

Amend Section 40-107 to read:

40-107 COUNTY RESPONSIBILITY

40-107

(a) Assisting the Applicant (Continued)

(4) The CWD shall provide the individual, in writing and orally as necessary, a description of the ~~60~~ 48-month time limit requirements, including the exemptions from the time limit, as provided in Sections 42-302.11 and 42-302.21 and the process by which recipients can claim the exemptions, as provided in MPP Section 42-302.3. The description of the ~~60~~ 48-month time limit requirements shall be provided at the time an individual applies for aid, at the time a recipient's eligibility for aid is redetermined, and any other time a notice of action establishing time on aid pursuant to this section is provided. In addition, counties are required to provide information on the number of months an applicant, recipient, or former recipient received aid as follows: (Continued)

(C) The recipient shall be informed, in writing, at the ~~54<sup>th</sup>~~ 42<sup>nd</sup> countable month on aid by using one of the following two methods: (Continued)

(D) Each recipient shall be informed by a notice of action provided in one month during the period of the recipient's ~~54<sup>th</sup>~~ 42<sup>nd</sup> through ~~58<sup>th</sup>~~ 46<sup>th</sup> countable months on aid. (Continued)

(F) (Continued)

2. The specific months that were exempt from the ~~60~~ 48-month time limit since the most recent notification (pursuant to MPP Sections 40-107(a)(4)(A), 40-107(a)(4)(B), 40-107(a)(4)(C)1. or 40-107(a)(4)(D), (Continued)

(G) The recipient shall be informed by a notice of action at the ~~60<sup>th</sup>~~ 48<sup>th</sup> countable month on aid. The notice shall include: (Continued)

2. Notification of the reduction in the grant amount due to the expiration of the CalWORKs ~~60~~ 48-month time limit or notification that the recipient will continue to receive aid beyond the ~~60~~ 48-month time limit based upon the criteria for exceptions as provided in MPP Section 42-302.11.

(H) After the ~~60~~ 48-month time limit notice of action, an adult who has reached the CalWORKs ~~60~~ 48-month time limit and whose children remain on aid, shall be informed by notice of action pursuant to MPP Section 40-107(a)(4)(B) when child support or overpayment recoupment reimburses any month(s) on aid. (See MPP Section 42-302.21(g) for reimbursement of aid through child

support recoupment and MPP Section 42-302.2 for overpayment months that are repaid.) (Continued)

- (I) After the ~~60~~ 48-month time limit notice of action, an adult who has reached the CalWORKs ~~60~~ 48-month time limit and whose children are no longer aided, shall be informed pursuant to MPP Sections 40-107(a)(4)(A) and (a)(4)(F). (Continued)

(5) (Continued)

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- (B) Months of assistance provided by TANF funds shall be reported to the other state. Assistance provided by the California in its state-only programs, ~~the Separate State Program for Two-Parent Families and the Segregated State Program for Legal Immigrants~~ is not subject to the ~~F~~federal TANF 60-month time limit. Individuals who received aid provided by the state-only programs do not accrue months of assistance toward the federal TANF 60-month time limit and therefore, the months of aid shall not be reported to the other state.
- (C) Months that are exempt from the federal TANF 60-month time limit and months that are excluded from the federal definition of assistance and the federal regulations shall not be included in the cumulative number of months of assistance that is reported to the other state.

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.6 (Continued)

Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code; SB 72 (Chapter 8, Statute of 2011), Section 42.

Reference: Sections 10613, 11209, 11265.1, 11268, 11322.5 ~~(as adopted by AB 1078, Chapter 622, Statutes of 2007)~~, 11323.3, 11324.8(a), (b) and (c), 11454, 11454(b) and (e), 11454.2, 11495.1, and 11500, Welfare and Institutions Code; Section 37 of AB 444 ~~(Chapter 1022, Statutes of 2002)~~; 42 USC Sections 608(a)(7), 45 CFR 205.42(d)(2)(v)(A) and (B) as printed in Federal Register, Vol. 57, No. 198, Tuesday, October 13, 1992, page 46808; 45 CFR 205.52(a)(1) and (2); 45 CFR 205.55; and California Department of Health Services Manual Letter 77-1.

Amend Section 42-301 to read:

42-301      GENERAL TIME LIMIT REQUIREMENTS FOR ADULTS      42-301

.1      Time Limits      Effective ~~January~~ July 1, 1998 ~~2011~~, there shall be a 48-month time limits on the receipt of aid in California for certain adults as specified in Section 42-302.1. Prior to this date, ~~no months shall count toward the time limit provisions there~~ was a 60-month time limit on the receipt of aid for certain adults.

.2      Ineligible Due to Time Limits      Adults who are ineligible for aid based on the ~~60~~ 48-month time limit provisions, specified in Section 42-302, shall be removed from the AU. See MPP Sections 44-133.8 and 82-833.1 for additional regulations pertaining to timed-out adults.

Authority cited:      Sections 10553 and 10554, Welfare and Institutions Code; SB 72 (Chapter 8, Statute of 2011), Section 42.

Reference:      Sections 11450, ~~and~~ 11454(a), (b), and (c), and 11454.2, Welfare and Institutions Code.

Amend Section 42-302 to read:

42-302     ~~60~~ 48-MONTH TIME LIMIT REQUIREMENTS FOR ADULTS     42-302

.1     ~~60~~ 48-Month Time Limit     Except as specified in Section 42-302.11, no individual shall be eligible for aid when that individual has received aid as an adult, 18 years of age or older, for a cumulative total of ~~60~~ 48 months. The ~~60~~ 48-month time limit applies ~~both~~ to aid received under CalWORKs, and The 48-month time limit also applies to any aid received under another state's program funded by the federal Temporary Assistance to Needy Families (TANF) Program since January 1, 1998. The ~~60~~ 48-month time limit shall not apply to children.

.11     Exceptions     When an individual has been aided as an adult for ~~60~~ 48 months, additional months of aid may be provided to that adult when all parents, aided stepparents, and/or caretaker relatives residing in the home of the aided child(ren) meet any of the following conditions: (Continued)

.114     (Continued)

(b)     (Continued)

(1)     For purposes of this section, an individual who is fully participating in her/his welfare-to-work assignment upon reaching the ~~60~~ 48-month time limit shall be considered able to maintain employment or participation unless the individual's required welfare-to-work activity has been modified in accordance with MPP Section 42-302.114(b)(2)(B).

(A)     (Continued)

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Example of an individual who is able to maintain employment and is participating for less than the required 32 or 35 hours per week: Due to a business slowdown, a recipient, who has

received ~~58~~ 46 countable months of aid, had her hours of unsubsidized employment reduced from 38 hours to 25 hours per week. Another appropriate welfare-to-work activity including, but not limited to job search, that would allow her to meet the 32- or 35-hour per week participation requirement and is consistent with her plan, does not become available before the recipient reaches her ~~60~~ 48-month time limit. Although the recipient is not participating for the required number of hours, she is not subject to sanction and is considered able to maintain employment.

Example of an individual who may be considered incapable of work and is participating for the required 32 or 35 hours per week through a modification of her/his welfare-to-work activities:

A recipient has a documented physical impairment, chronic back pain following surgical treatment for a back injury, and history of substance abuse. Upon reaching her ~~60~~ 48-month time limit, the recipient's welfare-to-work participation consists of substance abuse treatment, pain management classes, and community service as a clerical assistant.

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(2)

(Continued)

.12 Domestic Abuse

When an individual has been aided as an adult for ~~60~~ 48 months, aid may continue for that adult when the individual is a victim of domestic abuse and the county has determined that good cause exists for waiving the ~~60~~ 48-month time limit. See Section 42-713.22.

.2 Counting the ~~60~~ 48-Month Limit

Section 42-302.2(MR) shall become inoperative and Section 42-302.2(QR) shall become operative in a county on the date QR/PB becomes effective in that county, pursuant to the Director's QR/PB Declaration.

(MR) Any month or partial month in which an adult is included in an AU that receives a cash grant, including Reduced Income Supplemental Payments (Section 44-400) and Special Needs, (Section 44-211), shall count for the purposes of the ~~60~~ 48-month time limit, except as provided in Sections 42-302.21 (Exempt Months) and 42-302.22 (Diversion Count).

(MR) Any overpayment month, (an entire month of aid in which the recipient was not entitled to cash aid), that is fully repaid shall not count for the purposes of the ~~60~~ 48-month time limit.

(QR) Counting the ~~60~~ 48-Month Limit Any month or partial month in which an adult is included in an AU that receives a cash grant, including Special Needs (see Section 44-211), shall count for the purposes of the ~~60~~ 48-month time limit, except as provided in Sections 42-302.21 (Exempt Months) and 42-302.22 (Diversion Count).

(QR) Any overpayment month, (an entire month of aid in which the recipient was not entitled to cash aid), that is fully repaid shall not count for the purposes of the ~~60~~ 48-month time limit.

.21 Exempt Months Any month in which any of the following conditions exist for any period during the month shall not count toward the ~~60~~ 48-month limit as specified: (Continued)

(b) Providing Care (Continued)

(3) Being the parent or other relative who has primary responsibility for personally providing care to one child who is from 12 to 23 months of age, inclusive, or two or more children who are under six years of age. This paragraph shall become inoperative on July 1, ~~2014~~ 2012.

(c) Domestic Abuse The individual is a victim of domestic abuse and the county has determined that good cause exists for waiving the ~~60~~ 48-month time limit. See Section 42-713.22. (Continued)

- (g) Aid is Reimbursed (Continued)
- (1) Process for Reimbursement of Months of Aid Exemption (Continued)
- (C) Each month of aid that is fully reimbursed by child support shall be exempt and not counted toward the CalWORKs ~~60~~ 48-month time limit of parents, aided stepparents, and/or aided caretaker relatives residing in the home of the child(ren.) (Continued)
- (k) Lack of Necessary Supportive Services The individual is excused from participation for good cause due to lack of necessary supportive services, as specified in Section 42-713.21. This paragraph shall become inoperative on July 1, ~~2011~~ 2012.
- .22 Diversion Count Diversion payments as set forth in Section 81-215 count toward the ~~60~~ 48-month time limit unless they are recouped as provided in Section 42-302.223(a) or unless part or all of the diversion period is exempt as provided in Section 42-302.21 et seq. Count the months as follows:
- .221 Diversion Payment Month The month in which a lump sum diversion payment is made counts as one month toward the ~~60~~ 48-month time limit unless the diversion recipient applies for CalWORKs cash aid during the diversion period, as specified in Section 81-215.41, and is determined to be eligible for CalWORKs. In that case, the diversion payment is treated in accordance with Section 42-302.223.

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- .222 A recipient receives a diversion lump sum payment of \$1,800 in March. The month of March counts toward the ~~60~~ 48-month time limit. The recipient's Region 2, Non-Exempt MAP amount is \$538. This results in a diversion period of three months for the months of March, April, and May. The recipient does not apply for

CalWORKs cash aid during the diversion period. The recipient reapplies in September and receives another diversion payment of \$800 in September. The months of March and September both apply toward the ~~60~~ 48-month time limit. (Continued)

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.223 Reapplies for CalWORKs (Continued)  
During Diversion Period

(b) Count the diversion payment toward the ~~60~~ 48-month time limit.

(1) The number of months counted toward the ~~60~~ 48-month time limit is calculated by dividing the total diversion payment by the MAP for the apparently eligible AU at the time the diversion payment was made. The month(s) resulting from this calculation, less any partial month, is (are) counted toward the ~~60~~ 48-month limit. Do not count the initial month (as counted pursuant to Section 42-302.221) twice.

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.224 A recipient with a Region 2, Non-Exempt MAP of \$538 received a lump sum diversion payment in the amount of \$1,800 in March. The recipient returns to the county in May (within the diversion period), is determined eligible for CalWORKs cash aid, and opts not to have the \$1,800 diversion payment recouped from the CalWORKs cash aid. The diversion payment equates to 3.3 months of aid. The partial month is dropped, and the recipient has a total of three months (March, April, and May) counted toward the ~~60~~ 48-month time limit.

.225 A recipient with a Region 2, Non-Exempt MAP of \$538 receives a diversion lump sum payment of \$100 on March 2. The recipient reapplies for CalWORKs cash aid in the same month and is determined eligible. The month of March counts



as one month toward the ~~60~~ 48-month limit because the recipient received CalWORKs aid.

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- .3 Requesting Exemptions/Exceptions An applicant or a recipient can request an exemption/exception verbally or in writing. When a recipient states that s/he meets a condition that qualifies as an exemption to the ~~60~~ 48-month time limit, as specified in MPP Sections 42-712 and 42-302.21 or an exception to the ~~60~~ 48-month time limit as specified in 42-302.11, the county shall document the request and provide the recipient with an exemption/exception request form, if necessary to complete the request. (Continued)
- .31 Exemption/Exception Request Form The form to request an exemption or exception shall include, but is not limited to, the following:
- (a) A description of the exemptions to the CalWORKs ~~60~~ 48-month time limit, provided in MPP Section 42-302.21, and a description of the ~~60~~ 48-month time limit exceptions, provided in MPP Section 42-302.11. (Continued)

Authority cited: Sections 10553, 10554, and 11369, Welfare and Institutions Code; SB 72 (Chapter 8, Statute of 2011), Section 42.

Reference: Sections 10553, 10554, 11266.5, 11320, 11320.3, 11454, 11454(e) and (e)(5), 11454.2, 11454.5, 11454.5(b) and (b)(4) and (5), and 11495.1, Welfare and Institutions Code; Section 37 of AB 444 (Chapter 1022, Statutes of 2002); and 42 U.S.C. 608(a)(7)(a), (B) and (D).

Amend Section 42-431.6 to read:

42-431 ELIGIBILITY REQUIREMENTS (Continued)

42-431

.6 (Continued)

- .63 Eligibility for state-funded services will continue until the recipient has a final administrative denial, as defined in Section 42-431.541(a), of a U Visa application or when the ~~60~~ 48-month program limitation has been reached, whichever comes first.

Authority cited: Sections 10553 and 10554, Welfare Institutions Code; ~~and~~ SB 1569 (Chapter 672, Statutes of 2006); SB 72 (Chapter 8, Statute of 2011), Section 42.

Reference: Sections 11454, 11454.2, 13283, 14005.2, and 18945, Welfare and Institutions Code; 8 United States Code 1182(d)(5)(B), 28 Code of Federal Regulations (CFR) Section 1100.35, 45 (CFR) Section 400.43; he Trafficking Victims Protection Act of 2000 (P.L. 106-386), Sections 107(b)(1)(A), (B), and (C).

Amend Section 42-712 to read:

42-712 EXEMPTIONS FROM WELFARE-TO-WORK PARTICIPATION 42-712  
(Continued)

.4 (Continued)

.47 Exemption Based on the Care of a Child

.474 The parent or other relative who has primary responsibility for personally providing care to one child who is from 12 to 23 months of age, inclusive, or two or more children who are under six years of age is exempt from welfare-to-work participation. This paragraph shall become inoperative on July 1, ~~2011~~ 2012. (Continued)

.6 Any month in which an individual is exempt from participation in welfare-to-work activities based on the following exemption criteria shall not be taken into consideration as a month of receipt of aid in computing the ~~60~~ 48-month time limit described in Section 42-302. Other exemptions from the ~~60~~ 48-month time limit are listed in Section 42-302. (Continued)

.64 Being responsible for personally providing care to a child or children of a specific age, as described in Section 42.712.474. This paragraph shall become inoperative on July 1, ~~2011~~ 2012. (Continued)

Authority cited: Sections 10553, 10554, 10604, and 11369, Welfare and Institutions Code; SB 72 (Chapter 8, Statute of 2011), Section 42.

Reference: Sections 10553, 10554, 10063(b), 11253.5, 11320, 11320.3, 11331.5(a), (b), (c), and (d), 11454, 11454.2, and 11454.5, Welfare and Institutions Code; and 42 U.S.C. 5044(f)(2).

Amend Section 42-713.4 to read:

42-713 GOOD CAUSE FOR NOT PARTICIPATING (Continued)

42-713

- .4 An individual who is excused from welfare-to-work participation for good cause is subject to the ~~60~~ 48-month time limit in Section 42-302.
- .41 A CWD may waive the ~~60~~ 48-month time limit for victims of domestic abuse as provided in Section 42-713.221(a).(Continued)
- .43 Effective July 28, 2009, any month in which an individual is excused from participation for good cause due to lack of supportive services, as specified in Section 42-713.21, shall not be counted toward the ~~60~~ 48-month time limit. This paragraph shall become inoperative on July 1, ~~2011~~ 2012. (Continued)

Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code; SB 72 (Chapter 8, Statute of 2011), Section 42.

Reference: Sections 11320.3(b) and (f), 11323.2, 11325.23(c), 11454, 11454.2, 11454.5, 11495, and 11495.1, Welfare and Institutions Code; 42 U.S.C. 607(e)(2); and 45 CFR 261.15.

Amend Section 42-716 to read:

42-716 WELFARE-TO-WORK ACTIVITIES (Continued) 42-716

.1 (Continued)

.11 Individuals may participate in activities pursuant to Section 42-716.2 for up to the ~~60~~ 48-month time limit in accordance with Section 42-302, as long as participation is consistent with their assessments under Section 42-711.55 and/or in accordance with their welfare-to-work plan under Section 42-711.6, or reappraisal under Section 42-711.7. (Continued)

.2 (Continued)

.21 (Continued)

.211 Participation in vocational education and training programs pursuant to Section 42-716.31(m) may only count as a core activity for a cumulative total of 12 months during an individual's ~~60~~ 48-month time limit on aid. (Continued)

Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code; SB 72 (Chapter 8, Statute of 2011), Section 42.

Reference: Sections 11253.5(b), 11265.1, 11265.2, 11320.3(b)(2), 11322.6, 11322.61, 11322.7, 11322.8, 11322.9, 11324.4, 11324.6(a), 11325.21(a) and (d)(1), 11325.22(b)(1), 11325.7(a), (c), (d), 11325.8(a), (c), (d), and (f), 11326, 11327.5, 11450.5, 11451.5, ~~and 11454,~~ and 11454.2, Welfare and Institutions Code; and Section 8358(c)(2), Education Code; 7 U.S.C. 2029(a)(1); 7 U.S.C. 2035; U.S. Department of Labor guidance on FLSA, with attached U.S.D.A., Food and Nutrition Service (FNS) guidance on an SFSP, dated May 22, 1997; Simplified Food Stamp Program approval letters from FNS to implement the provisions of an SFSP, dated May 5, 2000 and August 3, 2000.

Amend Section 42-716.3 to read:

42-717      JOB RETENTION SERVICES (Continued)

42-717

- .3    The CWD may provide services to employed former recipients under Section 42-717 whether or not the former recipients have exhausted their CalWORKs ~~60~~ 48-month time limits. (Continued)

Authority cited:    Sections 10553 and 10554, Welfare and Institutions Code; SB 72 (Chapter 8, Statute of 2011), Section 42.

Reference:          Sections 11323.2(b), 11454, 11454.2, and 11500, Welfare and Institutions Code.

Amend Section 42-721.4 to read:

42-721 NONCOMPLIANCE WITH PROGRAM REQUIREMENTS (Continued) 42-721

.4 Sanctions (Continued)

.41 (Continued)

.411 Any month in which an individual is under sanction and removed from the assistance unit shall not be counted as a month of receipt of aid in determining the ~~60~~ 48-month time limit in accordance with Section 42-302.115. (Continued)

Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code; SB 72 (Chapter 8, Statute of 2011), Section 42.

Reference: Sections 11203, 11265.2, 11320, 11320.31, 11322.9, 11324.8(d), 11327.4, 11327.5(a) through (e), 11327.6, 11327.8, 11327.9, 11328.2, 11333.7, 11454, 11454.2, and 16501.1(d), (e), (f), and (g), Welfare and Institutions Code

Amend Section 44-133.8 to read:

44-133 TREATMENT OF INCOME – CALWORKS (Continued)

44-133

.8 Income and Needs of Time-Out Adults.

Income and needs of adults living in the home who have been removed from the AU due to exceeding the ~~60~~ 48-month CalWORKs time limits shall be treated as follows: (Continued)

Authority cited: Sections 10553, 10554, 10604, and 11369, Welfare and Institutions Code; SB 72 (Chapter 8, Statute of 2011), Section 42.

Reference: Sections 10063, 10553, 10554, 10604, 11008.14, 11254, 11320.15, 11450, 11452, 11453, 11454, 11454.2, 11486, 18937, 18940, and 11371, Welfare and Institutions Code; 45 CFR 205.50(a)(1)(i)(A); 45 CFR 233.20(a)(1)(i); 45 CFR 233.20(a)(3)(ii)(C), (a)(3)(vi)(B), (a)(3)(xiv), (a)(3)(xiv)(B), and (xviii); 45 CFR 233.50(A)(c); and 45 CFR 233.90(c)(2)(i); Family Support Administration Action Transmittal 91-15 (FSA-AT-91-15), dated April 23, 1991; and Omnibus Budget Reconciliation Act (OBRA) of 1990; U.S. Department of Health and Human Services Federal Action Transmittal No. FSA-AT-91-4 dated February 25, 1991; Simpson v. Hegstrom, 873 F.2d 1294 (1989); Ortega v. Anderson, Case No. 746632-0 (Alameda Superior Court) July 11, 1995; and Federal Register, Vol. 58, No. 182, pages 49218 - 20, dated September 22, 1993; 8 U.S.C. 1631; and 42 U.S.C. 602(a)(39).





Amend Section 44-316.331 to read:

44-316 REPORTING CHANGES AFFECTING ELIGIBILITY AND GRANT DETERMINATIONS AND COUNTY ACTIONS (Continued) 44-316

.3 (Continued)

(QR) .33 County Initiated Mid-Quarter Changes (Continued)

(QR) .331 County-initiated actions include:

(QR) (a) An adult in the AU reaches the ~~60~~ 48-month time limit; (Continued)

Authority Cited: Sections 10553, 10554, and 11369, Welfare and Institutions Code; SB 72 (Chapter 8, Statute of 2011), Section 42.

Reference: Section 10063 (Ch. 270, Stats. 1997), 11265, 11265.1, 11265.2, 11265.3, ~~and~~ 11450.5, 11454, and 11454.2, Welfare and Institutions Code.

Amend Section 82-833.1 to read:

82-833      TIMED-OUT ADULTS

82-833

- .1      A timed-out adult is an adult who has been removed from the AU due to exceeding the ~~60~~  
48-month CalWORKs time limit specified in MPP Section 42-301. See MPP Section 44-  
133.8 for treatment of income and needs of timed-out adults. (Continued)

Authority cited:    Sections 10553, 10554, 11270, and 11369, Welfare and Institutions Code;  
SB 72 (Chapter 8, Statute of 2011), Section 42.

Reference:          45 CFR 205.42(d)(2)(v)(A) and (B), as printed in Federal Register, Vol. 57,  
No. 198, Tuesday, October 13, 1992, page 46808, 45 CFR 205.52, 45 CFR  
206.10(a)(5)(i), 45 CFR 232.12(d), 45 CFR 233.10(a)(1)(i), (a)(1)(i)(B), and  
(a)(3), 45 CFR 233.20(a)(1)(i), (a)(3)(ii)(C) and (F), and (a)(3)(ix), 45 CFR  
233.50, 45 CFR 233.51, 45 CFR 233.90(c), (c)(1), and (c)(2)(iv), 45 CFR  
233.100(a)(5)(ii), 45 CFR 233.106, 45 CFR 240 240.22, and 45 CFR 250.34(a)  
and (c), and (c)(2); and Sections 11008.13, 11104, 11157, 11201(b), 11203,  
11251.3, 11263.5, 11268, 11270, 11315, 11320.6(e), 11327.5(c), 11406.5,  
11450, 11454, 11454.2, 11454.5, 11477, 11477.02, 11486, and 11486.5,  
Welfare and Institutions Code; and the Personal Responsibility and Work  
Opportunity Reconciliation Act (PRWORA) of 1996, Section 115.