

24. Voluntary Exclusion of Step-Sibling/Half-Sibling

24.1 Policy

Effective November 1, 2018, Senate Bill (SB) 380 provided CalWORKs applicants and recipients the option to exclude the needs of a qualified step-sibling or half-sibling from the CalWORKs Assistance Unit (AU) Maximum Aid Payment (MAP) determination in order to keep one hundred percent of any current child support payments made on behalf of that child as long as the child meets qualifying conditions.

24.1.1 Eligibility

To exclude a step/half sibling from the AU, all of the following conditions must apply:

The step-sibling/half-sibling must:

- Live with at least one eligible child; and
- Be in receipt of current child support payments; and
- Have an amount of current child support received each month for that child that is greater than the cash aid amount that child would receive; and
- Have a parent/caretaker relative request **in writing** that the child not be included in the number of needy persons used to calculate the AU's MAP.

The needs of the child (not income and resources) are considered in the family Minimum Basic Standards of Adequate Care (MBSAC) but are removed when determining the AU MAP. The child remains eligible for other programs and services (i.e., CalFresh, Medi-Cal, Child Care, Special Needs, Temporary Shelter Assistance, etc.), as long as all other conditions of eligibility are met.



Note:

All CalWORKs children, including children in K1/3F families, who meet the criteria above are eligible to be considered for exclusion from the MAP determination.

24.1.2 Opting In and Out

Parents/caretaker relatives have the option to exclude an eligible step/half-sibling's needs from the AU's MAP determination only at application, SAR 7 or annual redetermination. They can only request to have the child's needs added back into the AU's MAP determination at their SAR 7 submission or annual redetermination. The only exception to the times a child's needs can be added back into the

AU's MAP determination is mid-period if the child support received for that child either stops or decreases below the grant amount the child would receive if aided in the AU's grant. There is no other exception to when the child's needs can be excluded.

When adding a child or newborn a CW 8A must be completed. This is considered an application and therefore, the child or newborn that is a half/step-sibling, must meet the same requirements listed in the table under 24.1.1. The CW 52 must be provided and completed in order for the child/newborn to be excluded.



Example:

A child is five weeks old. At least one child support payment must have been received for the child. This child is eligible because they are only one month and one week old and at least one child support payment has been received.

24.1.3 CW 52 Informing Notice and Opt-In Form

The CW 52-SB 380 Informing Notice and Child Support Payment Opt-In Form has two purposes. The first is to inform applicants and recipients of the option to exclude the needs of step/half-siblings of eligible children in the AU who live in the same home. The second is to allow parents/caretaker relatives to make a written request to exclude step/half-siblings' needs from consideration in the determination of the AU's MAP to receive full child support payments via the form provided on the reverse side of the informing notice.

Applicants and recipients must receive the CW 52 at application and each annual redetermination. The form must also be provided any time a recipient requests it or requests to exclude a child's needs from consideration in the MAP determination under the child support in lieu of cash grant rule.

The parent/caretaker relative must submit the request to exclude the step/half-sibling's needs from the AU's MAP determination **in writing**, unless the parent/caretaker has a disability that prevents them from submitting the request in writing. The applicant or recipient must use the CW 52 to submit their written request.

24.2 Child Support

24.2.1 Verification

SB 380 requires that the child support payment received on behalf of a step/half-sibling must exceed that child's CalWORKs cash aid amount. Proof of the amount of child support paid on behalf of the step/half-sibling is required in order to determine eligibility to exclude the child's needs from the AU's MAP determination. Parents/caretaker relatives are responsible for showing proof of the amount of child support received for the child(ren) whose needs they wish to exclude.

There are many ways to verify the amount of child support received. Child support **does not** need to be received from the Local Child Support Agency (LCSA)/Department of Child Support Services (DCSS) in order for a parent/caretaker relative to opt children into the provisions of this rule.

Parents/caretaker relatives can show proof of child support received by submitting one of the following (but not limited to):

- An allocated (per child) court order for child support, if one exists;
- Copies of checks received from the non-custodial parent (NCP);
- A written statement signed by the NCP;
- Monthly statements of child support sent by the LCSA/DCSS;
- A sworn affidavit in the absence of any of the documents listed above.



Note:

Child support court orders are **not** required. However, applicants and recipients are required to cooperate with child support assignment and cooperation (unless good cause exists).

24.2.2 Determination of Child Support Income

How to Determine if a Child Support Order is Allocated or Unallocated:

Sometimes the child support order will appear to be clear on the amount of child support awarded for each child named in the court order. Other times an order may look unallocated when it actually does provide specific amounts of monthly child support for each child. It is possible that an LCSA might have entered an order as unallocated but it should be considered allocated and needs to be updated.

- **Allocated:** Court order lists three children and has a net figure for support for all three. There is no language stating that the order is unallocated or non-severable. Attached to the order and thus incorporated by reference is a DissoMaster or other program printout with support for three children, and the total figure matches that on the Judicial Council order form. This order should be treated as allocated.
- **Unallocated:** Court order lists three children and has a net figure for support for all three. There is no language stating that the order is unallocated or non-severable. There is no attached support calculation. This order should be treated as unallocated.
- **Unallocated:** Court order lists three children and has a net figure for support for all three. The order includes language that the order is non-severable. Attached to the order is a DissoMaster or other program printout with support for three children, showing allocation amounts and the net support matches the order. This order should be treated as unallocated.

Sometimes the information is included in an attachment to the court order using a DissoMaster (calculation method) or some other attached document. If the verification submitted is unclear, ask the applicant/recipient if they have additional pages or attachments with their child support court order.

If the applicant/recipient does not have their court order or does not have any additional pages/attachments, contact LCSA for clarification. LCSA may provide the information either by phone while the applicant/recipient is in the office, through email or by providing a copy to the applicant/recipient. If verification is accepted over the phone, thorough documentation in case comments with the details of the conversation and the amount of child support received as well as the name, title, contact information and office name/location of the LCSA providing the verification.

AU's that provide an unallocated child support order must have the child support order modified to reflect a per-child support allocation in order to exclude a child from the CalWORKs grant.

24.2.3 Child Support Referrals

The Department of Child Support Services' (DCSS) child support enforcement (CSE) system will continue to receive automatic referrals when a CalWORKs AU has chosen to exclude a child from the CWs grant. Electronic transmissions and updates to the interface will occur to confirm that a child has been excluded from the CalWORKs grant and no further action is required from the Eligibility Worker.

24.2.4 Child Support Non-Cooperation-Good Cause

SB 380 did not change the good cause reasons or rules for child support non-cooperation in the CalWORKs program. The existing good cause reasons and methods of determining good cause apply to applicants and recipients choosing to exclude a child(ren)'s needs from the AU's MAP determination under this policy.

24.3 Child MAP

24.3.1 Determination of Child MAP for 1 Excluded Child

The "Child MAP" is the figure used to determine if the monthly child support received by a child exceeds the CalWORKs grant amount that the child receives or would receive if approved at application.

EWs must determine the difference between the potential MAP for the AU and MAP for the next AU size in order to determine the portion of the CalWORKs grant allocated to the child.

The figures are determined using a methodology based on the MAP for the AU size with the child included minus the MAP for the AU without the child plus the amount of the child support disregard (MAP for AU-MAP for AU without the child + \$50 disregard). If the amount of child support received is greater than that amount, the child is eligible.



Example:

Mom with 3 children: (Non-exempt MAP AU of 4) \$1060 - (Non-exempt MAP AU of 3) \$878 + \$50 (CS Disregard)= \$232, the portion of the grant allocated to the step/half-sibling which is considered the Child MAP.

24.3.2 Determination of Child MAP for 2 or More Excluded Children

The methodology is slightly different for second and subsequent children participating in the same AU. Because the AU receives the child support disregard only once per month, regardless of the number of child support payments received in that month, the child support disregard is only considered in the child MAP calculation for the first child.



Example:

Mom and 4 children, mom voluntary chooses to opt-out 3 of the children that receive child support and are eligible for the exclusion:
 Child 1's Child MAP is calculated: AU of 5 MAP minus AU of 4 MAP plus \$50 child support disregard. Since the child support disregard was already added to Child 1's Child MAP, it will not be added again for any subsequent children that are opted-out.

Step	Action
1.	Determine Child MAP for Child 1 $\$1242 - \$1060 + \$50 \text{ (C/S Disregard)} = \232
2.	Determine Child MAP for Child 2 $\$1060 - \$878 = \$182$
3.	Determine Child MAP for Child 3 $\$878 - \$696 = \$182$

If any child support disregard is only used for the Child MAP determination, and if any child support is collected and/or received/passed through for children who are receiving a cash aid payment in the AU, the AU will still be entitled to the \$50 disregard in the month.



Note:

When an AU has income, EWs must still use the above calculation in order to determine the amount of the CalWORKs grant allocated to the child.

24.4 Processing Request

24.4.1 Written Request to Opt-In

The parent/caretaker relative must submit a written request to exclude a step/half-sibling by completing the “Changes To The California Work Opportunity And Responsibility To kids (CalWORKs) Assistance Unit And Child Support Rules” (CW 52) application. Requests to voluntarily exclude a step/half-sibling may be processed at:

- Application,
- Annual Redetermination, and
- Semi-annual Report (SAR7), and
- Mid-Period when the AU voluntarily reports a decrease or termination of child-support payments.

24.4.2 Application

Applicants must comply with verification requests, such as birth certificate, immunization, school record, etc, for the step/half-sibling even when the decision to exclude a step/half-sibling is made. EWs will follow existing business processes when requesting verifications during the application process. The CalWORKs applications cannot be delayed or denied while gathering verification for the excluded child. Once the CalWORKs application has been processed, the effective beginning date of aid for the excluded child is the date of approval for the CalWORKs application.

Other verifications such as proof of SSN or other income received may be needed for other program eligibility determinations (such as Medi-Cal and CalFresh budgeting), and are required in the event the parent/caretaker relative requests to add the child’s needs to the AU’s MAP determination in the future. If the request is made mid-period due to decreased child support, the child’s needs must be added to the AU’s MAP within 10 days of the date verification of the change in child support income is provided. This change is retroactive to the first day of the month in which the request was made.

Applicants and recipients are required to cooperate with child support assignment and cooperation requirements (unless good cause exists).



Reminder:

Single-Parent Families (aid code K1) and Two-Parent Families (aid code 3F) for Safety Net and Fleeing Felon cases are not required to assign support rights or cooperate with child support requirements as a condition of eligibility for CalWORKs.

24.4.3 AU Composition

Although the needs of the excluded child are excluded from the MAP, the child is included in the AU and considered “CalWORKs eligible” for all other purposes. EWs must request all necessary verifications at application, as if the step/half-sibling were aided in the CalWORKs grant, in order to meet the 10-day time-frame for mid-period request to add the child back to the grant.



Example:

A family applies for CalWORKs and the parent requests a half-sibling’s needs be excluded from the MAP. The EW must request verification of the half-siblings birth certificate, social security number, immunization records, etc. If at any time the parent request mid-period to add the half-siblings needs back into the MAP due to a loss or decrease in the child support income, the EW will have all necessary eligibility verifications on file and can meet the 10-day time-frame to increase the grant.

Child Turning 18 Years of Age

When a child whose needs are excluded from the MAP turns 18 years of age, and is either not attending school or not expected to graduate before the 19th birthday and is being discontinued from the CalWORKs case due to age limits, the child support arrearages that continue to be received by the parent/caretaker relative on behalf of that child are considered available to the AU. The 18 year old is considered an adult for the purposes of CalWORKs eligibility and arrears received on behalf of the 18 year old are treated as unearned income to the AU.



Example:

Mom and 2 children (1 eligible child (Child A) and one Opted Out half/step-sibling (Child B). Child A turns 18 years old and is discontinued from CalWORKs due to age. The entire CalWORKs case is discontinued because there is no eligible child in the home since Child B is excluded from the grant. If the change happened at SAR 7 or RD, the parent could opt the Child B back into CalWORKs case. If the change occurs at any other time, the excluded child cannot be added back to the case and a new CalWORKs application is required.

If an 18-year-old excluded half/step-sibling is enrolled in school and expected to graduate by the 19th birthday, then the excluded 18-year-old continues to be considered a child for the purposes of CalWORKs until he or she graduates or reaches 19 years of age, whichever comes first. Child support payments made on behalf of the 18-year-old excluded child remain excluded as long as the child remains eligible to CalWORKs.

24.4.4 Recipient Beginning Date of Aid

Once a child has been excluded from the MAP, mandatory inclusion rules no longer apply to that child and the child's needs can only be added back to the MAP during the following times:

- Semi-Annual Report (SAR 7);
- Annual Redetermination; or
- When the parent or caretaker relative voluntarily reports mid-period that the child support payment or payments have decreased or ended, and the parent/caretaker relative requests the child's needs be reconsidered in determining the MAP.

When a step/half-sibling has been found eligible to be removed from the CalWORKs grant, the change is effective the first of the month following the date the request is made, given the EW has adequate time to issue timely notice of action. If adequate time to issue a timely notice of the decrease to the grant does not exist, then the effective begin date is the first of the month after notice has been given.



Reminder:

The parent/caretaker relative may choose to sign a 10-day waiver of their right to a 10-day NOA in order to have the grant decreased sooner.

EWs must follow the existing business process to request verification of the child support income to determine if the step/half-sibling is eligible to be excluded from the CalWORKs grant.

24.4.5 Treatment of Income and Resources

The income and resources, of children whose needs are excluded from the MAP, are not considered when determining CalWORKs eligibility and grant amounts for the remaining AU members. Child support payments received on behalf of the excluded step/half-sibling are treated as exempt income and not used to determine CalWORKs eligibility or grant amounts.

Social Security Income

Other than child support and Supplemental Security Income/State Supplemental Payment (SSI/SSP), the most common type of income received is Social Security Administration (SSA)/ Social Security Disability (SSDI) from a parent.

If the excluded step/half-sibling receives SSA/SSDI and child support, both sources count towards the total child support amount received. These payments, either separately or combined, must exceed the child's portion of the CalWORKs grant in order for the child to be eligible to be excluded from the AU.

**Example:**

A parent makes a written request to exclude a half-sibling who is receiving SSA/SSDI from the aided custodial parent and child support from the absent parent. The half-sibling's needs are not considered in the MAP because the amount of child support received exceeds the needs of the half-sibling. Because the child's needs are excluded from the MAP, the SSA/SSDI income received on behalf of the child is also excluded. Any income received for the excluded child is intended for the care and support of that child and not for the use of other members of the family.

**Example:**

A step-sibling is receiving SSA/SSDI on behalf of the absent parent's disability. The income is credited as child support by the Department of Child Support Services (DCSS). The SSA Disability is treated as child support for the purposes of determining the total amount of child support received and is excluded if the step-sibling's needs are removed from the family's MAP.

24.4.6 Medi-Cal

An excluded step/half-sibling child remains eligible for cash-linked Medi-Cal until the child leaves the AU or the AU is discontinued from CalWORKs. In either of these instances, eligibility to Medi-Cal cannot be discontinued. EWs must follow existing business process to evaluate eligibility to ongoing Medi-Cal eligibility.

24.5 Child Added Back to AU

24.5.1 Opting Out of SB 380

The request to add the needs of the excluded child(ren) back to the MAP may be made at:

- "Semi-Annual Report" (SAR 7),
- "Annual Redetermination Form" (SAWS 2 Plus),
- "Mid-Year Status Report AR/CO AUs" (AR 3),
- "Mid-Year Status Report SAR AUs" (SAR 3),
- When the parent or caretaker relative voluntarily reports mid-period that the child support payment or payments have decreased or ended and has submitted a written request to exclude the child,
- Written Statement, or
- Orally/verbally by the parent/caretaker relative.

A request to add a step/half-sibling(s) needs back to the MAP during the SAR 7 or RD that does not result from a decrease or loss of child support is effective the first of the month following the date the request is made.

For mid-period reports the effective beginning date of aid is the first of the month in which the decrease or loss of child support income is reported. The recipients grant must be increased within 10 days after verification is received of the loss or decrease of the child support income is received.

A verbal request to include a previously excluded child must be clearly documented in the case record detailing the request and reported loss or decrease of child support income. No action can be taken until the AU provides verification of the reported change.

**Example:**

A client reports and provides verification of the loss of child support income in May. The previously excluded child's eligibility verification (birth cert. etc) are already on file, the step/half-sibling is added within 10 days and the CalWORKs grant is increased effective for the beginning of the month in which the change was reported (May).

**Example:**

A client provides verification of loss in July 2019 showing the change occurred in May. The verification is processed within 10 days and the previously excluded child is included in the CalWORKs grant effective the beginning of the month in which the change was reported (July).

Request to add a previously excluded child must be processed within the applicable time-frames identified above. If the AU failed to provide the necessary documents (i.e. birth certificate, social security, etc) at application and has made a request to add the child back to the MAP, the EW must request verifications prior to processing the request to add the excluded child to the CalWORKs case. Failure to provide verification within the allotted time-frame (10 days) will result in a denial of the request and a denial NOA must be sent.

**Reminder:**

EWs must follow the existing business process for verification requests (i.e. CW 2200 process).

**Note:**

Oral/verbal request can only be made when requesting to add a child back into the MAP determination and not for initial requests to exclude a child.

24.5.2 County-Initiated Actions

Deciding to include or exclude the step/half-sibling in the AU's MAP determination is the decision of the applicant/recipient. However, certain circumstances will require county-initiated action to move the excluded child into the AU's MAP or discontinue the AU at SAR 7 and/or annual redetermination if the child loses their eligibility to participate in SB 380.

MAP Increases

When statewide MAP levels increase, the Child MAP that determines the amount of child support the child must receive monthly to be eligible for exclusion from the AU's MAP determination will also change. The new Child MAP will have to be figured based on the MAP increase. If the child is no longer receiving child support in the amount that exceeds the amount of CalWORKs the AU would receive if their needs were included because of the MAP change and it is the AU's SAR 7 Data Month or month of annual redetermination, the child's needs will be added back to the AU's MAP determination because the child no longer meets the requirement that the child support exceeds the MAP amount for the child. It is during the SAR 7 and annual redetermination that county-initiated action is taken without the request from the parent/caretaker relative. SAR 7 and annual redetermination are the two instances when the child's eligibility/status for SB participation can be re-evaluated.

If it is not the AU's SAR 7 Data Month or redetermination month, no action will be taken due to the MAP increase. The amount of child support will be re-evaluated at the next SAR 7 or redetermination and the child will be added at that time if the child support is less than the Child MAP.



Reminder:

The child may be added back into the MAP determination at any time if the parent/caretaker relative voluntarily reports mid-period that the monthly child support received for that child has decreased below the Child MAP amount or the child support has stopped and verification is provided.

Penalties and Eligibility

Most penalties in CalWORKs affect the parent/caretaker relative's portion of the grant or a percentage of the entire AU's grant. The exception to this is the school attendance penalty. Teens 16 and 17 who are deemed chronic truants by the School Attendance Review Board or the School District and who either do not have a good cause reason or fail to attend after efforts to motivate them to improve their attendance are eventually penalized by losing their portion of the AU's grant.

Although these teens with school attendance penalties are not receiving a grant, they are able to participate under the SB 380 policy. These teens are members of the AU and are receiving a grant amount of \$0. Any amount of child support received for that child above the \$50 child support disregard would qualify them to be voluntarily excluded. However, once the penalty is lifted and the grant amount

the child would receive increases back to an amount above \$50, the child's eligibility must be re-evaluated by determining whether the amount of child support they receive exceeds the Child MAP.

After re-evaluating the child's eligibility, if they are no longer eligible to participate under this policy, the child's needs would be added back to the AU's MAP determination at the next SAR 7 or annual redetermination, whichever occurs first. Action may be taken mid-period if the parent/caretaker relative requests to add the child back to the AU's MAP.

Refusal To Opt Out

Applicants and recipients who choose to not exclude any potentially eligible step/half-sibling must continue to comply with child support requirements for CalWORKs. If these AU's are in receipt of child support income, the AU will continue to receive the child support disregard and the income of the step/half-sibling will continue to be considered available to the AU. EWs must follow the existing business process for updating child support information when new information is provided regarding the absent parent.

24.6 SB 380 Questions and Answers

Basic Eligibility

Question 1:

Mom applies for herself and three children: Children A, B and C. Child A is a half-sibling to Children B & C, who are full siblings. Mom requests to exclude Children B & C to keep the child support she receives on their behalf. Can mom choose to exclude only one of the siblings, B or C? What if child B's child support is less than the Child MAP, but child C's allocation meets the requirement?

Answer 1:

Mom can choose to exclude Child B and/or C from the AU's MAP as long as Child A (the half-sibling) is an eligible child living in the home and the child support allocated for each Child B and/or Child C is greater than the cash aid amount for each child. If the child support received for one of the children is lower than the cash aid the AU would receive for the child, the parent/caretaker relative will not have the option to exclude that child from the AU's MAP.

Child Support

Question 2:

How often will the CW 2.1 (NA)-Notice and Agreement for Child, Spousal and Medical Support and CW 2.1 (Q) Support Questionnaire be required?

Answer 2:

For new applicants, the CW 2.1 NA and CW 2.1 Q are required for all children, including those whose needs are considered in the AU MAP calculation as well as those whose needs will be excluded from the MAP in order to receive child support in lieu of the grant. At redetermination, a new CW 2.1 Q will only be required if circumstances change (i.e., new information regarding the non-custodial parent becomes available, or if a new child is born or comes into the home and one of that child's parents is not in the home or if both parents are in the home but are not married, or if a parent of an aided child leaves the home). The rules regarding the use of the CW 2.1 Q did not change with SB 380.

A new CW 2.1 NA is needed when a family leaves aid and later returns, in which case the custodial parent (CP) would need to agree to cooperate again with the Department of Child Support Services (DCSS) or claim good cause. A new CW 2.1 NA would also be needed any time a parent/caretaker relative wishes to change their initial good cause designation (i.e., claiming good cause or indicating their good cause reason no longer exists and that they will cooperate).

For example: The parent/caretaker relative signed a previous CW 2.1 NA agreeing to cooperate with the DCSS/child support requirements, a few months later the non-custodial parent (NCP) becomes threatening and the parent/caretaker relative now out of fear that harm could be done to them or the child(ren), wish to claim good cause for non-cooperation. In this situation, a new CW 2.1 NA would be needed claiming good cause and refusal to cooperate.

Cooperation**Question 3:**

K1/3F families are not required to comply with child support requirements. For SB 380, are the CW 2.1 NA and CW 2.1 Q forms still not required for a K1/3F family requesting that a child be excluded?

Answer 3:

Correct, the forms are not required for K1/3F families because they are exempt from cooperation with child support rules. SB 380 did not change the process for these families except for the treatment of the child support and other income or resources that belong to the step/half-sibling whose needs are excluded from the MAP determination. Under the K1/3F rule, child support and any income of the child is counted when reasonably anticipated, but under SB 380, income is excluded for the SB 380 child as well as for a K1/3F child participating under the SB 380 policy.

Good Cause**Question 4:**

The rule states that the CW 2.1 NA and CW 2.1 Q are still required under SB 380, unless there is good cause.

- a. How do we handle those situations in which good cause exists? What situation would require good cause while the client would be getting direct child support?
- b. If the client is getting direct child support from the absent parent, and “good cause is allowed,” can SB 380 be approved or does a referral need to be made to DCSS?
- c. At application, when a referral is made, can we still approve SB 380 even if the client has not been interviewed by the DCSS and the child support case hasn’t been set up yet? Or should we wait until the child support case is set up to exclude the child’s needs from the MAP.
- d. What if the client refuses to cooperate with the DCSS? Is that grounds for not approving the SB 380 request?

Answer 4:

SB 380 did not change how good cause is determined. Good cause rules, reasons and determination are done in the same manner and using the same policies and procedures as if the child were aided.

- a. A family receiving direct child support must still be referred to the DCSS unless good cause exists. If the NCP is voluntarily paying or complying with a court order to pay, it is unlikely there would be a good cause reason such as, danger to the child or CP. Other good cause reasons may exist. Follow existing procedures for evaluating requests for good cause for child support non-cooperation.
- b. Good cause has not changed under this policy. Follow procedures for every other CalWORKs case with good cause.
- c. A child who meets all eligibility conditions can be approved for SB 380 before the parent/caretaker relative is interviewed by the DCSS the same as any other CalWORKs case would be approved with only the referral. If the parent/caretaker relative later refuses or fails to cooperate with the DCSS, this does not affect SB 380 eligibility. Normal CalWORKs rules and penalties (25%) would apply to the AU’s grant amount if the DCSS determines non-cooperation exists.
- d. Refusal or failure to cooperate does not affect SB 380 eligibility, however, it may affect the AU’s grant amount. If the DCSS determines the parent/caretaker relative is not cooperating with child support rules, a 25% penalty would be applied to the AU’s grant amount.

“Unticking” Time on Aid**Question 5:**

In regard to SB 380, is the child support collected by the DCSS and forwarded to the Au for a voluntarily excluded child used to untick TOA months?

Answer 5:

No, the child support passed-through to the family for any reason and not retained to repay the family's cash aid does not untick time on aid.

Court Orders and Direct Support

Question 6:

If a client requests at SAR 7 or redetermination to have their child's needs excluded per SB 380 but does not submit verification until after the new payment period has begun, can we take action mid-period to exclude the child from the AU MAP?

For example, the RD takes place November 2018, but the client needs to obtain an unallocated child support order. In January 2019, the client gets a new allocated court order which shows the child meets the SB 380 criteria. Would the child be removed effective January 31, 2019, with a 10-day NOA? Or would we wait until the next pay period to remove the child from the AU MAP because the child can only be opted into child support during SAR 7 or RD? Would the same apply at application?

Answer 6:

For unallocated child support orders, the CW 52 request shall be denied (follow instructions to determine if a child support order is truly allocated before denying the request). The denial reason has been added to denial NOA M82-832H with the language "Child support orders from the court must show how much child support is given to each child."

Parents/caretaker relatives should be advised to submit a new CW 52 when their child support order has been allocated by the court and it is their next SAR 7 or redetermination, whichever comes first, if the allocated child support amount is more than the CalWORKs cash aid they would receive for the child.

Question 7:

Is a child support court order required to opt a child into child support per SB 380? It was understood that the client needed to provide a current child support court order in addition to the Monthly Statements of Collections and Distributions. Is that correct?

Answer 7:

No, neither a court order for child support nor a Monthly Statement of Collections and Distributions is required. Although a court order or printout from the DCSS is the best form of verification, it is not the only acceptable verification allowed. However, the parent/caretaker relative must be able to verify that the individual amount of monthly child support received on behalf of the qualified step/half-sibling must exceed the grant amount that child is receiving or would receive.

Question 8:

For direct child support, what if there are three kids from one dad receiving direct support? Do we divide the total amount by three?

Answer 8:

No, only the family courts can determine the amount of child support each child is allocated when there is a child support order. If the child support received directly from the NCP and there is no court order, a written statement from the NCP designating the dollar amount for each child will be needed as verification of the amount received per child. Families can qualify with direct child support. Parents/caretaker relatives receiving direct support must verify that the child support exceeds the grant amount for the step/half-siblings they wish to exclude for the MAP calculation. However, because of the child support cooperation requirement, it is likely that a child support court order will be established for families initially receiving direct support. SB 380 families are required to cooperate with child support and will be referred to the DCSS unless they have an approved good cause reason for non-cooperation.

Child Support Income and Disregards

Question 9:

How will child support be paid to the parent? Will the DCSS still collect and distribute the child support payments?

Answer 9:

Child support will continue to be paid to the parent in the same manner they currently receive child support or the \$50 pass-through. If the DCSS collects and distributes the child support payments, they will continue to do so. If the payments are received directly from the NCP, they will continue to come directly for the NCP until the DCSS receives the referral and establishes a child support case. Once the child support case is established, the DCSS will begin collections on behalf of the child.

For example, if a client receives direct child support, it will continue unless the custodial/aided parent requests child support services, an account is established and the DCSS takes over collections or the child is added back to the CalWORKs family's MAP amount, at which time the DCSS will accept the referral and initiate child support services. At application, all children, including SB 380 children, will be referred to the DCSS through the child support referral process, which should result in the establishment of a child support court order unless there is a good cause reason for non-cooperation.

Question 10:

The client and the NCP have a child support "agreement". Example: Mom with 2 children and 2 NCPs who wants to exclude one child stating Dad pays \$500 of her rent (or car payment, braces, etc.) and they consider this the child support payment. The NCP pays directly to the landlord. The \$500 is more than the amount of cash aid the child would receive. Can this child be excluded?

Answer 10:

Yes, the \$500 would be considered child support because that is the agreement between the NCP and the custodial/aided parent/caretaker relative regardless of who receives the payment. The child is eligible for SB 380 because the amount is greater than the cash aid the child would receive, and the half-sibling is in receipt of cash aid in the AU.

Question 11:

Are the DCSS going to give an additional disregard payment? Example: Mom and 2 children with 2 NCP's wants to exclude 1 child because she receives direct child support of \$250 per month. The child is eligible to be excluded. The DCSS is collecting \$100 in child support per month for the 2nd child, is the DCSS going to send her a \$50 disregard? We already "counted" the \$50 disregard in the first child's calculation, and they already kept the full child support, so it seems that they would not get it again. Does that mean the DCSS will no longer give the disregard to parents who have opted to exclude a child(ren)?

Answer 11:

The \$50 child support disregard would not be considered an "additional" disregard payment. The \$50 amount was only used as a test to determine if the child receives enough child support to exceed what the child would receive if included in the AU's MAP determination. DCSS will continue to pass through the first \$50 of any child support collected for children receiving a cash aid payment in the AU. An AU is only entitled to receive one \$50 disregard payment per month regardless of the number of children receiving child support or the number of child support payments received for that month.

Other Income and Resources**Question 12:**

If a child has a joint bank account with the custodial parent, would that account be included as a resource?

Answer 12:

Because the excluded step/half-sibling's income and resources are excluded from consideration against the remaining AU members, the child's portion of the joint account/property cannot be counted. Follow existing CalWORKs rules/regulations to determine how to treat joint property.

Question 13:

When determining the grant amount to decrease, is it to be based on the MAP or would it be based on the actual grant amount for when the AU is receiving some income and they do not receive the entire MAP?

Answer 13:

For purposes of simplicity, when determining eligibility for SB 380, income to the AU will not be a factor. The Child MAP was created to assist in determining the amount of cash aid the child would receive if their needs were included in the AU's MAP determination.

Question 14:

The rule states that all required verifications shall be gathered at application as if the step/half-sibling were receiving cash aid to be able to meet the 10-day time-frame if a request were made to have a step/half-siblings' needs considered in the MAP determination mid-period. There should be no delay or denial of the CalWORKs cash aid for the AU while gathering information for SB 380 children. How do we treat applicants that fail to provide information on the excluded child?

Answer 14:

For CalWORKs verifications, use existing time frames when requesting verifications and allow a reasonable amount of additional time for parents/caretaker relatives who may be having difficulty obtaining them. As a reminder, it is our duty to assist applicants/recipients in obtaining verifications needed to establish eligibility.

Additionally, regulations do allow sworn affidavits for some verifications (excluding citizenship and SSN). Actual verification is always preferred, however, if after a good faith effort is made and the county is also unable to obtain the verification, a sworn statement must be accepted.

CW 52 Actions**Question 15:**

The statute requires the request to participate in SB 380 in writing. Does a verbal request from a client have to be processed and denied for "not requesting in writing"?

Answer 15:

Eligibility for participation in SB 380 requires the parent/caretaker relative to submit the request to exclude the child from the AU's MAP amount in writing. Verbal requests for participation in SB 380 are not required to be processed, therefore, the denial reason on the CW M82-832H denial NOA, "You did not request in writing" will be removed.

If an applicant/recipient makes a verbal request for a child to participate in SB 380, the worker should explain to the applicant/recipient that the request must be in writing and offer the CW 52 (for recipients,

the reminder of the written request must be made at SAR 7 or redetermination only). If the verbal request is made over the phone, the worker should offer to provide the CW 52 to the client.

When the applicant/recipient cannot make requests in writing, the county must ensure the client receives the reasonable accommodations they are entitled to.

Question 16:

Clients that provide unallocated court orders for child support must be told to return to court to have the orders allocated. There is not a denial reason on the NOA to deny the CW 52 request when the client is asked to have the court order allocated. What should be done with these requests? Can a sworn statement be used temporarily?

Answer 16:

The CW 52 request should be denied because these court actions can take four to six months depending on the county and court caseload. The following denial reasons have been added to the M82-832H denial NOA: "You did not give us the proof we asked you for", and "Child support orders from the court must show how much child support is given to each child". The first is to be used for a lack of verifications in general, and the second reason is to be used for unallocated court orders. When using the first reason, include a list of the proof that was requested and not received. As a reminder, the original request for verification should have been made using the required CW 2200.

Although direction has been given that sworn statements are acceptable, after a good faith effort has been made to obtain evidence (in most cases other than citizenship, etc.), the DCSS confirmed they will not pass-through child support for clients who have unallocated court orders based on a sworn statement regarding the amount each child receives. Only a judge can make that determination. Determine if a child support order is truly unallocated before denying the CW 52 application.

Question 17:

The rule states that clients may choose to opt their child(ren) into/out of SB 380 at application, SAR 7 and at their redetermination. What do we do with the CW 52 request if the client submits a late SAR 7 (such as the following month)? Late redetermination (same scenario)? Is the CW 52 denied (i.e., is it now considered past the SAR 7 or redetermination month)?

Answer 17:

The request to opt the child into SB 380 can be processed as part of the SAR 7 or redetermination as long as the SAR 7 or redetermination has not been processed and completed. If the recipient's SAR 7 or redetermination is late and processed per current regulation, but the client later states they meant to submit the CW 52 as part of the SAR 7 or redetermination, the CW 52 cannot be accepted and processed because the SAR 7 or redetermination has been completed.

If the SAR 7 or redetermination is late, resulting in a break in aid which requires a new application, the client may submit the CW 52 at that time because CW 52s are allowed "at application". This is

acceptable as long as the application has not been processed and completed/granted prior to the submission of the CW 52 as in the scenario above.

Question 18:

If a CW 52 is received with the adult's name on the child name field, do we need to generate the denial NOA? If the answer is yes, then which NOA should be used?

Answer 18:

If the parent/caretaker relative made a mistake and placed their name in the child's name field the denial reason would be: "Not the half/step-sibling of a CalWORKs eligible child". If the form was submitted by a recipient it is good practice to inform the parent/caretaker relative of the error and advise them to submit a new CW 52 if they would like to proceed with the request.

If the adult is someone who is 18 years of age or older or a child who is age 18 years of age and not enrolled in and therefore ineligible for CalWORKs, a new reason will be added to the M82-832H denial NOA to say, "is not a child under 19 years of age attending school and expected to graduate before his/her 19th birthday who would be eligible for CalWORKs".

Question 19:

Will the CW 52 be sent out again or should the worker send it out again?

Answer 19:

The rules state the CalWORKs applicants/recipients shall be informed of the provisions of SB 380 in writing at application and at the time of each annual redetermination, or sooner if requested.

Opting In/Out and Mid-Period Actions**Question 20:**

When a child is added back due to the child support decreasing or stopping, the change is made effective the beginning of the month the change is reported after verification is received. Does the child's other income (if they have any, such as SSA) count for the month? Remainder of the SAR period?

Answer 20:

Yes, when a person's needs are considered in the cash aid payment, their income is also considered (unless the income is otherwise excluded by CalWORKs rules or federal law). Since the payment for the child is effective back to the first of the month, the income should be considered for the entire month as well as the remainder of the SAR or AR/CO period.

Question 21:

When clients report a change, clients are given 10 days to provide verification and when it is regarding a decrease in income, the grant will be increased within 10-days of receipt of verification effective the first of the month in the month in which the change was reported. Example, a client reports on 9/5 that child support has decreased or stopped and submits verification by 9/15. Action would be taken to increase the grant to add the child's portion no later than 9/25 effective back to 9/1. What if the client reports on 9/5 that the child support has decreased or stopped but does not submit the verification until 10/10 (in the following month)? Is the child's portion restored effective 9/1 or 10/1?

Answer 21:

The statute explicitly states it is the first of the month in which the change is reported. The effective date would be 9/1, however, action cannot be taken until verification is received.

If the child has other income that would decrease the AU's MAP amount or if adding the child to the AU's MAP mid-period would otherwise decrease the AU's MAP amount for any reason, the child cannot be added back to the AU's MAP until the beginning of the AU's next SAR payment period for SAR AUs or the beginning of the following month after timely (10-day) and adequate notice is given for AR/CO AUs.

Question 22:

When requesting proof of loss of child support for a previously excluded child, if the client does not turn in verification, can the change be acted upon? Does a No-Change NOA need to be issued? If they do provide verification, when is the child added back to the AU MAP? First of the month? First of the following month?

Answer 22:

If a parent/caretaker relative does not submit the required verification/proof then action cannot be taken on the case and a No-Change NOA should be issued. If the step/half-sibling was SB 380 eligible and verification was submitted late, they should be added back on the first of the month that the change was reported within 10 days of actual receipt of the verification.

Question 23:

If there is no loss or decrease of child support, when can the child be added back to the AU's MAP determination?

Answer 23:

The child's needs can be added back to the AU's MAP determination at the next SAR 7 or redetermination.

Question 24:

Is it the county's responsibility to add the child back to the AU's MAP if they find out the parent stopped receiving child support?

Answer 24:

No, the child can only be added back mid-period at the request of the parent/caretaker relative for the AU. Once a parent/caretaker relative has chosen to exclude a child's needs when determining the AU's MAP amount under the SB 380 rule, mandatory inclusion rules no longer apply to that child. A county-initiated action can be taken at the next SAR 7 or redetermination, whichever occurs first, if there is knowledge that the child no longer meets the eligibility criteria.

Question 25:

What happens if the only SB 380 eligible child ages out?

Answer 25:

If an 18-year old is enrolled in school and expected to graduate by their 19th birthday, they must continue to be considered a child for the purposes of CalWORKs until they graduate or reach their 19th birthday, whichever comes first, and the step/half-sibling whose needs are excluded remains eligible for SB 380 as long as the 18-year old remains in the AU.

Whenever a case with an SB 380 child has an AU and the CalWORKs child who receives the cash aid leaves the AU for any reason (ages out, moves away, etc.) mid-period, we cannot initiate a mid-period action to discontinue the case or add the SB 380 child to the AU's MAP. The parent/caretaker relative must continue to be aided until the end of the SAR or AR/CO pay period, depending on the case type.

At the end of the payment period, action must be taken regarding the SB 380 child because they no longer meet the eligibility requirements to participate in the Child Support in Lieu of Cash Grant Option. If it is the end of the first SAR payment period and the SAR 7 is due, outreach must be done to the parent/caretaker relative to provide them with the options available. Because it was required to collect all the required information and verifications for the child at application (or the child was previously considered in the AU's grant determination before participating in SB 380), this contact can be done by telephone and documented by case note. The parent/caretaker relative should be instructed to make the choice on their SAR 7 form. No additional form is needed. If the SAR 7 has already been submitted, the choice of the parent/caretaker relative may be documented in the case note when the contact is made. If additional verifications are needed, for example, updated immunizations, the request for verifications is to be by using the CW 2200 giving the standard due dates to return the verifications for on-going recipient eligibility.

The two options available to the parent/caretaker relative are to either add the SB 380 child into the AU's MAP determination, or to discontinue the entire case. If the parent/caretaker relative chooses to add the child to the AU's MAP determination the child must be added the first day of the new SAR payment period and adequate notice must be given. If the parent/caretaker relative declines to have the child aided at that time, a timely 10-day adequate NOA to discontinue the case must be issued. This notice should coincide with the end of the SAR payment period, unless the SAR 7 was late, or the parent/caretaker relative did not respond timely to the request to choose an option. If a 10-day notice cannot be given in time to stop the aid payment from going out, the case should discontinue as soon as a 10-day notice can be given and an overpayment established for any aid that was paid and the AU was not eligible to receive it (following overpayment establishment rules).

For AR/CO cases or SAR cases at the end of the second SAR period (annual redetermination), the conversation regarding options and choices will take place during the interactive interview. The same time frames would apply.

The only time a mid-period action may be taken is when the amount of child support received decreases or ceases for the SB 380 child and the parent/caretaker relative requests they be added to the AU mid-period. Follow existing CalWORKs rules to add other eligible children to the AU moving into the home or born into the family mid-period.

Miscellaneous

Question 26:

If an entire family applies for CalWORKs and also applies to opt a child into SB 380 (submits a SAWS 2 Plus and CW 52), can one denial NOA be sent or are two required?

Answer 26:

Two NOAs are required. One is needed for the CW 52 application request and one is needed for the CalWORKs application. These are two separate requests, therefore, they must be considered and dispositioned separately.

