
**ELIGIBILITY AND ASSISTANCE STANDARDS
DIVERSION SERVICES**

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DIVISION 81 DIVERSION SERVICES

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CHAPTER 81-200 DIVERSION SERVICES

81-215 DIVERSION SERVICES

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- .1 Definitions
- .11 Diversion Period Means the time period represented by the value of the diversion service divided by the Maximum Aid Payment (MAP) amount for the apparently eligible assistance unit.
- .12 Diversion Services Means cash or noncash payments or services provided to a CalWORKs applicant, with the intent of diverting the applicant from long-term aid.
- .13 Fair Market Value Means the price in cash, or its equivalent, that someone would pay for the diversion service in the open market.
- .2 Informing At the time of application, all applicants shall be informed of the availability of Diversion Services.
- .3 Determination of Eligibility
- .31 Apparent Eligibility To qualify for diversion services, the family must be apparently eligible for CalWORKs in accordance with Sections 40-129.11 and .211.
- .32 Considerations The county has sole discretion for determining when it would be appropriate to offer lump-sum diversion services. In determining whether the applicant is likely to be able to avoid the need for extended assistance, the county may consider any of the following:
- .321 The applicant's employment history;
- .322 The likelihood of the applicant obtaining immediate full-time employment;
- .323 The applicant's general prospect for obtaining full-time employment;

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	.324	The applicant's need for cash assistance to pay for housing or substantial and unexpected expenses or work-related expenses;
	.325	Housing stability; and
	.326	The adequacy of the applicant's child care arrangements, if applicable.
	.33 Applicant Option	When an applicant has been determined to be a suitable candidate for diversion services, the county shall inform the applicant of this decision. The county shall also inform the applicant of the time limit requirements, should the family reapply for CalWORKs, as specified in MPP Section 81-215.5.
	.331	An applicant for CalWORKs may either participate in the Diversion Services program or decline participation and receive aid under CalWORKs, if otherwise eligible.
	.332	If the applicant chooses to receive diversion services in lieu of receiving aid, the CalWORKs cash aid application shall be denied when the diversion payment is authorized. The determination of eligibility for other benefits shall continue.
	.333	The method of payments or services shall be negotiated between the county and the applicant.
.4	Diversion Period	
	.41 Calculation	The diversion period shall be determined by dividing the value of the diversion service by the appropriate maximum aid payment (MAP) level for the "apparently eligible" AU at the time of the initial application.
	.42 Partial Months	Partial months are not counted when determining the diversion period.

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| .43 | Value Noncash Services | In the case of noncash services, the county shall determine the fair market value (Section 81-215.13) of the services when calculating the diversion period. |
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| .5 | Reapplication for CalWORKs | The beginning date of aid rules found in Section 44-317 apply when the individual makes a new request for aid under CalWORKs after receiving diversion. Refer to MPP Section 42-302 for time limit requirements. |
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| .51 | Reapplies Within Period | If the individual reapplies for CalWORKs within the diversion period and is determined eligible for CalWORKs, then the individual may choose to allow the county to either: |
| .511 | Option One | Recoup from the CalWORKs grant the value of the diversion service within a time period determined by the county, and count no months toward the 60-month time limit. |
| | | OR |
| .512 | Option Two | Count the entire diversion period towards the 60-month time limit and do not repay the value of the diversion services. |
| .52 | Reapplies After Period | If the individual reapplies for CalWORKs after the diversion period has ended and is determined eligible for aid, then only one month of the diversion period shall count toward the 60-month time limit. |

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Example:

A single mother with two children received diversion services of \$2,375 for significant car repairs. After two months, the mother returns to apply for CalWORKs. With a MAP at the time of the initial application of \$565, her diversion period is considered four months ($\$2,375 \div \$565 = 4.2$ months) since any fraction of a month is not counted.

Additionally, since she returned within this four-month diversion period, she has the option to either repay the \$2,375 by grant reduction, within a time period determined by the county, and have no months count against her 60-month time limit, or count the entire four months against her 60-month time limit with no repayment of the diversion services. If this individual had returned after the four-month diversion period ended, then only one month would be counted against the 60-month time limit, and no repayment would be required.

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.6 Child Support Income

To the extent that the county's diversion program considers the applicant's income in negotiating the amount of diversion services, any child support collected by the applicant or recovered by the county shall not be used to offset the diversion payment.

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.7 Potential Eligibility for Other Programs

During the period of diversion, the applicant family shall be eligible for Medi-Cal and child care assistance, if otherwise eligible in accordance with the program rules and regulations governing such programs.

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NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 11266(a)(2), 11266.5, and 11454.5(c), Welfare and Institutions Code (Ch. 270, Stats. 1997).

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CHAPTER 82-500 CHILD SUPPORT ENFORCEMENT PROGRAM REGULATIONS

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.1 Child Support Enforcement Program

The Child Support Enforcement Program has been established to identify and locate absent parents, establish paternity, and establish and enforce the child and spousal support obligation. The California Department of Social Services is the state agency designated to implement this program pursuant to state law. The county District Attorney is responsible for administering the Child Support Enforcement Program at the local level. The county welfare department (hereafter "county") is responsible for administering public assistance at the local level. This chapter specifies the responsibilities of applicants/recipients as well as the county and the District Attorney in the administration of the Child Support Enforcement Program.

Section 82-512 provides that, unless exempted, applicants for and recipients of AFDC are required to cooperate with the District Attorney in identifying and locating the absent parent, establishing paternity, securing a support order, and identifying any third parties who may be liable for medical care or services. Applicants/recipients are exempted when such cooperation may reasonably be anticipated to result in serious physical or emotional harm to the applicant/recipient or child or when: 1) The child for whom aid is sought was conceived as a result of incest or rape; or 2) Legal proceedings for the adoption of the child are pending; or 3) A public or private agency is counseling the applicant regarding keeping the child or relinquishing the child for adoption.

HANDBOOK CONTINUES

82-502 **CHILD SUPPORT ENFORCEMENT PROGRAM** **82-502**
(Continued)

HANDBOOK CONTINUES

Section 82-512.4 provides that an applicant/recipient claimant exemption from cooperation requirements is required to supply evidence in support of the circumstance for which exemption is claimed. This chapter specifies the types of evidence an applicant/recipient can provide. This chapter also provides guidelines for evaluating claims for exemption and specifies the actions the District Attorney is to take upon determination that the claim for exemption is invalid.

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NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10553 and 10554, Welfare and Institutions Code.

82-503 **(Reserved)** **82-503**

82-504 **ASSISTANCE UNITS SUBJECT TO THE PROVISIONS** **82-504**
OF THE CHILD SUPPORT ENFORCEMENT PROGRAM

- .1 Applicability All assistance units (AUs) are subject to the provisions of the Child Support Enforcement Program and the requirements of this section except those in which:
 - .11 Married Parents Both married natural or adoptive parents of the child for whom aid is requested or received reside in the home with the child, or
 - .12 One or Both Parents Deceased One or both natural or adoptive parents are deceased, or
 - .13 Paternity Established Both unmarried parents are living in the home and paternity has been legally established.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 11476, Welfare and Institutions Code.

82-505 **(Reserved)** **82-505**

82-506 **ASSIGNMENT OF SUPPORT RIGHTS** **82-506**

.1 Assignment As a condition of eligibility for assistance each CalWORKs or foster care applicant/recipient shall assign to the county all rights to child/spousal support for the applicant/recipient or any other family member required to be in the AU under Section 82-820.3.

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.11 See Manual of Policies and Procedures Division 12, Section 12-410 for assignment types and duration of assignment.

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.2 Receipt of Aid Receipt of public assistance shall constitute an assignment of child and spousal support rights unless there is written refusal to assign support rights.

.3 Right to Refuse The county shall inform the applicant/recipient of his/her right to refuse to assign support rights.

.4 Refusal to Assign The county shall deny or discontinue aid to the applicant/recipient who refuses to assign support rights and shall aid the eligible child(ren) in accordance with Section 44-309.

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.41 See Section 44-309, Protective Payments

HANDBOOK ENDS HERE

.5 Aid Paid Pending The county shall not consider receipt of aid paid pending a state hearing as an assignment of support rights.

.6 Ineligible for Aid If the county determines that an applicant is ineligible for aid, the county shall inform the applicant that he/she may go to the local child support agency's office for help in locating the absent parent and collecting child support.

ELIGIBILITY AND ASSISTANCE STANDARDS

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CHILD SUPPORT ENFORCEMENT PROGRAM REGULATIONS

Regulations

82-506 ASSIGNMENT OF SUPPORT RIGHTS (Continued)

82-506

NOTE: Authority cited: Sections 10553, 10554, 11457, and 11479.5, Welfare and Institutions Code. Reference: Section 11477.1, Welfare and Institutions Code; and Sections 301(a)(1)(A) and (B) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193); California's Temporary Assistance for Needy Families State Plan dated October 9, 1996 and effective November 26, 1996.

82-507 (Reserved)

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82-508 COUNTY RESPONSIBILITIES

82-508

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| .1 | Inform Applicant/Recipient | The county shall inform the applicant/recipient of the benefits of the Child Support Enforcement Program together with the cooperation requirements, and the right to claim exemption from those requirements prior to referral to the local child support agency. |
| .2 | Notification to the Office of the Local Child Support Agency | Unless the applicant/recipient is exempt from the cooperation requirements in Section 82-510 the county shall provide to the local child support agency the following for each absent parent or alleged father no later than two working days after the applicant/recipient meets all conditions of eligibility and the county signs authorization documents to approve the application for AFDC: |
| .21 | Referral Form (CA 371) | A completed referral form, |
| .22 | CA 2.1 (Q) | A completed Child Support Questionnaire, |
| .23 | Other Information | Any other information in its possession pertinent to the Child Support Enforcement Program requested by the local child support agency. |
| .3 | Information to Local Child Support Agency | The county shall also notify the local child support agency in writing when: |
| .31 | Persons Added or Deleted | Persons are added to or deleted from the AU, or |
| .32 | Children Accepted for Adoption | Children are accepted for adoption by a public or private adoption agency or such an acceptance has been terminated, or |

82-508 **COUNTY RESPONSIBILITIES (Continued)** **82-508**

- .33 Direct Support The AU receives and retains a direct support payment, or
- .34 Aid Discontinued Aid to the family has been discontinued, or
- .35 Exemption Claimed
 - .351 An applicant/recipient has claimed exemption from the cooperation requirements under the provisions on Section 82-512. The county must promptly report this. Upon receiving notice from the county that an applicant has claimed to be exempt from the cooperation requirements, the local child support agency shall suspend all activities to secure child support.
 - .352 When the county determines an exemption from the cooperation requirements exists, the local child support agency shall be notified. Activities to secure child support shall be started or resumed only when the applicant/recipient makes such a request.
 - .353 When the county has denied the request for exemption from the cooperation requirements or determined that an exemption no longer exists, the local child support agency shall be notified. Activities to secure child support shall immediately be started or resumed.
- .36 Disregard Provided A disregard is provided through the grant computation based on direct support payments received and retained by the assistance unit.
- .37 Aid Grant Information
 - .371 The county shall provide the local child support agency with the aid grant information on a monthly basis. The aid grant information shall include the total amount of aid paid to each assistance unit during the month. This includes the current assistance grant payment, plus supplemental payments made during the month. The aid grant information must be provided to the local child support agency within 10 calendar days from the end of the aid month.

82-508 **COUNTY RESPONSIBILITIES (Continued)** **82-508**

- .372 If requested, the county shall provide the local child support agency with the aid grant information for prior months.
- .373 This information is not required to be sent to the local child support agency if the county provides the UAP to the local child support agency, pursuant to Section 82-508.39.
- .38 Repayments of Aid The county shall provide the local child support agency with information regarding current or former assistance units that have repaid past aid, and the amount of aid repaid so that local child support agency can unassign child/spousal support arrearages in excess of the unreimbursed assistance pool when the recipient is no longer aided. This information shall be provided to the local child support agency within 10 calendar days from the end of the month which the aid was repaid.
- .381 This information is not required to be sent to the local child support agency if the county provides the UAP to the local child support agency, pursuant to Section 82-508.39.
- .39 Unreimbursed Assistance Pool
- .391 If the county, under a plan of cooperation, accumulates the UAP for the local child support agency, the county shall provide the UAP to the local child support agency within sufficient time for the local child support agency to distribute and disburse support payments to the family within the time standards specified in Section 12-108.
- .4 Designated Agency For purposes of this section, references to the designated agency mean the District Attorney or other public agency delegated the distribution function via a plan of cooperation with the District Attorney. In these situations the District Attorney is responsible for insuring that all distribution amounts are proper and time frames are met.

82-508 **COUNTY RESPONSIBILITIES (Continued)** **82-508**

.41 Disregard Responsibility The county welfare department is responsible for disbursement of the disregard payments to the family.

.411 The county welfare department may enter into a plan of cooperation with another county agency to disburse disregard payments in current assistance CalWORKs cases.

.5 Aid Grant Information The county shall provide the local child support agency with the aid grant information on a monthly basis. The aid grant information shall include the total amount of aid paid to each assistance unit during the month. This includes the current assistance grant payment, plus supplemental payments made during the month. The aid grant information must be provided to the local child support agency within 10 calendar days from the end of the aid month.

.51 If requested, the county shall provide the local child support agency with the aid grant information for prior months.

.52 This information is not required to be sent to the local child support agency if the county provides the unreimbursed assistance pool (UAP) to the District Attorney, pursuant to Section 82-508.6.

.53 Repayments of Aid The county shall provide the local child support agency with information regarding current or former assistance units that have repaid past aid, and the amount of aid repaid so that the local child support agency can unassign child /spousal support arrearages in excess of the UAP when the recipient is no longer aided. This information shall be provided to the local child support agency within 10 calendar days from the end of the month in which the aid was repaid.

.54 This information is not required to be sent to the local child support agency if the county provides the UAP to the local child support agency, pursuant to Section 82-508.6.

82-508 **COUNTY RESPONSIBILITIES** (Continued) **82-508**

.6 Unreimbursed Assistance Pool (UAP)

.61

If the county, under a plan of cooperation, accumulates the UAP for the local child support agency, the county shall provide the UAP to the local child support agency within sufficient time for the local child support agency to distribute and disburse support payments to the family within the time standards specified in Section 12-108.

NOTE: Authority cited: Sections 10553, 10554, and 11479.5, Welfare and Institutions Code. Reference: Section 11477.02, Welfare and Institutions Code; Office of Child Support Enforcement Action Transmittal 89-09 dated May 18, 1989; and Sections 301(a)(1)(A) and (B) and Sections 457(a)(1) and (2) [42 U.S.C. 657(a)(1) and (2)] of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193); California's Temporary Assistance for Needy Families State Plan dated October 9, 1996 and effective November 26, 1996; Office of Child Support Enforcement Action Transmittal 97-17, Sections II(a), V, VI(b), and VIII, Questions 2, 5, 10, 14, 15, 23, and 24; and 45 CFR 302.52.

82-510 **COOPERATION REQUIREMENTS** **82-510**
(Continued)

- .2 Identify Medical Coverage Unless exempted from cooperation requirements under the provisions of Section 82-512, the applicant/recipient shall cooperate with the District Attorney in identifying potential sources of medical coverage. Such cooperation may include, but is not limited to, the following activities:
- .21 Provide Information Provide relevant information about any potential coverage for medical expenses that may be available to the applicant/recipient or any family member from any source including the absent parent, private health insurance policies, pending judgments, tort settlements, etc.
- .22 Complete Forms Complete, sign, and date a DHS 6155 (Rev. 10/90), Health Insurance Questionnaire, and/or a DHS 6110 (Rev. 10/91), Medical Insurance Form, for each absent parent or alleged father.
- .3 Other Payments The applicant/recipient shall cooperate in obtaining any other payments or property due any member of the AU.

82-510 **COOPERATION REQUIREMENTS** **82-510**
(Continued)

- .4 Failure to Cooperate The county shall, upon a determination that the applicant/recipient has failed to meet the cooperation requirements, determine whether the applicant/recipient is exempt from cooperation requirements, as defined in Section 82-512.
- .41 Penalty When the county determines that the applicant/recipient is not exempt from cooperating, the county shall reduce the computed grant by 25 percent until the applicant/recipient cooperates.
- .42 Restoration of Aid The penalty is removed effective the first of the month in which cooperation occurs.

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An AU consists of a senior mother, her child who is a minor teen parent, and the child of the minor teen. Both the senior mother and the minor teen parent fail to cooperate with the DA regarding the absent parents of their respective children.

Since there are two different individuals who are not cooperating for two different children, there are two instances of noncooperation. The penalty would be applied sequentially; first apply one 25 percent penalty, then reduce the remainder of the computed grant by another 25 percent for the second failure to cooperate. Each time there is a different custodial parent or needy caretaker with a separate child within an AU who fails to cooperate with the DA, the 25 percent penalty must be applied.

HANDBOOK ENDS HERE

- .5 Foster Parents and Nonneedy Caretaker Relatives The failure of a foster parent or nonneedy caretaker relative to comply with cooperation requirements shall not result in any change in the amount of aid paid to the AU. In foster care and Kin-GAP situations, the child's natural parent and the placing agency will be asked to cooperate to the extent possible.

ELIGIBILITY AND ASSISTANCE STANDARDS

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CHILD SUPPORT ENFORCEMENT PROGRAM REGULATIONS

Regulations

82-510 COOPERATION REQUIREMENTS
(Continued)

82-510

NOTE: Authority cited: Sections 10553, 10554, and 11369, Welfare and Institutions Code. Reference: Sections 11477 and 11477.02, Welfare and Institutions Code; 45 CFR 303.5(d)(1); and Sections 301(a)(1)(A) and (B) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193); California's Temporary Assistance for Needy Families State Plan dated October 9, 1996 and effective November 26, 1996.

82-511 (Reserved)

82-511

82-512 EXEMPTION FROM COOPERATION REQUIREMENTS

82-512

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| .1 Cooperation Not in Best Interests of Child | The county shall determine that noncooperation in establishing paternity and securing support or providing information to assist the county in pursuing third parties who may be liable to pay for medical services, is not in the best interests of the child when: |
| .11 Physical or Emotional Harm | The applicant/recipient demonstrates that such cooperation will increase the risk of: |
| .111 | physical, sexual or emotional harm to the child or |
| .112 | domestic abuse, as defined in Section 42-701.2, to the parent or caretaker relative, or |
| .12 Incest/Rape | The child for whom aid is requested was conceived as a result of incest or rape, or |
| .13 Adoption | Legal proceedings for the adoption of the child are pending, or |
| .14 Relinquishment | The applicant/recipient is being assisted by a public or licensed private adoption agency to resolve the issues of whether to keep or relinquish the child for adoption. |
| .141 | Repealed by Manual Letter No. EAS-98-03, effective 7/1/98. |

82-512 **EXEMPTION FROM COOPERATION REQUIREMENTS** **82-512**
(Continued)

- .15 Any Other Reason Any other reason that would be contrary to the best interest of the child.

- .2 Referrals Applicants/recipients who inquire about, request an exemption from cooperation requirements, or otherwise indicate that they or their children are at risk of abuse, shall be given referrals to appropriate community, legal, medical, and support services.

- .21 Effect on Receipt of Aid Follow-up by the applicant/recipient on the above referrals shall not affect their eligibility for CalWORKs or the determination of cooperation.

- .3 Increased Risk The county shall determine that the claim is valid when cooperation increases the risk of harm. The mere belief of the applicant/recipient that cooperation would increase the risk of harm is not a sufficient basis for granting the claim. The claim shall be granted based on emotional harm only on a demonstration of an emotional impairment that substantially affects the individual's functioning.

- .4 Special Considerations Related to Emotional Harm For every claim for exemption from the cooperation requirements which is based in whole, or in part, upon the anticipation of emotional harm to the child or the applicant/recipient, the county shall consider the following:
 - .41 Emotional State The present emotional state of the individual subject to emotional harm,
 - .42 Emotional Health History The emotional health history of the individual subject to emotional harm,
 - .43 Intensity/Duration The intensity and probable duration of the emotional impairment,

82-512 EXEMPTION FROM COOPERATION REQUIREMENTS 82-512
(Continued)

	.44	Degree of Cooperation	The degree of cooperation to be required, and
	.45	Extent of Involvement	The extent of the involvement of the child in the paternity establishment or support enforcement activity to be undertaken.
	.5	Claiming Exemption	The applicant/recipient may claim exemption from the cooperation requirements in Section 82-510 at any time.
	.51	Establishing Grounds for Exemption	The applicant/recipient claiming exemption from the cooperation requirements has the burden of establishing the existence of grounds for the exemption and is required to:
	.511	Specify Circumstances	Specify the circumstances that provide sufficient grounds for exemption, and
	.512	Corroboration	Provide supporting evidence for the claim of exemption, and
	.513	Evidence Within 20 Days	Provide supporting evidence within 20 days from the day the claim for exemption is made except in cases in which it is difficult to obtain supporting evidence. In such cases, the county shall allow a reasonable additional period of time, and
	.514	Information to Permit Investigation	If requested, provide sufficient information (such as the alleged father or absent parent's name and address, if known) to permit an investigation.
	.52	Types of Supporting Evidence	Evidence to support a claim for exemption includes, but is not limited to:
	.521	Legal/Medical Documentation	Birth certificates or medical, mental health, rape crisis, domestic violence program, or law enforcement Documentation records which indicate that the child was conceived as the result of incest or rape.
	.522	Court Documents	Court documents or other records which indicate that legal proceedings for adoption are pending before a court of competent jurisdiction.

82-512 **EXEMPTION FROM COOPERATION REQUIREMENTS** **82-512**
(Continued)

- .523 Adoption Statement A written statement from a public or licensed private adoption agency that the applicant/recipient is being assisted by the agency to resolve the issue of whether to keep the child or relinquish the child for adoption.

- .524 Supporting Records Police, governmental agency, or court records, documentation from a domestic violence program or a professional from whom the applicant or recipient has sought assistance in dealing with abuse, physical evidence of abuse, or any other evidence that supports an exemption from cooperation requirements.

- .525 Penalty of Perjury Statements Statements made under penalty of perjury by the applicant/recipient or other individuals with knowledge of the circumstances which provide the basis for the claim for exemption.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 11477 and 11477.04, Welfare and Institutions Code; and Sections 301(a)(1)(A) and (B) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193); California's Temporary Assistance for Needy Families State Plan dated October 9, 1996 and effective November 26, 1996.

82-513 **(Reserved)** **82-513**

82-514 **EVALUATION OF CLAIM FOR EXEMPTION** **82-514**

- .1 Examination of Evidence The county shall examine the supporting evidence supplied by the applicant/recipient to ensure that it verifies the claim for exemption, and shall:
 - .11 Request Additional Evidence Request additional supporting evidence when needed to evaluate the claim for exemption, and
 - .12 Inform Applicant/Recipient Promptly inform the applicant/recipient when additional supporting evidence is needed, and

82-514 EVALUATION OF CLAIM FOR EXEMPTION (Continued) 82-514

.13		Accept as sufficient a statement made under penalty of perjury by a victim under Section 82-512.11(b) unless the county welfare department documents in writing an independent, reasonable basis to find the recipient not credible.
.121	Specify Document	Specify the type of document which is needed.
.2	Provide Assistance	The county shall, upon request:
.21	Advise Applicant/Recipient	Advise the applicant/recipient how to obtain the necessary documents, and
.22	Obtain Documents	Make a reasonable effort to obtain specific documents which the applicant/recipient is not reasonably able to obtain without assistance.
.3	Further Evaluation of Claim	The county may further evaluate the claim for exemption if the claim together with corroborative evidence does not provide a sufficient basis for making a determination. If the county conducts an investigation of the claim, the county shall:
.31	Notify Applicant/Recipient	Notify the applicant/recipient prior to making contact with the absent parent or alleged father, to enable the applicant/recipient to:
.311	Present Additional Evidence	Present additional supporting evidence or information so that contact with the parent or alleged father becomes unnecessary, or
.312	Withdraw Application	Withdraw the application for assistance or have the case closed, or
.313	Have Claim Denied	Request that the claim for exemption be denied.
.32	Contact Absent Parent	Contact the absent parent or alleged father from whom support would be sought if such contact is determined to be necessary to establish the claim.

82-514 **EVALUATION OF CLAIM FOR EXEMPTION** **82-514**
(Continued)

- .4 Evidence Not Submitted When evidence to support a claim for exemption from the cooperation requirements is not forthcoming, the county shall investigate the claim when it believes that:
 - .41 Credible Claim The claim is credible without supporting evidence, and
 - .42 Evidence Not Available Supporting evidence is not available.
 - .43 Make Determination The county shall rule on the validity of the claim on the basis of the claimant's statements and the results of the investigation.
 - .44 Record Findings The county's findings shall be recorded in the case record.
- .5 Time Standard The county shall make the determination within 25 days of the date the evidence is received.
 - .51 Determination Pending Aid shall not be denied, delayed, or discontinued if the applicant/recipient has furnished supporting evidence and the determination of exemption is pending.
- .6 Invalid Claim The county shall, when it has made a final determination that the claim for exemption is invalid:
 - .61 Notify Applicant Notify the applicant/recipient on the appropriate Notice of Action form that continued noncooperation will result in a sanction, and
 - .62 Notify District Attorney Notify the District Attorney in writing.
 - .63 Opportunity to Cooperate Afford the applicant/recipient an opportunity to cooperate in accordance with Section 82-510 or to withdraw the application for assistance and have the case closed.

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.13 See Section 44-207 for income eligibility.

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.14 Available All excess and pass-on payments made to a family from child/spousal support collected in any month is considered available income in the month received by the family or the foster care child.

.15 Child Support Collection and Distribution Regulations

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- (a) Handbook Sections 25-900 through 25-925 are replaced by the regulations contained in Manual of Policies and Procedures Division 12, Chapter 12-400.
- (b) See Manual of Policies and Procedures Division 12, Chapter 12-100, Section 12-101 for general child support enforcement program definitions of terms.
- (c) See Manual of Policies and Procedures Division 12, Chapter 12-100, Section 12-108 for local child support agency time standard regulations.
- (d) See Manual of Policies and Procedures Division 12, Chapter 12-400, Section 12-405 for child support enforcement program definition of terms used in the collection and distribution activities.
- (e) See Manual of Policies and Procedures Division 12, Chapter 12-400, Section 12-410 for assignment types and duration.
- (f) See Manual of Policies and Procedures Division 12, Chapter 12-400, Section 12-415 for local child support agency allocation of payments in multiple cases regulations.

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- (g) See Manual of Policies and Procedures Division 12, Chapter 12-400, Section 12-420 for local child support agency collection distribution hierarchy regulations.
- (h) See Manual of Policies and Procedures Division 12, Chapter 12-400, Section 12-425 for local child support agency welfare distribution process regulations.
- (i) See Manual of Policies and Procedures Division 12, Chapter 12-400, Section 12-430 for local child support agency disbursement regulations.
- (j) See Manual of Policies and Procedures Division 12, Section 12-435 for local child support agency Child/Family and Spousal Support monthly collection and distribution reporting regulations.

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- .2 Receipt of Direct Support Payment
The county shall notify the local child support agency when a recipient has received a support payment directly from an absent parent and the recipient does not send the payment to the local child support agency, and shall treat the payment as follows:
 - .21 Current Month Support
Determine what portion of the direct payment represents the current month support obligation.
 - .22 Disregard Amount
From the current month support payment, disregard an amount up to \$50.00. However, no amount shall be disregarded under this section if a full disregard already has been provided to the AU for that month.
 - .23 Treat as Income
Treat the remainder of the direct payment as unearned income in the month received.

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.231		For treatment of child support income for an MFG child, see Section 44-314.62.
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| .3 | Coordination with Local Child Support Agency | The county shall coordinate with the local child support agency to establish procedures guaranteeing that the total disregard provided does not exceed \$50 per month in: |
| .31 | Multiple Payers | Cases with multiple payers, or |
| .32 | Incremental Payments | Cases in which the payer(s) makes incremental payments. |
| .4 | Repealed by Manual Letter No. EAS-99-10, effective 8/12/99. | |

NOTE: Authority cited: Sections 10553, 10554, and 11457, Welfare and Institutions Code. Reference: Sections 10553 and 10554, Welfare and Institutions Code; 45 CFR 302.31(a)(3); 45 CFR 302.32(b); Sections 301(a)(1)(A) and (B) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193); California's Temporary Assistance for Needy Families State Plan dated October 9, 1996 and effective November 26, 1996; and Kehrer v. Saenz, Case Number 99CS02320, January 22, 2001.

82-519	(Reserved)	82-519
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82-520	DISTRIBUTION OF CHILD AND SPOUSAL SUPPORT PAYMENTS	82-520
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.1	Distribution Regulations	Regulations for assistance related distribution of child support payments, and reimbursement of state and federal shares are found in Manual of Policies and Procedures Division 12, Section 12-425.
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.2	Disregard Payment	The designated agency shall first pay the AU a disregard payment of up to \$50 of the amount of collection which represents payment on a current support obligation (court ordered or voluntary). The county shall disregard this payment as income or resources for eligibility determination and grant computation.
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82-520 **DISTRIBUTION OF CHILD AND SPOUSAL SUPPORT PAYMENTS** **82-520**
(Continued)

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| .21 | See Sections 42-213.2 and 44-111.471 for income and property exclusion rules for child support payments to families. |
| .22 | See Section 12-425(c) for \$50 disregard regulations. |
| .23 | See Section 12-108 for time frames for making support payments to families. |

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- .3 Repealed by CDSS Manual Letter No. EAS-00-04, effective 4/1/00.
- .4 Renumbered to Section 82-520.2 by CDSS Manual Letter No. EAS-00-04, effective 4/1/00.
- .5 Renumbered to Section 82-518.14 by CDSS Manual Letter No. EAS-00-04, effective 4/1/00.
- .6 Repealed by CDSS Manual Letter No. EAS-00-04, effective 4/1/00.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10553 and 10554, Welfare and Institutions Code; 45 CFR 302.51(b)(1); 45 CFR 302.52; Office of Child Support Enforcement Action Transmittal 92-11 dated November 20, 1992; and Sections 301(a)(1)(A) and (B), Section 454B(c)(1) [42 U.S.C. 654B(c)(1)], and Sections 457(a)(1) and (2) [42 U.S.C. 657(a)(1) and (2)] of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193); California's Temporary Assistance for Needy Families State Plan dated October 9, 1996 and effective November 26, 1996; Office of Child Support Enforcement Action Transmittal 97-13, Question 70; and Office of Child Support Enforcement Action Transmittal 99-01.

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CHAPTER 82-600 CONDITIONS OF ELIGIBILITY/COOPERATION/SANCTIONS

82-610 POTENTIALLY AVAILABLE INCOME **82-610**

- .1 Eligibility Condition The county shall deny or discontinue aid when an AU member fails to seek or accept potentially available income as follows:
 - .11 Mandatory The county shall deny or discontinue the entire AU when the person is a mandatorily included AU member.
 - .12 Optional The county shall deny or discontinue the person when he/she is an optional person.
- .2 Applicants The requirement to seek or accept potentially available income shall be considered to have been met on the date of application when it is completed by the date of authorization of aid.
- .3 Definition Potentially available income is any income the recipient is entitled to receive.

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- .4 Sources of Potentially Available Income Sources of potentially available income shall include, but are not limited to:
 - .41 Social Insurance Benefits Old Age Security and Disability Insurance (OASDI), Unemployment Insurance Benefits, Disability Insurance Benefits.
 - .42 Military Benefits Benefits available to veterans of military service, members of military service, their spouses and their dependents.
 - .43 Retirement Benefits Railroad retirement benefits, union retirement benefits, or private pension benefits.

HANDBOOK CONTINUES

82-610 POTENTIALLY AVAILABLE INCOME 82-610
(Continued)

HANDBOOK CONTINUES

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| .44 | Insurance Benefits | Life insurance disability benefits. |
| .45 | Worker's Compensation | Worker's compensation benefits. |
| .46 | Debts | Any outstanding debts owed the recipient. |

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| .5 | Applicant/Recipient Responsibility | The applicant/recipient shall take all actions necessary to obtain potentially available income. |
| .6 | Evidence | The applicant or recipient shall provide evidence to the county that all actions necessary to obtain potentially available income have been taken. |

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 11270, Welfare and Institutions Code and 45 CFR 233.20(a)(3)(ix).

82-612 UNEMPLOYMENT INSURANCE BENEFITS (UIB) 82-612

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| .1 | Eligibility Conditions | The county shall deny or discontinue aid to the AU when a mandatorily included person whom the county has referred to EDD pursuant to Section 82-612.5 below: |
| .11 | Apply | Fails to apply for UIB or |
| .12 | Accept | Fails to accept UIB or |
| .13 | Meet Conditions | Fails without good cause to meet the conditions of eligibility for UIB. |
| .2 | Applicants | Applicants meet the requirement to apply for or accept UIB on the date of application when it is completed by the date of authorization of aid. |

82-612	UNEMPLOYMENT INSURANCE BENEFITS (UIB) (Continued)	82-612
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.3	Date of Discontinuance	Section 82-612.3(MR) shall become inoperative and Section 82-612.3(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)	The county shall discontinue the AU on the last day of the month in which a person who is required to apply for or accept UIB fails to do so, or fails to meet one of the eligibility conditions in Section 82-612.7.
	(QR)	The county shall discontinue the AU at the end of the QR Payment Quarter in which a person who is required to apply for or accept UIB fails to do so, or fails to meet one of the eligibility conditions in Section 82-612.7.
.4	Reestablish UIB Eligibility	The county shall continue aid when the mandatorily included person reestablishes eligibility for UIB in the same month that he/she is disqualified for UIB.
.5	Referral to EDD	The county shall refer mandatorily included persons who are apparently eligible for UIB and who have not applied for UIB, to EDD to apply for UIB.
.6	Apparently Eligible	The county shall not refer a person to EDD who:
	.61 Not Worked	Has not worked in employment covered by the Unemployment Insurance Compensation Law in the past 19 months.
	.62 Receiving UIB/DIB	Is receiving UIB/Disability Insurance Benefits (DIB), has a UIB/DIB claim which is being processed or has exhausted his/her UIB/DIB.
	.63 Ill or Injury	Is ill or injured as specified in Section 42-630.3.
	.64 Previously Denied	Has previously been denied or discontinued from UIB and has no subsequent employment which would change the previous determination.

82-612	UNEMPLOYMENT INSURANCE BENEFITS (UIB) (Continued)	82-612
.65	Employed	Is employed forty hours a week.
.66	Striking	Is participating in a strike.
.7	Conditions of Eligibility for UIB	An applicant or recipient meets conditions of eligibility by meeting the requirements in Section 1253 of the Unemployment Insurance Code (UIC).

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.71	UIC Section 1253	UIC 1253 states, in part: "An unemployed individual is eligible to receive unemployment compensation benefits with respect to any week only if the Director finds that:
.711		"A claim for benefits with respect to that week has been made in accordance with authorized regulations.
.712		"He has registered for work, and thereafter continued to report, at a public employment office or such other place as the Director may approve. Either or both of the requirements of this subdivision may be waived or altered by authorized regulations as to partially employed individuals attached to regular jobs.
.713		"He was able to work and available for work for that week.
.714		"He has been unemployed for a waiting period of one week as defined in Section 1254.
.715		"He conducted a search for suitable work in accordance with specific and reasonable instructions of a public employment office."

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 11265.2 and 11270, Welfare and Institutions Code and 45 CFR 233.20(a)(3)(ix).

82-614 **GOOD CAUSE FOR FAILING TO MEET UIB CONDITIONS** **82-614**
OF ELIGIBILITY

- .1 Determination The county shall determine whether good cause exists for an applicant or recipient who fails to meet conditions of eligibility for UIB when:
 - .11 Apparently Eligible The applicant or recipient is apparently eligible for UIB, and
 - .12 Work Registration The applicant or recipient is required to register for work.
- .2 Criteria Good cause shall be established when the applicant or recipient meets one of the criteria of the United States Department of Labor and United States Department of Health and Human Services WIN Handbook, Fourth Edition, Chapter 10, Section 10, Subsection d (Rev. 6/84).

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- .21 WIN Handbook The WIN Handbook states, in part:
 - "Examples of good cause may include, but are not limited to:
 - .211 "Illness or incapacity;
 - .212 "Court-related appearance or incarceration;
 - .213 "Emergency family crisis or sudden change of immediate family circumstances;
 - .214 "Breakdown in transportation arrangements with no readily accessible alternate means of transportation;
 - .215 "Inclement weather which prevented the registrant or other person similarly situated from traveling to, or participating in the prescribed activity;

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82-614 GOOD CAUSE FOR FAILING TO MEET UIB CONDITIONS 82-614
OF ELIGIBILITY (Continued)

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- .216 "Breakdown in the child care arrangement or availability of child care not suited for special needs of child for when it is intended; handicapped or retarded child;
- .217 "Lack of other necessary social services, even though not specifically included in the local or State WIN Plan;
- .218 "The assignment or job referral does not meet the appropriate work and training criteria [this includes when the person fails to meet UIB eligibility conditions due to GAIN activities];
- .219 "Refusal to accept major medical services even if such refusal precludes participation in the program."

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 11270, Welfare and Institutions Code and 45 CFR 233.20(a)(3)(ix).

82-620 INTENTIONAL PROGRAM VIOLATION (IPV) 82-620

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- .1 IPV Penalties See Section 20-353 for penalties associated with IPVs.

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- | .2 Eligibility Pending an IPV Hearing The county shall not apply the fraud penalty to an individual until the court or hearing official finds that an IPV has been committed.

ELIGIBILITY AND ASSISTANCE STANDARDS		
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| .3 | Rescinding
Disqualification | The county shall reinstate aid only when the findings upon which the sanctions are imposed are reversed by a court of appropriate jurisdiction. |
| .4 | Penalty Time Periods | The fraud penalty periods themselves shall not be subject to review or revision. |
| .5 | No substitutions | Any penalty that the county imposes for an IPV shall be in addition to, not in substitution for, any other court imposed penalties for the IPV-related offenses. |

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 11486, Welfare and Institutions Code.

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