

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814



March 2, 2001

ALL COUNTY LETTER NO. 01-16

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: KEHRER V. SAENZ COURT ORDER

This letter informs county welfare departments (CWDs) of changes to income exemption policies for Maximum Family Grant (MFG) cases in the California Work Opportunity and Responsibility to Kids (CalWORKs) Program. These MFG policies have been changed to comply with the Kehrer v. Saenz court order, which related to the treatment of child support payments in a CalWORKs case for a child subject to the MFG rule.

POLICY CHANGE

In accordance with the court order, County Welfare Departments shall implement this new policy effective with the April 1, 2001, grant payments and eligibility determinations for all CalWORKs recipients and new and pending applications. The settlement provides that the following payments shall be exempt from consideration as income in the CalWORKs grant computation for CalWORKs cases subject to the MFG rule:

1. Child support payments from the absent parent for the MFG child, whether paid directly to the MFG child, the custodial parent, or through the District Attorney/Family Support Office.
2. Derivative benefits from Social Security or other government programs based on the absent parent's disability or retirement and paid to or on behalf of the MFG child, which satisfy, in whole or in part, the absent parent's child support obligation.

Manual of Policy and Procedures (MPP) Section 44-314.62 will be revised at a later date to reflect these changes. The Kehrer Court Order does not change the applicant/recipient's responsibility to comply with Child Support cooperation requirements.

NOTICES OF ACTION (NOA)

Attached are two temporary NOAs that will be used to implement the provisions of the Kehrer court order. The TEMP NA 1224 will notify Assistance Units of a change in their benefit level and the TEMP NA 1223 will be used to issue corrective underpayments to recipients. Corrective underpayments are to be paid retroactively to April 1, 2001. Counties must begin to use these TEMP NA forms immediately.

CAMERA-READY COPIES AND TRANSLATIONS

To obtain a camera-ready copy of the TEMP NA 1223 or TEMP NA 1224 in English, please contact the Forms Management Unit at (916) 657-1907 or by e-mail at fm@dss.ca.gov. Spanish, Russian, Chinese, and Vietnamese versions of these TEMP NA forms will be provided to counties by Language Translation Services under separate cover. 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. For additional translated copies of the TEMP NA forms, please contact Language Translation Services by telephone at (916) 654-1282 or by e-mail at LTS@dss.ca.gov.

CONTACTS

If you have any questions about this letter, please contact Elizabeth Allred at (916) 657-3350.

Sincerely,

***Original signed by
Bruce Wagstaff on
3/1/01***

BRUCE WAGSTAFF
Deputy Director
Welfare to Work Division

Attachments

c: CWDA
CSAC