

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814



November 7, 2001

ALL COUNTY LETTER NO. 01-77

TO: ALL COUNTY WELFARE DIRECTORS
 ALL CalWORKs PROGRAM COORDINATORS
 ALL CAL-LEARN COORDINATORS
 CAL-LEARN CASE MANAGEMENT AGENCIES

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: CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITY TO KIDS (CalWORKs) ELIGIBILITY FOR TEENS TURNING AGE 18

REFERENCE: MANUAL OF POLICIES AND PROCEDURES (MPP) SECTIONS 40-171.11, 42-101, 42-762.21, 82-820, ACL 00-78

The purpose of this letter is to clarify the current eligibility requirements for teens who turn age 18, particularly pregnant/parenting teens. It has come to our attention that in some counties, teens receiving cash aid may have been automatically terminated upon their 18th birthday. Existing policy requires counties to review cases for continuing eligibility when any assistance unit (AU) member turns 18. This letter clarifies the mandatory inclusion rules for pregnant and parenting 18 year olds who are eligible to establish their own AU.

ELIGIBILITY FOR 18-YEAR OLDS**Teens Without Children**

Teens who receive aid as a dependent child and have no children of their own remain eligible for aid if they meet the education and/or training requirements that must be completed by the teen's 19th birthday, in accordance with the age requirements of MPP Section 42-101. Per MPP 42-101.2, an 18-year old is eligible to receive aid as a dependent child if:

- he/she is enrolled as a full-time student in high school provided he/she is expected to graduate before reaching 19, or
- he/she has not completed high school, is in a vocational or technical training program which cannot result in a college degree, provided he/she is expected to complete the program before reaching 19.

Mandatory inclusion rules apply and these teens must be included in the AU.

Pregnant or Parenting Teens

Teens who are pregnant or are a custodial parent and who are aided in their parent/caretaker relative's AU, in accordance with the mandatory inclusion requirements of MPP Section 82-820.3, may choose to have their own AUs established on the first of the month following the month they turn age 18 (unless they turn 18 on the first day of the month, in which case the change is effective on that date). Alternatively, these teens can choose to remain dependent children after they turn 18, provided they continue to meet the educational and/or training requirements in accordance with the age requirements of MPP Section 42-101.2, as discussed above.

For clarification, 18-year old pregnant/parenting teens in their parent/caretaker relative's AU have a choice. These teens may choose to remain in their parent/caretaker relative's AU or to establish his or her own AU.

Teens must be informed that:

- Their grants will increase in most cases (and their parent/caretaker's grant will go down or may stop) if they start their own AU.
- They do not have to move out of their parent/caretaker's home to start their own AU.
- Their 18 or 24 and 60-month clocks will not start to run until they leave Cal-Learn.
- If the maximum family grant (MFG) rule was applied to the minor parent's child while the teen was aided as an eligible child, the minor parent's child can now be counted when determining the cash aid payment in the pregnant or parenting teen's case.

To inform these pregnant and parenting teens, the CDSS has developed the attached notice (CW 2103). The CW 2103 must be sent to senior parents/caretakers of aided teens 60 days before the teens turn 18 to inform them of possible continuing eligibility options. The CW 2103 instructs senior parents/caretakers to provide the notice to teens that are approaching age 18.

Additionally, CDSS has amended the Notices of Action (NOAs) sent when an 18-year old is no longer eligible for aid in his/her parent/caretaker's AU. The attached NOA messages (M42-101B and M42-101C) inform the head of household that if his/her teen is pregnant or a parent, the teen may be eligible to establish his/her own AU.

As a reminder, pregnant/parenting teens that established their own AUs before their 18th birthday should not be terminated because they turn 18, so long as they are otherwise eligible.

SEAMLESS DETERMINATION OF ELIGIBILITY

The transition for pregnant/parenting teens to their own AUs must be as seamless as possible. To aid in the transition, the process of determining eligibility for the pregnant/parenting teen may begin up to 60 days before the teen's 18th birthday to ensure there is no loss of aid (MPP Section 40-171.11). Per MPP 40-125.93, the county shall not

require the teen to furnish any documentation previously provided to the county. The latest application (SAWS 1) for the family contained in the case in which the teen was aided is to be photocopied and used to establish the separate AU for the teen. Additional documents that the teen is required to sign must be obtained. Counties may elect to mail a Statement of Facts (SAWS 2) form and schedule an interview with the teen. Some information needed to complete the teen's case may be found in the senior parents/caretaker's case, but may not be released to the teen without a release of information from the senior parent/caretaker relative.

To ensure that there is no delay in opening the teen's case, when all information necessary to process the change is received, the county must process the case and authorize approval and payment when the pregnant/parenting teen becomes eligible. In regards to income and resource limits, disregards, etc., the teen shall be treated as a recipient rather than an applicant. However, the teen's income, if any, shall be prospectively budgeted for the first two months after the teen's case is established.

UNDERPAYMENT FOR PREGNANT/PARENTING TEENS ERRONEOUSLY TERMINATED AT AGE 18

Eligibility and Benefits

An underpayment will be provided for any pregnant/parenting teen who had previously been aided as a dependent child and who had a break in aid between being aided in their parent/caretaker relative's case and establishing his/her own case. Eligibility for the underpayment is contingent upon these teens remaining otherwise eligible for aid for the time period in question. Benefits and payment of supportive services, including all applicable Cal-Learn bonuses for those teens who were enrolled in the Cal-Learn program prior to discontinuance from the parent/caretaker relative's case, must be issued for any month(s) beginning May, 1997 in which the pregnant/parenting teen would have been eligible even if there is no signed application on file. These payments will not be considered in the determination of income or property in the month received or the following month. Cal-Learn sanctions cannot be assessed retroactively for this period.

Overpayment Recovery

Payments made to the teen parent as head of her own AU are to be offset against existing cash aid overpayments, as required by MPP Section 44-351.3. However, counties must not use these payments to offset supportive service overpayments. Regulations MPP Section 42-751(d)(3) for transportation and ancillary overpayments and Section 47-440.12 for child care overpayments permit a recipient to voluntarily have supportive service overpayments repaid through grant adjustment. In addition, Cal-Learn bonuses (see MPP Section 42-769) and CalWORKs supportive service underpayments cannot be used to offset cash aid overpayments.

Time Limits

As a reminder, individuals who are or should have been eligible for, participating in or exempt from Cal-Learn, do not accrue time on their CalWORKs 18- or 24- and 60-month

time clocks. However, if an individual who is 19 years of age and is eligible for voluntary participation in Cal-Learn chooses not to participate in Cal-Learn, he or she will accrue months toward the CalWORKs 60-month time clock. Further, a Cal-Learn participant who is a head-of-household will accrue months toward the TANF 60-month time clock.

FORMS AND NOTICES OF ACTION (NOA)

CalWORKs

The eligibility forms and NOAs, as listed in Attachment A, are attached to this letter.

Implementation

Counties must begin using the CW 2103 and TEMP NA 1225, immediately. These forms are provided to counties as camera-ready, master only copies. Counties will need to print their own stock. Counties must also begin using NOA Messages M42-101B and M42-101C immediately to provide information regarding the rule for 18-year-olds.

Forms Designation and Modification of Forms

All the forms transmitted with this ACL are designated as "Required Form – Substitute Permitted." County Welfare Departments (CWDs) must obtain prior approval from the California Department of Social Services (CDSS) before implementing a modification or substitution to these and other "Substitute Permitted" forms. The procedures for submission of a change request are outlined in the Management and Office Procedures Regulations section 23-400.2.

Existing Cal-Learn NOA forms and messages are to be modified by counties, if necessary, and used to inform the teen parent of these payments for bonuses and transportation, childcare, and/or ancillary costs.

Camera-Ready Copies and Translations

For a camera-ready copy and/or an additional copy of an English form, please call the Forms Management Unit (FMU) at (916) 657-1907. If your office has Internet access, you may obtain various forms (not including NOA messages) from the CDSS web page at www.dss.cahwnet.gov. FMU is currently in the process of making forms available on the Internet. If the name, mailing address or e-mail address of your CalWORKs Forms Coordinator changes, please contact FMU by telephone at (916) 654-1282 or by e-mail to fm@dss.ca.gov. For additional copies of NOA messages in English, please contact Shawn Bradley at (916) 653-8675 or by e-mail at shawn.bradley@dss.ca.gov.

After you receive a copy of an English CalWORKs form or message, please allow six to eight weeks for the forms and messages to be translated and mailed to your CalWORKs Forms coordinator. Language Translation Services (LTS) will mail camera-ready copies of Spanish, Chinese, Vietnamese and Russian translations as soon as they become available. You do not need to initially request forms or messages from LTS. To order

additional camera-ready forms or messages in Spanish, Chinese, Vietnamese or Russian, FAX your request to LTS at (916) 657-3429 or e-mail it to LTS@dss.ca.gov.

NOA Messages M42-101B and M42-101C translated into Spanish, Russian, Chinese and Vietnamese will be provided to counties by LTS under separate cover. For additional translated copies of the NOA messages, contact LTS by phone at (916) 654-1282 or by e-mail at LTS@dss.ca.gov.

Your CalWORKs Forms Coordinator is to distribute translated forms and messages to each program and location. Each county shall provide bilingual/interpretive services and written translations to non-English or limited-English proficient 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 (MPP) Division 21, Civil Rights Nondiscrimination, Section 115.

CONTACTS

Please contact the following staff for the areas indicated:

- This letter: Ruth Van Den Berg at (916) 654-1786 (CALNET 464-1786).
- CalWORKs eligibility NOA forms/messages and CW 2103: Shawn Bradley at (916) 653-8675 (CALNET 453-8675).
- Cal-Learn services and forms: Cal-Learn consultant at (916) 657-4249 (CALNET 437-4249).
- Overpayments: Eden-Marie Eulingborough at (916) 653-4992 or (453-4992).

Sincerely,

***Original signed by
Bruce Wagstaff on
11/7/01***

BRUCE WAGSTAFF
Deputy Director
Welfare to Work Division

Attachments

cc: CWDA
CSAC

ATTACHMENT A

FORMS AND NOTICES OF ACTION

| Number | Date | Action | Issue | Title |
|---------------|-------------|---------------|-----------------|---|
| CW 2103 | 8/01 | Inform | Age Requirement | Reminder for Teens Turning 18 Years Old |
| TEMP NA 1225 | 7/01 | Approve | Underpayment | Underpayment computation |
| M42-101B | 6/01 | Discontinue | Age Requirement | Age and School Requirements |
| M42-101C | 6/01 | Discontinue | Age Requirement | Age and School Requirements |