

**KERN COUNTY DEPARTMENT OF HUMAN SERVICES
POLICY IMPLEMENTATION MEMORANDUM NO. 11-26**

Date: June 3, 2011

Re: CalWORKs: New 48-Month Time Limit for CalWORKs Adults

Purpose: The purpose of this memorandum is to provide information and processing instructions for the revised time limits for CalWORKs Adults.

I. BACKGROUND

SB 72 was signed by the Governor on March 24, 2011. This bill included changes to the time limits CalWORKs adults would be eligible to receive. SB 72 directs the California Department of Social Services (CDSS) to implement the statute initially through ACL and by emergency regulations. These CalWORKs time limit changes are effective **July 1, 2011**.

CDSS distributed a mass mailer informing notice to all CalWORKs recipients in May 2011 containing information regarding these changes. (See attachment)

II. CalWORKs 48 MONTH TIME LIMIT

Effective July 1, 2011, adults will only be eligible to receive CalWORKs for a maximum of 48 countable months. ***The new 48-month time clock replaces the 60-month CalWORKs time clock that was implemented January 1, 1998.***

When implementing the new regulation, the following months shall be considered as months of aid received:

- ☒ All countable months of CalWORKs Time On Aid (TOA) received in California since January 1, 1998.
- ☒ All months of Temporary Assistance for Needy Families (TANF) TOA received from other states since ***January 1, 1998***.
- ☒ Tribal TANF months shall be treated as out of state TOA.

The following months of aid will continue to not count toward the CalWORKs 48-month time limit:

- ☒ Months of TANF aid received in California or any other state between September 1996 (some states first implemented this date) and December 1997.
- ☒ Months in which the adult was exempt from the CalWORKs time clock.

III. CalWORKs/TANF EXEMPTIONS

Effective July 1, 2011, when the adult reaches the new CalWORKs 48-month time limit, the adult must be removed from the Assistance Unit (AU). There are

months that do not count when determining if an adult has reached their 48-month time limit. The following chart outlines exemptions and if the exempt months count toward the TANF and CalWORKs clocks:

Requirement	Description	Does the Clock Tick?	
		TANF 60-month	CalWORKs 48-month
Aided Caretaker caring for a child who is a ward of court	Exemption	Y	N
Aid Reimbursed by Child Support	Exemption	Y	N
Care for a child under 12 weeks	Exemption	Y	Y
Care for ill or incap h/h member	Exemption	Y	N
Cooperation with Child Support	Penalty	Y	Y
Disability	Exemption	Y	N
Drug Felons	Excluded	N	N
Eligible for Cal-Learn	Exemption	N	N
Failure to Assign Child Support	Sanction	N	N
Fleeing Felons	Excluded	N	N
Fraud	Penalty	Y	Y
Grant Less than \$10	Exemption	Y	N
Immunization	Penalty	Y	Y
Non Needy Relative (NNR)	Not Aided	N	N
Over 60	Exemption	N	N
Pregnant and unable to work/participate in WTW	Exemption	Y	Y
School Attendance	Penalty	Y	Y
Supportive Services received by former recipients	Exemption	Y	N
Suspend Month	Exemption	N	N
Victim of Domestic Violence	Exemption	N	N

Consistent with current policy, cases shall be reviewed considering whether a month should be exempt and a notice of action sent as follows:

Applicant	A time-on-aid NOA must be provided to all CalWORKs applicants when aid is authorized.
Recipient	A time-on-aid NOA must be provided to all CalWORKs recipients at redetermination, and at the 42 nd and 46 th month of aid.
Client's Request	A time-on-aid NOA must be provided within 30 calendar days from date of request.
Former Recipient	A time-on-aid NOA must be sent upon request by another state on the number of months of TANF assistance received in California. A notice is also sent to the recipient, advising of the number of months provided to the other state. Months of assistance received in the California State-Only programs (Aid codes 35, 3M, 3U, 3G, 3H, 3L, 3E) do not count toward the federal TANF 60-month time limit, and will not be reported.

IV. CalWORKs EXTENDERS

Effective July 1, 2011, an adult is only eligible for cash aid for 48 months in a lifetime. There are times when a customer qualifies for an extension after reaching the 48-month time limit. . All adults in the home must meet the extender criteria for the case to qualify. The following chart outlines a list of time limit extenders:

Time Limit Extender – Evaluated by the Employment Social Service Worker	
1	Individual is not able to maintain employment or participate in WTW activities; ☒ Based on a current assessment of the individual, <u>and</u> ☒ The individual has a history of participation and cooperation in WTW activities.

Time Limit Extenders – Evaluated by the Human Services Technician	
1	Individual is 60 years of age or older.
2	Individual is providing care to an incapacitated person residing in the home, which prevents the individual from being employed or participating in WTW activities.
3	Individual is a nonparent caretaker of either a dependent child of the court, a Kin-GAP child, or a child at risk of placement in foster care and the situation prevents the individual from being employed or participating in WTW activities.
4	Individual is receiving benefits from State Disability Insurance (SDI), Worker's Compensation Temporary Disability Insurance, In-Home Supportive Services, or the State Supplementary Program. The disability must significantly impair his/her ability to be employed on a regular basis or participate in WTW activities.
5	Individual is a victim of domestic abuse and the county determines good cause exists for waiving the 60-month time limit.

V. CHILD ONLY SAFETY NET CASES

For cases in which there is only one aided adult, once the adult has reached the CalWORKs 48-month time limit and has been removed from the AU, the children remain aided in a Child Only Safety Net case. For two parent households, the case **does not** become a Child Only Safety Net case until **all** aided adults in the AU have been discontinued as a result of reaching their 48-month time limit.

When the case becomes a child only case, the case must be moved to a state-funded Safety Net aid code. This is an automated process and the code will update when the customer times out **and** EDBC is run. The codes are as follows:

3A SAFETY NET – ALL OTHER FAMILIES, CalWORKs TIMED-OUT, CHILD-ONLY CASE Provides for continued cash and Medi-Cal coverage of the children whose parents have been discontinued from cash aid and removed from the assistance unit (AU) due to reaching the CalWORKs 48-month time limit without meeting a time-extender exception. (The full-scope, no share-of-cost (SOC) benefits under this aid code remain the same.)
3C SAFETY NET – TWO-PARENT, CalWORKs TIMED-OUT, CHILD-ONLY CASE Provides for continued cash and Medi-Cal coverage of children whose parents have been discontinued from cash aid and removed from the AU due to reaching the CalWORKs 48-month time limit without meeting a time extender exception. (The full-scope, no SOC benefits under this aid code remain the same.)

VI. FEDERAL TANF TIME LIMIT

The new regulation does not make any changes to the federal TANF 60-month time limit rules. All federally non-exempt months of TANF assistance in all states, including California, count toward the federal TANF 60-month time limit (the TANF exempt months are noted in Section III).

All federally non-exempt months of TANF assistance received by an adult since September 1, 1996, from any state, including California, will apply toward the federal TANF 60-month time clock. When an adult reaches their TANF 60-month time limit and they do not meet federal extender criteria, the case must move to one of the TANF timed out aid codes. The codes are as follows:

32 TANF TIMED-OUT A TANF “timed-out” case in which the family continues to be eligible for state-only C/W assistance, will be coded as aid code “32”, and will receive state-only C/W until reaching the C/W 48-month time limit.
3W TANF TIMED-OUT, MIXED NON-CITIZENS A TANF “timed-out” mixed case is one in which the family has received Federal TANF assistance for a total of 60 cumulative months, and the family includes at least one non-federally eligible individual who does not meet the requirements of a qualified alien, and who entered the U.S. on or after August 22, 1996.

Due to the new CalWORKs 48-month time limit there will be times when an adult will reach the CalWORKs 48-month time limit before they reach their TANF 60-month time limit. In these cases the adult must be removed from the AU at their CalWORKs 48 months.

VII. RECIPIENT NOTICING REQUIREMENTS

June 2011 through December 31, 2011

Because of the significant impact the new policy will have on our customers, **a 30**

day Notice of Action is required prior to reducing the grant amount due to the change from 60 months to 48 months. The TEMP 2186A must be included with each 30-day notice that is sent to impacted cases. These notices will replace the current 10-day notice of action through December 2011.

January 1, 2012 and Continuing

Adult recipients who are subject to removal from the AU because they have reached the 48-month time limit shall receive a Notice of Action at their **42nd month and at their 46th month of aid**, notifying them of their remaining TOA. A timely 10-day NOA shall be sent prior to removing the adult from the AU.

VIII. OVERPAYMENT INSTRUCTIONS

Although adults who have reached their 48 month time limit as of July 1, 2011 will be discontinued there are some adults who have exceeded their 48 months but not yet reached 60 months. These adults shall also be discontinued effective July 1, 2011. ***No overpayment shall be assessed for adults who have exceeded 48 months but have not yet reached 60 months.***

IX. HOLD HARMLESS PERIOD

If Notices of Action cannot be issued by June 1, in time to allow a 30-day notice for the July 1 effective date, overpayments would be incurred for July. However, because those July overpayments will not be cost-effective to establish and recover, counties can forgo overpayment determinations and collection efforts.

If the appropriate action is not taken to provide timely 30-day notice for August benefits, an Administrative Error overpayment shall be assessed for all months in which the AU received aid in which they were not entitled.

NOTE: The July exclusion does not apply to cases that have exceeded 60 months. These cases shall be assessed an Administrative Error overpayment for all months past the 60 months that the adult in the AU was not entitled.

X. WELFARE DATA TRACKING IMPLEMENTATION PROJECT (WDTIP)

Currently, WDTIP sends a monthly report file to identify individuals that are approaching 60 months. To assist in tracking the new CalWORKs 48-month time limit, WDTIP needs to be updated and modified reports sent to counties.

Consistent with current report intervals used for the 60-month time limit, WDTIP will modify the current report to include individuals who are approaching 48 months. The report for TANF time limits will not change.

Human Services Technicians (HST's) are required to complete a case review at case application, redetermination, and prior to a case "timing out". An automated task will be sent at the 42nd and 46th month.

XI. OTHER PROGRAM IMPACTS

Since the removal of the adult as a result of the new CalWORKs 48-month time limit is not considered a failure to comply with program requirements of another "means tested" program, the AU's CalFresh benefits will be recalculated and may be increased as a result of the reduction in the CalWORKs grant.

The policy has not changed for determining Medi-Cal eligibility for timed out individuals.

The SB 72 regulations are not applicable for single adult RCA, ECA and TCVAP cases.

General Assistance (GA) cases will not be impacted. Currently, CalWORKs adults who have lost their eligibility for CalWORKs due to reaching their time limits are not eligible to receive GA program benefits until all children of the individual, whether or not currently living in the home, reach 18.

XI. FORMS AND NOTICES OF ACTION (NOA)

Due to SB 72 regulation changes, several forms and NOAs which will be used to provide notice to recipients affected by the changes were updated. In addition, the NA 503, NA 531 and NA 532 have been revised to show the new CalWORKs budget calculations.

The revised Forms and NOAs are as follows:

ACTION	TYPE	PURPOSE	FORM/NOA
NOTICES OF ACTION			
Discontinue	48-Month Time Limit	NOA to discontinue adult(s) when 48 months of aid have been received.	TEMP M40-107e
Discontinue	48-Month Time Limit/ Income exceeds MAP	NOA to discontinue case when 48 months of aid have been received and income exceeds the MAP.	TEMP M40-107g
Change	48th Month on Aid (MFG child)	NOA to change benefits for MFG families based on the 48-month time limit.	TEMP M40-107h
Discontinue	48th Month on Aid (No eligible child)	NOA to discontinue case when 48 months of aid have been received and no eligible child is in the case.	TEMP M40-107i
Partial approval	48th Month on Aid (Partial approval)	NOA that approves part of the family and the reason for excluding others in the family.	TEMP M40-107j

	FORMS		
Informing	CW 48-Month Time Limit	Notice to inform clients of Facts about CW 48-Month Time Limit including Clock Stoppers and Extenders.	CW 2184 (4/11)
Request Form	CW/WTW Exemption Request Form	The client uses this form to request an exemption of participation in the WTW Program.	TEMP 2186A (4/11)
Request Form	CW 48-Month Time Limit	This form allows clients to request information on how much time on aid is remaining on their clock.	CW 2187 (4/11)

New State Law Rules in California Work Opportunity and Responsibility to Kids (CalWORKs) Starting July 1, 2011

The CalWORKs time limit clock for adults will change from 60 months to 48 months.

On July 1, 2011, if you are the adult(s) in the case and you already got 48 or more months of cash aid, you will be removed from cash aid. Your children will get aid in the Safety Net Program, if eligible. Time limit exemptions and domestic abuse waivers still apply.

There will be a new CalWORKs time limit and aid cuts for some child-only cases.

On July 1, 2011, if you are the adult in the home and you are:

- A drug or fleeing felon, or avoiding prosecution for a felony charge;
- An undocumented non-citizen;
- Sanctioned for not meeting Welfare-to-Work requirements;
- Timed-out (and your children are getting aid in the Safety Net program); or
- A relative taking care of the children but not receiving cash aid.

Your children's cash aid will be cut after five years on aid, this way:

- After getting 60 total months of cash aid (five years), the aid will be cut by five percent;
- After getting 72 total months of cash aid (six years), the aid will be cut by another five percent for a total ten percent; and
- After getting 84 total months of cash aid (seven years), the aid will be cut by another five percent for a total 15 percent.

If you are the adult in the home and you are getting Supplemental Security Income/State Supplementary Payment (SSI/SSP), your children's cash aid will not be cut because of this new rule. All adults in the home must be getting SSI/SSP to be excluded from this rule.

You will get a notice of action 30 days before the cash aid cuts happen telling you what your cash aid will be.

New Welfare-to-Work Changes

If you have a child between the ages of 12 and 23 months, you will be excused from Welfare-to-Work activities. This exemption will last until June 30, 2012 or until the child turns two, whichever comes first. In some counties, this exemption may be offered to clients with children up to 35 months of age. If your county has extended this exemption you will be sent a written notice.

You may also be exempt if you have two or more children under the age of six years old. This exemption will last until June 30, 2012 or until you do not have two children under age six, whichever comes first.

If you meet any of these exemptions, you will be excused from Welfare-to-Work activities. You can volunteer for Welfare-to-Work activities if your county has enough money to provide all of your needed supportive services, like transportation, child care, work clothing or tools, books, and supplies that are included in your approved Welfare-to-Work plan.

These exemptions stop your CalWORKs 48-month time clock. If you are currently sanctioned but are now eligible for one of these exemptions, your sanction will stop and you will get your part of your family's cash aid back.

Nuevas reglas en la ley del Estado para el Programa de California de Oportunidades de Trabajo y Responsabilidad hacia los Niños (CalWORKs) comienzan el 1° de julio del 2011

El reloj que marca el límite de tiempo de CalWORKs para los adultos cambiará de 60 meses a 48 meses. El 1° de julio del 2011 se eliminará la asistencia monetaria que recibe, si usted (o ustedes) es el adulto en el caso y ya ha recibido 48 meses o más de asistencia monetaria. Si sus niños son elegibles, ellos recibirán asistencia del Programa de la Red de Seguridad, conocido en inglés como "*Safety Net Program*". Las exenciones en el límite de tiempo y las dispensaciones debido a abuso doméstico todavía aplican.

Habrá un nuevo límite de tiempo de CalWORKs y recortes en la asistencia para algunos casos designados como "niños solamente" (*child-only cases*).

A partir del 1° de julio del 2011, si usted es el adulto en el hogar y:

- Ha sido declarado culpable de un delito mayor (*felony*) relacionado con las drogas, o si está huyendo porque ha sido declarado culpable de un delito mayor, o si está evitando enjuiciamiento por el cargo de un delito mayor;
- Es una persona no ciudadana que no tiene documentos;
- Está sancionado por no cumplir con los requisitos del Programa para la Transición de la Asistencia Pública al Trabajo (*Welfare to Work*);
- Es una persona que ha llegado al límite de tiempo para recibir beneficios de CalWORKs (*timed-out*) (y sus niños están recibiendo asistencia del Programa de la Red de Seguridad); o
- Es un pariente cuidando a los niños pero no está recibiendo asistencia monetaria.

La asistencia monetaria de sus niños se recortará de la siguiente manera después de cinco años de recibir asistencia:

- Después de recibir asistencia monetaria durante un total de 60 meses (cinco años), la asistencia se recortará un cinco por ciento.
- Después de recibir asistencia monetaria durante un total de 72 meses (seis años), la asistencia se recortará otro cinco por ciento para un total del diez por ciento; y
- Después de recibir asistencia monetaria durante un total de 84 meses (siete años), la asistencia se recortará otro cinco por ciento para un total del 15 por ciento.

Si usted es el adulto en el hogar y está recibiendo Ingresos Suplementales de Seguridad/Pagos Suplementarios del Estado (SSI/SSP), la asistencia monetaria de sus niños no se recortará debido a esta nueva regla. Todos los adultos en el hogar tienen que estar recibiendo SSI/SSP para estar excluidos de esta regla.

Usted recibirá una notificación de acción 30 días antes de que se recorte la asistencia monetaria y la notificación le indicará cuál será su asistencia monetaria.

Nuevos cambios en el Programa de Welfare-to-Work

Si usted tiene un niño que tiene entre 12 y 23 meses de edad, tendrá una exención para no participar en las actividades de Welfare-to-Work. Esta exención continuará hasta el 30 de junio del 2012 o hasta que el niño cumpla los dos años de edad, lo que suceda primero. En algunos condados, es posible que esta exención se ofrezca a los beneficiarios con niños de hasta 35 meses de edad. Si su condado tiene esta exención ampliada, se le enviará una notificación por escrito.

Es posible que usted también esté exento si tiene dos o más niños menores de los seis años de edad. Esta exención durará hasta el 30 de junio del 2012 o hasta que usted no tenga dos niños menores de los seis años de edad, lo que suceda primero.

Si califica para alguna de esas exenciones, usted estará exento de participar en las actividades de Welfare-to-Work. Usted puede ser voluntario para participar en las actividades de Welfare-to-Work si su condado tiene suficiente dinero para proporcionar todos los servicios de apoyo que se necesitan, como el transporte, cuidado de niños, ropa o herramientas para trabajo, libros, y los artículos que estén incluidos en su plan aprobado de Welfare-to-Work.

Estas exenciones suspenden el reloj que marca el límite de tiempo de 48 meses de CalWORKs. Si actualmente usted está sancionado pero ahora es elegible para una de estas exenciones, su sanción se suspenderá y se le devolverá parte de la asistencia monetaria de su familia.