalobos of the CalWORKs Eligibility Bureau at (916) 657-1680. For questions related to the NOA forms or messages, please contact Terry Mallin at (916) 653-8395.

Sincerely,  
***Original signed by***  
***Bruce Wagstaff on***  
***2/28/01***  
BRUCE WAGSTAFF  
Deputy Director  
Welfare to Work Division

Attachments (11)

c: CWDA  
CSAC