

25. AU Composition

25.1 Definitions [EAS 80-301]

25.1.1 Alternatively Sentenced Parent (ASP)

An Alternatively Sentenced Parent (ASP) is a parent who is a convicted offender permitted to live at home while serving a court imposed sentence that precludes the parent from providing support through paid employment.

25.1.2 Applicant

The APPLICANT is a person who requests aid or on whose behalf a request for aid is made.

25.1.3 Applicant Child

Applicant child means a child for whom aid has been requested but whose eligibility has not yet been determined.

25.1.4 Assistance Unit (AU)

The AU is a group of related persons living in the same home who have been determined eligible for CalWORKs and for whom cash aid has been authorized.

25.1.5 Caretaker Relative

The CARETAKER RELATIVE is the individual who:

- Has the appropriate relatedness to the child, and
- Lives with the child who is part of the filing unit, and
- Exercises responsibility for the day to day care and control of the child.

For additional information refer to [\[Refer to “Chart of Relatives Who May Be Caretaker Relatives for Eligible Child,” page 25-7\]](#).

25.1.6 Household

A group of AU and non-AU members who are living in the home.

25.1.7 Filing Unit

Filing Unit is a group of persons required to be on the statement of facts. [Refer to “Completion of Intake Interview,” page 2-23] for a listing of persons who are in the filing unit.]

25.1.8 Half-Sibling

The HALF SIBLING is a brother or sister having only one biological and/or adoptive parent in common with the applicant child.

25.1.9 Mandatory Inclusion

MANDATORY INCLUSION is the requirement that a parent, sibling, or half-sibling be included in a filing unit or AU with the applicant or eligible child.

25.1.10 Non-AU Members

Non-AU members are persons in the CalWORKs family whose income is considered in the budget computation, when determining the “family” MAP. The needs of these persons and others, for whom they are financially responsible, may also be considered, depending upon why the individual is excluded from the AU. These persons are generally found in the stepparent unit, the senior parent unit, second parent of the unborn in a AU of One case, or the ineligible Non-Citizen parent unit. [Refer to “Senior Parent/Minor Parent,” page 21-1, “Stepparents,” page 22-1, and “Ineligible Noncitizen Parents,” page 23-1.] These individuals may also have been excluded from the AU by law.

25.1.11 Optional Person

An OPTIONAL PERSON is an otherwise eligible person who is not required to be included in the filing unit or the AU.

25.1.12 Otherwise Eligible

OTHERWISE ELIGIBLE is the status when a person has been determined to meet all eligibility requirements for aid, other than the eligibility factor being considered.

25.1.13 Parent

The PARENT is the biological parent, married or unmarried, of the child unless the child has been adopted or relinquished for adoption or the parental rights are terminated. If the child is adopted, the person who adopts the child is the parent. If the child is relinquished for adoption or the parental rights are terminated, that parent is no longer considered the parent except for the purpose of determining a caretaker relative.

25.1.14 Registered Domestic Partners (RDPs)

Registered Domestic Partners (RDPs) are individuals who have a registered declaration of domestic partnership with the California Secretary of State or is a member of a legal union formed in another jurisdiction. For CalWORKs purposes, these individuals are to be treated as Stepparents, if they are not the natural or adoptive parents of the children of their partner.

25.1.15 Reunification Parents

REUNIFICATION PARENTS are those parents who are eligible to continue to receive CalWORKs services on the basis that their child(ren) are considered temporarily absent when ALL of the following conditions are met:

- The child(ren) has been removed and placed in out-of-home care by the Department of Family and Children Services (DFCS), and
- When the child was removed, the family was receiving CalWORKs assistance, and
- DFCS has determined that CalWORKs services is necessary for reunification.

25.1.16 Same-Sex Spouses

On June 16, 2008 the ruling in the case *In re Marriage Cases* became final and stated that the California Constitution could not limit marriage only to opposite-sex couples. However on November 5, 2008 Proposition 8 took effect, which amends the constitution and states that “*only marriage between a man and woman is valid or recognized in California.*”

For CalWORKs purposes, all same sex spouses who where issued marriage licenses between June 16, 2008 and November 4, 2008 have the same rights and responsibilities as stepparents of the children of their partners. [Refer to “Stepparent,” page 25-4].]

25.1.17 Second Parent

The SECOND PARENT is the parent living in the home who is not the caretaker relative parent.

25.1.18 Senior Parent

The SENIOR PARENT is the parent of a:

- Minor parent when the minor parent applies for aid or receives aid for his/her child, or
- Minor pregnant woman.

25.1.19 Sibling

A SIBLING is a brother or sister of the applicant child who has both parents in common with the applicant child. This includes siblings by adoption. Half-siblings have only one parent in common, and step-siblings are related only by marriage.

25.1.20 Stepparent

The STEPPARENT is the person who is not the biological parent and who is married to the parent of the child.

25.1.21 Unrelated Adult Male (UAM)

An unrelated adult male (UAM) is a male who is 18 years old, or older, and not related by blood or marriage to any member of the AU or to the unaided unborn of an aided woman. [\[Refer to “Unrelated Adult Male \(UAM\),” page 20-1\]](#)

25.1.22 Unmarried Parent

An unmarried parent is a parent of a child included in the FBU who is not married to the child's other natural parent. [\[Refer to “Unmarried Father,” page 20-2\]](#)

25.1.23 Unwed Minor Parents

Aid shall be denied or discontinued to the unwed minor parent if he/she refuses to provide necessary information which can be verified regarding his or her parent's ability to support, or in lieu of such information, refuses to consent to having his/her parent's contacted for purposes of determining their ability to provide support for their child. Unwed parents who refuse to provide necessary information or to consent to parental contact may be eligible for Medi-Cal despite their refusal.

25.2 Eligible Child

An eligible child must meet the following requirements:

- Be age eligible, and
- Have deprivation, and
- Live in the home of a caretaker relative.

The home of the caretaker relative is a family setting maintained or in the process of being established for a child. A child is considered to be living in the home of a caretaker relative even when:

- The child is under the jurisdiction of the court and is living in the home of a relative (e.g., receiving probation services or protective supervision); or
- The child's legal custody is held by an agency that does not have physical possession of the child.

25.3 Caretaker Relative Requirements [EAS 82-808]

The caretaker relative **MUST** be related to the applicant or eligible child. The caretaker relative may be any relation by blood, marriage or adoption who is within the fifth degree of kinship to the applicant or eligible child.

The mandatory inclusion rules do not supersede the caretaker relative relationship requirement. The caretaker relative **MUST** have the acceptable degree of relatedness.

25.3.1 Biological Relatives

An acceptable caretaker relative is the:

- Parent (1st degree)
- Grandparent or sibling (2nd degree)
- Great grandparent, uncle or aunt, niece or nephew (3rd degree)
- Great-great grandparent, great uncle or aunt, or first cousin (4th degree)
- Great-great-great grandparent, great-great uncle or aunt, or first cousin, once removed (5th degree).



Example:

If Dick and Jane are first cousins, Jane's children are first cousins once removed to Dick, and Dick's children are first cousins once removed to Jane. Dick's and Jane's children are second cousins.

[Refer to “Second cousins are not within the 5th degree of kinship and therefore do not have appropriate caretaker relative status.,” page 25-6] of this section, for more information.]

**Note:**

Second cousins are not within the 5th degree of kinship and therefore do not have appropriate caretaker relative status.

25.4 Essential Person [EAS 44-209.3]

An essential person is a stepparent, a California domestic partner of the child’s parent, or ASP who is not an otherwise federally eligible person and who:

- Is related to a child determined to be federally eligible, or
- Is related to a child who is either receiving SSI/SSP or sanctioned by CWES who would otherwise be federally eligible.

[Refer to “Essential Person [EAS 44-209.3],” page 25-6]]

25.5 Optional Persons [EAS 82-828]

The following persons who are not otherwise required to be in the AU may be included upon the request of the applicant/recipient:

- Any non-parent relative who has been determined to be an appropriate caretaker relative.
- Any essential person, who meets the necessary requirements (e.g., the stepparent or ASP).
- Any other eligible children, including but not limited to a niece or nephew.

[Refer to “Optional Persons [EAS 82-828],” page 25-6]]

25.6 Chart of Relatives Who May Be Caretaker Relatives for Eligible Child



**Note:**

- All persons listed on this chart are shown in their relationship to the CalWORKs child. For example, persons listed as “first cousins” are first cousins to the CalWORKs child.
- The caretaker relative also includes the spouse or former spouse of all the relatives listed above.
- The caretaker relative also includes the adoptive parents and their relatives as listed above.
- The relationship must be clearly documented in the case record.

For a case where the child is a dependent of the court [[Refer to “Miller v. Youakim,” page 59-30.](#)]

25.6.1 Spouses of Relatives

An acceptable caretaker relative is the spouse of any person named above, even after the marriage has been terminated by death or dissolution.

25.6.2 Adoptive Relatives

An acceptable caretaker relative is a person who legally adopts the child, or that person's relatives, as specified above.

**Note:**

Once a child is adopted, the adoptive parents are legally responsible for that child's support. Therefore, if there is an absent parent deprivation the CW 2.1Q must be completed on the absent adoptive parent.

25.6.3 Relinquishment

When a child has been relinquished, adopted or parental rights are terminated, the caretaker relative is any of the relatives specified above.

This means that for a child who has been adopted, the caretaker relative relationship considers **both** the biological and adoptive relations.

25.6.4 Documentation

Document the case record with the relationship between the child and the caretaker relative.

If the relative is other than a parent, the relationship must be clearly documented. Relationship must be verified when possible. The recipient's signed statement is acceptable in the absence of other verification.

The "Caretaker Relative Documentation Chart" SC 1383 may be used to clearly establish the relationship. This should be completed by the EW during the interview and signed by the recipient to ensure it is correct. The SC 1383 is not a mandatory form for CalWORKs. It is an aid to help the EW establish and document the correct caretaker relationship.

Additional documentation is required for both time-eligible and time-expired refugees, if the caretaker is not a parent. See the back of SC 1383.

When the caretaker relatives relationship to each child is the same, only one SC 1383 is needed. For example, the caretaker relative is a maternal aunt to her niece and nephew, who are siblings. Only one SC 1383 is completed.

If the caretaker relative cares for two children and has a different relationship to each child, it may be necessary to complete two separate SC 1383s. For example, the caretaker relative is a maternal aunt for one child and a paternal cousin for the other child. The caretaker completes a separate SC 1383 for each child.

**Reminder:**

There are many ethnic groups who establish relative status by arrangement. The EW must ensure that the relationship between the child and the caretaker/relative is the legal or blood relationship.

25.6.5 Acceptable Evidence

The following evidence may be used to verify the relationship of a child to the caretaker relative:

- Adoption papers or records
- Baptismal records of birth and parentage
- Birth certificate
- Bureau of Vital Statistics or local government records of birth and parentage
- Census records
- Church records, including statements from priests, ministers, etc., of parentage or relationship
- Court records of parentage
- Court support records
- Day care center records
- Divorce papers
- Family Bible
- Hospital or public health records of birth and parentage
- Indian census records
- Insurance policy

- Juvenile court records
- Marriage licenses/records
- Outpatient care records maintained by a hospital, clinic, or physician
- Paternity records maintained by a Child Support Agency
- School records
- Voluntary social service agency records.

25.6.6 No Evidence

If all efforts to obtain other evidence have failed, the applicant/recipient may sign a “General Affidavit” (CSF 2) when:

- There is no conflicting evidence, and
- The attempts to obtain the required verification are in the case record, and
- There is documentation that the applicant/recipient and/or the EW are continuing to secure the required verification.

25.6.7 Conflicting Information

When evidence is conflicting, inconsistent, or incomplete, the investigation must be pursued to the point that the preponderance of evidence supports the determination regarding the applicant's eligibility.

As long as there is no conflicting evidence or information, there is no basis to deny aid to a child solely because the relationship to the caretaker has not been established by the Local Child Support Agency (LCSA).

When the caretaker relative is an UNDOCUMENTED NON-CITIZEN WITHOUT ANY IDENTIFICATION, or a non-parent (such as an aunt, uncle or grandmother), verify that this individual is, in fact, a qualifying relative.

When it is believed that there may be conflicting information or there is no supporting documentation, a paternity referral to our LCSA may be made if this situation would require a referral for paternity. The EW must note on the CW 371 what action is needed.

If there is nothing in the case record to link the caretaker and the child, a CSF 2 must be taken, and a copy forwarded to LCSA with the paternity referral.

When there is conflicting information, obtain sufficient information to support the determination of eligibility.

**Example:**

Mrs. Jones applies for CalWORKs as the paternal grandmother of Susan Smith. When the prior case record is reviewed it is noted on the birth certificate that her father is “unknown.” The paternal grandmother, Mrs. Smith, had previously received CalWORKs for Susan. The EW asks Mrs. Jones for verification and discovers that there is no relationship between Susan and Mrs. Jones, as Mrs. Jones' son and Susan's mother started dating after Susan was born. The application is then denied. Previous CalWORKs payments issued to Mrs. Jones are overpayment's.

**Example:**

A caretaker relative applies for CalWORKs on behalf of her niece. There is information in the previous case record that the relationship between the caretaker and the child is by arrangement only. (e.g., “Aunt” and child's parent were raised together as sisters but are not blood related. Even though the “aunt” and parent consider themselves sisters, they are not legally related.) This application cannot be approved until the caretaker can provide verification that she is legally the child's aunt. This would entail providing documents such as birth certificates, marriage and/or divorce papers, public health records, any other records of public information, church or school records, census records, etc.

25.7 Determining Caretaker Relative

25.7.1 Care and Control

Determine who the caretaker relative is by reviewing the actual circumstances in each case to determine who exercises care and control for a child. Possible factors to be considered in making this determination are which person:

- Decides where the child attends school.
- Deals with the school on educational decisions and problems.
- Controls participation in extracurricular and recreational activities.
- Arranges medical and dental care services.
- Claims the child as a tax dependent.
- Purchases and maintains the child's clothing.

Other similar factors may also be considered. A single action may not be determinative. All factors must be considered.

25.7.2 Convicted Offender Caretaker

A convicted offender who is serving a sentence while living at home and who is considered the absent parent may be the caretaker relative, if that individual otherwise meets the definition of caretaker relative. [Refer to “Caretaker Relative,” page 25-1].

25.7.3 Alternating Arrangements

When a child stays alternately for periods of one month or less with each of his/her parents who are separated or divorced, the following rules apply:

- The parent with whom the child stays for the majority of the time is the caretaker relative in most instances. The temporary absence of the parent or the child from the home does not affect this determination.
- The parent with whom the child stays for less than the majority of the time may be the caretaker relative, if that parent can establish that he/she has the majority of the responsibility for the care and control of the child.

25.7.4 Equal Amount of Time with Each Parent

When the child spends an equal amount of time with each parent and each parent exercises an equal share of care and control responsibilities, the parent who applies for aid is the caretaker relative, provided that the child's other parent is not currently applying for or receiving aid for the child.

25.7.5 Equal Responsibility

When each parent exercises an equal share of day-to-day care and control responsibilities, and each has applied for aid for the child, the caretaker relative is determined in the following order:

- The parent designated in a current court order as the primary caretaker for purposes of public assistance, under Civil Code Section 4600.5(h) which states:

“In making an order of joint physical custody or joint legal custody, the court may specify one parent as the primary caretaker of the child and one home as the primary home of the child, for the purposes of determining eligibility for public assistance.”
- When no court order designation exists and only one parent would be eligible for aid, the parent who would be eligible is the caretaker relative.
- When both parents would be eligible the parents must designate one parent as the caretaker relative. The agreement must be documented on the “Caretaker Parent Agreement” (CW 13). One copy is scanned in the case record and one copy given to each parent.

If the parents cannot reach agreement on the designation of a caretaker relative, the parent who first applied for aid for the child is the caretaker relative.

The parent who has been determined to be the caretaker relative of a child who stays with the other parent for alternating periods of one month or less remains the caretaker relative during the period when the child is with the other parent.

25.7.6 Alternating Periods of One Full Calendar Month or More [EAS 82-808.42]

When the child stays alternately for periods of one full calendar month or more with different persons who are not living together, the caretaker relative is the person with whom the child is staying at the time. The child is not considered temporarily absent from the home of the caretaker who does not have the child.



Example:

The parents do not live together and share custody of their child. There is absent parent deprivation. The child stays three months with the father and then three months with the mother. Either parent could apply for aid for the child. In this situation, the father is employed full time and is not needy. The mother, who is needy, may apply for aid as of the date the child begins to stay with her.

25.8 Number of Caretaker Relatives

An AU may have more than one caretaker relative. However, an eligible child has only one caretaker relative at a time.



Example:

A family consists of a mother, her three children and the child of her oldest child (the grandchild). The AU contains all five persons, with both the mother and the minor parent being caretaker relatives. Each caretaker relative is responsible for different persons.

25.8.1 Minor Parent/Caretaker Relative

A child who is a caretaker relative is not considered a child to establish eligibility for a senior parent.

**Example:**

A minor mother and her child live with the senior mother. The minor mother cannot be considered a child in her mother's AU. If the senior mother is the caretaker relative for both the minor mother and the minor mother's child, then they would all be in the same AU, with both the minor mother and her child being considered children. If the minor mother is the caretaker relative of her own child, then only the minor mother and her child are aided.

25.9 Drug Felon

Effective April 1, 2015, Assembly Bill (AB) 1468 repeals the existing prohibition from receipt of CalWORKs benefits for individuals convicted in state or federal court after December 31, 1997, of a drug related felony. AB 1468 enacts statutory changes to the CalWORKs program by amending Welfare and Institutions (W&I) Code Section 11251.3 to state that an individual with a prior felony drug conviction shall be eligible for CalWORKs benefits, so long as the individual is compliant with the terms of his or her probation or parole, if applicable, including participation in a government recognized drug treatment program, if required.

25.9.1 Child Support Requirements and Collections

As of April 1, 2015, these cases are subject to child support requirements and must be referred for child support services and collection. As a condition of eligibility, the parent/caretaker relative must agree to assign support rights to the state, or be sanctioned, in order to avoid the 25 percent child support penalty. The adult is also be required to cooperate with the LCSA in determining paternity for the aided children and doing whatever is required by the LCSA to cooperate with child support enforcement, unless good cause is found.

25.10 Temporary Absence [EAS 82-812; 82-812.6]

Any member of an AU may be considered temporarily absent when absent from the home for one full calendar month or less. A child is considered to be living in the home of a caretaker relative even though the child and/or the caretaker relative is temporarily absent from the home. The basis for the temporary absence must be documented.

25.10.1 One Full Calendar Month [82-812.51]

One full calendar month is from the first of the month through the last day of the month. If the individual has been absent for the entire month of February, but less than 30 days, the calendar month is not completed until the individual has been absent for 30 days.

**Example:**

In a non-leap year an individual temporarily leaves the home on February 1. The individual is not considered permanently absent until March 3, after 30 days away from the home.

**Example:**

On February 2nd, a member of the AU leaves the home to visit an uncle in Nevada and returns on March 16th. The person was not gone for one full calendar month and would be considered temporarily absent.

**Example:**

On April 16th, a member of the AU leaves home because of a death in the family. The person does not return until June 3rd. The person was gone more than one full calendar month and was not eligible for aid as of June 1st.

**Example:**

A single parent gives birth to a premature infant and the child is expected to remain hospitalized at Valley Medical Center for more than 30 days. The infant is eligible to be added to the AU (if all other eligibility conditions are met) the 1st of the month following the date of birth in which the mother received the pregnancy special need. The child would be in the AU for 2 full calendar months and then would be discontinued. If the child is in a private hospital, temporary absence may continue with no time limit and that child would continue to be aided if otherwise eligible.

25.10.2 Care and Control

For the child to be considered temporarily absent, the caretaker relative must continue to exercise responsibility for the care and control of the child. [Refer to “Care and Control,” page 25-11]

25.10.3 Determination of Temporary Absence [EAS 82-812]

The following factors must be considered when determining temporary absence status:

- Actual Situation - The actual family circumstances, even if they may be inconsistent with a court order.
- Decision Making - If the caretaker relative is involved in making the major and minor decisions regarding the child.

- Ability to Return - If the person has the ability to return to the home, or the caretaker relative has the ability to require the return of the child to the home.
- Intent to Return - If the person intends to return to the home.
- Paying Costs - If the person is contributing to the costs of the child's needs.

Permanent Absence

Temporary absence does NOT exist when a person is considered permanently absent. Permanent absence includes, but is not limited to when the person:

- Is not in the home because of a factor which would result in continued absence. For example, a mother calls and reports that her 17 year old son has left and she does not know where he is.
- Is an inmate in an institution on the first of the month and is expected to remain for one full calendar month or more. This applies to both children and adults. An inmate cannot leave the facility based upon their own decision. An example of this is a parent who has been incarcerated at Elmwood.

25.10.4 Exceptions To Temporary Absence Time Limit [82-812.63]

Exceptions to the one full calendar month time limitation for temporary absence (after considering the determining factors in 25.8.3) may include, but is not limited to, the following:

Manual of Policies and Procedures (MPPs) 82-812	
Hospitalization	Any member in the AU that is hospitalized shall be considered temporarily absent for the duration of the hospital stay. For the purpose of this exception, hospitalization includes a stay in a medical hospital, psychiatric care facility, or drug and/or alcohol rehabilitation treatment facility.
Employment	A person absent from the home due to employment may be considered temporarily absent for the duration of the employment/job activity. This includes Military Duty.
Attend Educational or Vocational Training School	A person absent from the home due to attendance at an <ul style="list-style-type: none"> • institution of higher learning, • educational school leading to high school diploma or equivalent, or • vocational school leading to employment, may be considered temporarily absent for the duration of the schooling or training when there is no educational or vocational school within the vicinity of the person's home that provides education or vocational training.

Manual of Policies and Procedures (MPPs) 82-812	
Child With Special Needs	<p>A child who attends a school which meets the special needs of the child shall be considered temporarily absent for the duration of the schooling when:</p> <ul style="list-style-type: none"> • The child has a current Individualized Education Plan (IEP) and no school that meets the child’s needs, as described in the IEP, is located close enough to the child’s home that the child can continue to live at home while attending school.
Child In A Group Home	<p>A child who is in a licensed group home due to a crisis situation (i.e. hospitalization or incapacity of the parent, parents receiving respite services to maintain family stability, etc.) shall be considered temporarily absent for the duration of the crisis when:</p> <ul style="list-style-type: none"> • The licensed group home does not receive AFDC-FC for the child, and • The caretaker continues to have care and control concerning any major health and welfare decisions. <p>Example:</p> <p>A child is in a group home from Monday - Friday and resides with the Mother on weekends. The group home does not receive AFDC-FC for the child. The Mother is consulted concerning any emergency situations, all health and welfare decisions, and continues to have care and continues to exert care and control of the child. In this situation the Mother remains the caretaker relative of the child.</p>
Disaster	<p>A recipient of aid may be out of state for more than 60 days when a displacement is due to a disaster that has been declared by the Governor or the President of the United States.</p>

25.11 Persons Included in AU [EAS 82-820]

An AU shall have at least:

- One eligible child, or
- A needy caretaker relative of an otherwise eligible: SSI/SSP child, or a child who is eligible to receive federal Foster Care (Aid Code 42), or
- A needy caretaker relative who is the court-appointed legal guardian of a Kin-GAP child (Aid Code 4F or 4G), or
- A pregnant woman, or
- A relative of a child who is sanctioned by Employment Services.

An AU is established when all eligibility factors have been met and aid has been authorized.

**Reminder:**

Only one needy caretaker relative, who is not the parent of the eligible child, can be aided. For example: if the grandmother is the needy caretaker relative of her grandchild, she and the grandchild will be in the Filing Unit and the AU. The grandfather is not included. If he is the needy caretaker relative for other eligible children who are non-siblings, then the AUs are combined for payment.

25.11.1 Mandatory Inclusion

The AU includes the following persons, when they are living in the same home and eligible at the time of initial family application or at the beginning of the SAR Payment Period following the mandatory reporting of the individual on the SAR 7:

- The applicant child.
- Any eligible sibling or half-sibling of the applicant child who meets the age requirement.
- Any parent of the applicant child or the applicant child's siblings or half-siblings with deprivation who meet the age requirement, except for the alternatively sentenced parent (ASP).

**Reminder:**

The mandatory inclusion rules do not supersede the caretaker relative relationship requirement. For example, an application is made for two half-siblings (they have the same father but different mothers). The caretaker is the mother of the oldest child, but since she did not marry the father of the youngest child, she has no relationship to that child. CalWORKs eligibility could only be established for the mother and her separate child.

25.11.2 Determination

Determine who in the CalWORKs “family” is mandated to be included and excluded from the AU. The EW and the applicant/recipient must determine whether or not an optional person is to be included in the AU.

25.11.3 Failure to Include a Mandatory Individual

Deny the CalWORKs application or discontinue the recipient case at the end of the current payment period when the caretaker relative or the individual to be added to the AU is a mandatory AU member but refuses to be included in the AU, or fails to complete appropriate forms or provide verification.

25.12 Combining Assistance Units [EAS 82-824]

Two or more AUs in the same home must be combined into one AU when:

- A caretaker relative is married to another caretaker relative in another AU, or
- There is only one caretaker relative, or
- Two caretaker relatives in the home have separate children and also have an eligible child in common.



Note:

An eligible child in common is a child who meets all linking and non-linking eligibility factors (i.e., deprivation, age, residence, property, etc.) and who is not excluded by law.

25.13 Determining Optional Persons

25.13.1 Identification

Identify for the applicant or recipient any person living in the home who may be included in the AU. This must be done at the time of application, redetermination, or at any other time when the EW is informed of a change in the number of persons living in the home.

25.13.2 Explanation

Explain to the applicant/recipient the effect of including or excluding the optional person. This explanation must include a description of the AU composition which results in the maximum aid to which the family is eligible, considering the income and resources of each person who may be included.

The applicant or recipient must decide if optional person is to be included. Thoroughly document the case record concerning the explanation and the decision of the recipient.

25.14 Persons Excluded By Law [EAS 82-832.1]

Persons excluded by law are INELIGIBLE for CalWORKs. The following persons are excluded from the AU by law:

Individual	Definition
Child in receipt of Foster Care (FC) or Kin-GAP Child	Is a child living with his/her minor or non-minor dependent parent who is in receipt AFDC-FC or Kin-GAP.
Citizenship/Alienage	Does not meet the citizenship/alien status requirements.
Second Parent of Unborn	Is an unborn child's second parent who is living in the home with the pregnant woman and who is: - Not the parent or caretaker relative of an eligible child, or -Not an essential person.
Other Aided Individual	Persons who are in receipt of SSI/SSP, Refugee Repatriate Payment (RRP), Kin-GAP or FC.
Sponsored Non-citizen	Is a sponsored non-citizen whose needs are being met by a sponsor's deemed income.
Spouse of Eligible Child	Is a spouse of an eligible child, living with the child in the senior parent's home, when there is no child in common for whom deprivation exists.
Refugee Eligible for Alternative Project	Is a refugee who is eligible for and required to participate in an alternative project implemented pursuant to Section 412(e)(7) of the federal Immigration and Nationality Act 8 USC 1522(e)(7).
Fleeing Felon	Is fleeing to avoid prosecution, or custody or confinement after conviction for a crime or attempt to commit a crime that is a felony. The existence of a warrant for arrest shall be presumed to be evidence of fleeing, unless rebutted by other evidence sufficient to prove that the individual had no knowledge that he/she is being sought by law enforcement.
Violation of Probation or Parole	Is in violation of a condition of probation or parole. Th initial offense for which probation or parole was ordered does not have to be a felony.
Non-minor dependent	Is a non-minor dependent. Non-minor dependent shall constitute an AU of one and as such shall be excluded from the AU of a needy or non-needy caretaker relative for CalWORKs purposes.

25.15 Sanctioned Persons [EAS 82-832.2]

The following persons are excluded from the AU due to a sanction:

Type	Definition
Child/Spousal Support	A parent, pregnant woman, or caretaker relative who refuses to assign support rights.

Type	Definition
Citizenship	A person who fails to cooperate in the verification of his/her citizenship or alien status.
IPV	An applicant or recipient who has been disqualified for a specific amount of time for committing an Intentional Program Violation (IPV) prior to July 1, 1998.
Welfare-to-Work	A non-exempt welfare-to-work participant who fails or refuses without good cause to meet program requirements, and - When the participant is a principal earner, the second parent is also ineligible unless he/she is participating in welfare-to-work activities.
Social Security Number	An applicant or recipient; or a child whose parent, caretaker relative, or legal guardian who: -Refuses or fails to furnish an SSN or evidence of a completed application for a SSN, or - Refuses or fails to cooperate in verifying an SSN.
Striking	A striker who is not a caretaker relative.



Reminder:

Sanctioned individuals do not have their needs considered in the CalWORKs AU MAP.

25.16 Ineligibility for Entire AU

25.16.1 Strike Status

The entire AU is ineligible for CalWORKs when a federally eligible natural or adoptive parent or pregnant woman (AU of 1) living in the home participates in a strike on the last day of the month.

- If it is a combined family, only the striking or U-Parent, his or her children and persons whose eligibility depends upon them, are ineligible.
- A person currently on strike will be anticipated to be on strike on the last day of the month unless information to the contrary is provided by the recipient.
- The family is ineligible for any month in which the parent participates in a strike on the last day of the month.

- If the parent is anticipated to be on strike on the last day of the month and aid is discontinued, the EW shall rescind the discontinuance if the parent stops the strike action before the last day of the month.

25.16.2 Transfer of Property at Less than Fair Market Value

The entire family is ineligible for CalWORKs when the family is in a period of ineligibility due to the transfer of property at less than fair market value. [Refer to “[Transfer of Property \[EAS 42-221\]](#),” page 14-10.]

25.17 Determination of AU, by Step

Take the following steps in determining who is in an eligible AU:

STEP	ACTION
1.	Determine who is the basis for the CalWORKs AU.
2.	Determine who is mandated to be included in the AU.
3.	Determine who is considered a non-AU member.
4.	Determine if the whole family is ineligible.
5.	Determine which optional persons may choose to be included in the AU.
6.	Determine if there are persons who must be excluded either by law, due to a sanction, or who are penalized.
7.	Determine eligibility and the grant level for the AU.



Reminder:

Whenever a mandatory AU member is excluded from the AU (whether by law or for cause) that individual must be listed in CalWIN so the individual will be included in the IEVS process.

25.18 Needy Caretaker Relative

25.18.1 General

A needy caretaker relative may apply for and receive CalWORKs, if otherwise eligible, in a adult only AU of one, when the child on whom deprivation is based:

- Is an otherwise eligible SSI/SSP child (*Zapata* case), or
- Is eligible to receive federal Foster Care benefits,
- Is eligible to receive Kin-GAP benefits and the caretaker relative is the court appointed legal guardian of the child (Aid Code 4F or 4G).

25.18.2 Examples



Example:

The grandmother of an SSI/SSP child whose parent's are absent, applies for CalWORKs as a needy caretaker relative. If the grandmother meets all the CalWORKs eligibility conditions, she can receive CalWORKs for herself only.



Example:

The household consists of a mother who has no income, her two children who receive \$750 in child support, and her niece who receives Foster Care. If the aunt meets all the CalWORKs eligibility conditions, she can receive CalWORKs for herself only, based upon the deprivation of the niece receiving federal Foster Care.



Example:

The household consists of a grandfather who receives retirement income, a grandmother who has no income, and their grandson who receives Kin-GAP (Aid Code 4F). The grandmother states that she is the court appointed legal guardian relative caregiver of the grandson. The EW must determine her CalWORKs eligibility, remembering that the grandfather's income cannot be counted unless he makes it available to her either in cash or through income-in-kind.

25.19 Non-Needy Caretaker Relatives

25.19.1 SC 345

When the caretaker is a non-needy relative and is not in the AU, it is important to determine if the caretaker makes any contribution to the child. The caretaker must complete the “Non-needy Relative Statement” (SC 345) at application or when there is a change in caretaker relatives. A new SC 345 is not required at RD unless there is a change.

25.19.2 *Miller v. Youakim*

Miller v. Youakim is a court order that requires that a child placed with an approved relative caregiver, who is not financially responsible, be considered for either CalWORKs or Federal Foster Care. The child must meet the eligibility requirements and be placed by a court order. Once this has occurred, the relative is offered a choice and must choose either Federal Foster Care or CalWORKs.



Note:

Approved relative caregivers are not eligible to State Only Foster Care.

Ineligible to *Miller vs. Youakim*

In the following situations, the caretaker relative is not eligible to Foster Care and therefore does not have the option of choosing between Foster Care or CalWORKs:

- The child does not meet Federal Foster Care eligibility requirements.
- The child/infant lives with a minor parent who is a Foster Care recipient.
- The parents or relative, from whom the child was removed, lives in the same home where the child is placed.

If the child is not eligible for federal Foster Care the approved relative caregiver may apply for benefits through either the Approved Relative Caregiver (ARC) program or CalWORKs.

25.19.3 CW 2219 and CW 2218

If the approved relative caregiver chooses to apply for CalWORKs benefits on behalf of the child, they must complete the CW 2219 (Application for CalWORKs - Non-Needy Caretaker Relative With Relative Foster Child) and CW 2218 (Rights, Responsibilities and Other Important Information for the CalWORKs Program - Non-Needy Caretaker Relative With Relative Foster Child). A separate application is required for each child for whom the non-needy relative caretaker is applying.

The CW 2218 (Rights and Responsibilities) is specific to non-needy caretaker relatives. Although a separate CW 2219 is required for each child, one CW 2218 may be completed if the non-needy caretaker relative is applying for several relative foster children at the same time.

25.20 Approved Relative Caregiver (ARC) Funding Option Program

The Approved Relative Caregiver (ARC) program establishes that the amount paid for a non-federally eligible child is equal to the basic foster care rate. The ARC program changes the denial process for

relatives who would be referred to CalWORKs after a federal foster care determination has been denied (see *Miller vs. Youakim* above).

The Department of Family and Children Services (DFCS) is required to provide a “Statement of Facts Supporting Eligibility For the Approved Caregiver (ARC) Funding Option Program” (ARC 1) to all relative caregivers at initial placement. Clients who choose to apply for ARC benefits will return the application to the FC bureau for processing.

ARC Case Processing

ARC applications from Non-Needy Caretaker Relatives (NNCR) will be processed and maintained by the Foster Care Bureau. All CalWORKs applications for Needy Caretaker Relatives (NCR) will be forwarded to District Office for case processing.

If the Approved Relative Caregiver is a . .	Then Foster Care Eligibility will...
Non-Needy Caretaker Relative,	Process the application for the ARC eligible child.
Needy Caretaker Relative (NCR) and wants to apply for CalWORKs benefits,	<ul style="list-style-type: none"> • Process the application for the ARC eligible child. • Provide the NCR with a SAWS 2 Plus, • Refer the NCR to District Office to complete the CalWORKS application process.

District Office Staff will follow the existing business process for file clearance and application registration for NCR CWs applications.

The following process must be used when an approved caretaker relative requests to apply for CalWORKs:

STAGE	WHO	ACTION						
1.	Client Services Technician (CST)	<ul style="list-style-type: none"> • Receives SAWS 2 Plus stamped with ARC in upper right hand corner. • Follows existing application registration procedures. <p>Note: NCR with no children other than the ARC eligible child shall be processed according to CWs BEnDS 15-11.</p>						
2.	Intake Eligibility Worker	<ul style="list-style-type: none"> • Will follow existing intake interview process. 						
		<table border="1"> <thead> <tr> <th>If...</th> <th>Then</th> </tr> </thead> <tbody> <tr> <td>Not eligible for Cal-WORKs,</td> <td> <ul style="list-style-type: none"> • Deny CalWORKs application • Refer client back to Foster Care EW. </td> </tr> <tr> <td>Eligible for Cal-WORKs,</td> <td> <ul style="list-style-type: none"> • Approve and authorize CalWORKs application. • Email Foster Care EW to inform of case disposition. • Transfer case to designated Continuing EW following existing business procedures. </td> </tr> </tbody> </table>	If...	Then	Not eligible for Cal-WORKs,	<ul style="list-style-type: none"> • Deny CalWORKs application • Refer client back to Foster Care EW. 	Eligible for Cal-WORKs,	<ul style="list-style-type: none"> • Approve and authorize CalWORKs application. • Email Foster Care EW to inform of case disposition. • Transfer case to designated Continuing EW following existing business procedures.
		If...	Then					
Not eligible for Cal-WORKs,	<ul style="list-style-type: none"> • Deny CalWORKs application • Refer client back to Foster Care EW. 							
Eligible for Cal-WORKs,	<ul style="list-style-type: none"> • Approve and authorize CalWORKs application. • Email Foster Care EW to inform of case disposition. • Transfer case to designated Continuing EW following existing business procedures. 							
3.	Designated Continuing ARC EW	<ul style="list-style-type: none"> • Receives NCR case. • Follows existing ongoing case maintenance procedures. 						

25.21 Assistance Unit of One [EAS 82-836]

When a pregnant woman has no other children, an AU of One may be established for the pregnant woman if:

- Federal deprivation for the unborn is established, and
- Medical verification of pregnancy is provided, and
- The woman is in the second trimester of her pregnancy, and
- The woman could not be included in another AU.

Deprivation for the unborn child must be determined using the same criteria for all CalWORKs applications. Deprivation on a AU of One application is the lack of parental support for the unborn due to one of the following:

- Deceased parent
- Absent parent
- Disabled parent (if the second parent of the unborn is in the home)
- Unemployed Principal Earner (if the second parent of the unborn is in the home) worked less than 100 hours in the 28 days preceding the application and is not expected to work more than 100 hours. The Principal Earner is the parent who received the most earned income in the two years ending with the month before the month of application.

When deprivation does not exist, the application must be denied. The income of the second parent is considered when determining financial eligibility.

Anytime the second parent leaves the home or returns during the pregnancy, deprivation must be established as if the unborn were a child.

25.21.1 Second Trimester

The second trimester of a pregnancy is defined as the beginning of the fourth month to the end of the sixth month.

25.21.2 “Family”

The “family” consists of the pregnant woman and the second parent of the unborn if in the home.

If the second parent of the unborn is in the home:

- The second parent will be considered an excluded AU member until the baby is born.

- If the second parent has income, both the income and the needs of the second parent will be included in the Family MAP determination for the CalWORKs grant. The actual grant for the AU of One will be the lesser of either the Family Grant or AU Grant.



Example:

The second parent of the unborn is in the home with the pregnant woman at application. The second parent is the Principal Earner and unemployed receiving \$250.00 per month in UIB.

Family MAP Determination

Family Grant	AU Grant
Family Size: 2	Family Size: 1
\$696	\$550
+ 47	+ 47
743	597
-250	-250
\$493	347

The grant for the AU of One is \$347.

25.21.3 Medical Verification

Medical verification is a written statement from a physician, physician's assistant, state certified nurse midwife, nurse practitioner or assigned medical or clinic personnel with access to the patient's medical record, that provides information sufficient to substantiate the diagnosis and the estimated due date. The due date is also known as the estimated date of confinement (EDC).

25.21.4 Pregnant Woman in an Existing AU

A pregnant woman AU of One cannot be established for an eligible child in an existing AU. For example, a pregnant 17-year-old living with her parents who are already receiving CalWORKs for other children, is an eligible child in her parents' case. Therefore, she CANNOT be aided in an AU of One.

25.21.5 Cal Learn Teen AU of One

A pregnant Cal Learn teen with no other children in an AU of One is federally eligible for CalWORKs during her full pregnancy. She:

- Receives the Cal Learn Pregnancy Special Need for the entire length of her pregnancy.
- Will usually be paid as a “Non-Exempt” AU.



Note:

If a pregnant Cal Learn teen in an AU of One receives her high school diploma (or the equivalent) or turns age 19 and is not yet in her second trimester, she loses her CalWORKs eligibility until she enters her second trimester.

25.21.6 Child Born Later Than Expected

If the child is born in a month later than expected, there is no change needed in the claiming. The pregnant mother remains federally eligible even though a late birth could result in claiming five months as federal. Birth of the Child

When the child is born, the following steps must be taken:

STEP	ACTION
1.	<ul style="list-style-type: none"> • Determine if both the newborn and the second parent will be added at the same time or at separate times. • When adding the newborn results in an increase to the grant amount, the newborn will be added the first of the month after the birth is reported and all conditions of eligibility have been met. If the mother has been receiving a Pregnancy Special Need (PSN) payment: <ul style="list-style-type: none"> • Discontinue the PSN at the end of the month the birth is REPORTED, and • Add the newborn to the AU the first month AFTER the PSN has ended. • When adding the newborn results in a decrease to the grant amount, the newborn will be added the first day of the next SAR Payment Period and after all conditions of eligibility have been met. If the mother has been receiving a Pregnancy Special Need (PSN) payment: <ul style="list-style-type: none"> • Discontinue the PSN at the end of the SAR payment period, and • Add the newborn to the AU the first month after the payment period • When adding the second parent results in an increase to the grant amount, the second parent will be added the first of the month after the birth is reported and all conditions of eligibility have been met. • When adding the second parent results in a decrease to the grant amount, the second parent will be added the first day of the next SAR Payment Period and after all conditions of eligibility have been met. • Secure the appropriate Statement of Facts to add the newborn and the second parent (if in the home) to the AU. • Use a CW 8 if the second parent was included on the SAWS 1 and the SAWS 2 when the mother applied for aid. • Use a CW 8A if only adding the newborn child. • Use a SAWS 2 if adding both newborn and the second parent and if the second parent was not in the home during the pregnancy. • All eligibility requirements must be established. <p>Note:</p> <p>Anytime the second parent leaves the home or returns during the pregnancy, deprivation must be established as if the unborn were a child.</p>

STEP	ACTION
2.	Secure the verification of the birth of the child.
3.	Advise the mother that she must apply for a Social Security Number for the newborn, if she hasn't done so previously. [Refer to "Eligible Child," page 25-5] for information on Social Security Number applications for newborns.]
4.	Send a timely Notice of Action to discontinue the pregnancy special need the month before the newborn is to be added to the AU.
5.	If all other eligibility conditions have been met and verified, and the AU reported the birth timely, but no later than on the next SAR 7 subsequent to the birth, the newborn and second parent are entitled to cash-linked Medi-Cal effective the month of birth.

25.21.7 Death of an Unborn Child

In a Pregnant Woman Only (PWO) AU, the unborn child is not considered a needy AU member nor a child in the AU. In the event of a loss of pregnancy, the PWO is under no obligation to report the loss mid-period. If the PWO does make a voluntary mid-period report, action will not be taken to discontinue the case until the end of the SAR payment period.

[Refer to "Voluntary Mid-Period Recipient Reporting for Semi-Annual Reporting," page 9-21]]

25.21.8 Death Of A Child At Application

Use the following chart to aid with the application processing at Intake when the applicants reports that a CalWORKs applicant child has died.

If the AU has...	Then the application is...
One eligible Child,	Denied for linkage due to having no eligible child in the home.
Multiple eligible children in the AU,	Processed for the remaining eligible children in the AU removing the deceased child.

25.22 Pregnant Woman in an AU with Another Eligible Child, or Otherwise Eligible SSI/SSP Child

25.22.1 AU Composition

When aid is paid on the basis of another eligible child or otherwise eligible SSI child, this is not considered an AU of One. It is NOT necessary to establish deprivation for the unborn.

The AU is set up based on the child for whom aid has been requested without consideration of the pregnancy.

25.22.2 Eligibility

Effective July 1, 2000, an otherwise eligible pregnant woman with one or more needy children is eligible for the pregnancy special need (PSN) payment:

- Whether or not there is deprivation for the unborn,
- From the first of the month in which the request for the PSN is received, if medical verification of the pregnancy is subsequently provided, and
- Continues for the duration of the pregnancy.

This includes a pregnant needy caretaker relative in an adult only, AU-of-One when the child, on whom deprivation is based, is an otherwise eligible SSI/SSP child, Foster Care child, or a Kin-GAP child. [Chapter 25.18.1]

25.22.3 Adding Newborn to AU

When the child is born and there are other eligible children in the AU:

- A CW 8/CW 8A is required to establish eligibility for the newborn. Deprivation must be established, conditions of eligibility met and appropriate referrals made.
- A SAWS 2 is required if the father of the newborn is being added at the same time. This occurs if the father of the newborn is not the father of any of the other eligible child(ren) or has just returned to the home.

If there is no deprivation for the newborn, the CW 8/CW 8A/SAWS 2 is not necessary. This newborn is an ineligible child and cannot be included in the AU in this situation. It must be determined if:

- The newborn is a non-AU member,
- The father is a non-AU member, and
- Their income and needs must be considered.

If newborn and father are ineligible, the pregnancy special need must be discontinued at the end of the payment period in which the birth occurred, with a timely notice of action.

25.23 Non-Minor Dependents

Non-Minor Dependents (NMD) are eligible to receive CalWORKs benefits up to the age of 21 if they are:

- Current dependent children or wards of the juvenile court who are 18, but less than 21 years of age,
- In Foster Care under the responsibility of the county Social Services Agency or the Probation Department, and
- Participating in a transitional independent living case plan.

Eligible youth include those who:

- Turn 18 in 2011 and are in Foster Care dependency on January 1, 2012, or
- Turn 18 in 2012 or later and are in Foster Care dependency on January 1, 2012, or
- Turn 19 prior to January 1, 2013, or
- Are ineligible for either federal or state only Foster Care payments, but receive CalWORKs.

Ineligible youth include those who:

- Have turned 18 and terminated court dependency before January 1, 2012
- Are married
- Are in the military
- Are incarcerated
- Are in a non-related legal guardianship through the probate court.

25.23.1 Eligibility Requirements

NMDs are eligible for extended CalWORKs as long as he/she meets **one** of the following conditions:

- Enrolled in and working towards completing high school or an equivalency program,
- Enrolled at least half-time in post-secondary or vocational school, or enrolling for the next available term,

- Participating in a program or activity that promotes or removes barriers to employment,
- Employed at least 80 hours per month, or
- Is incapable of enrollment or participation in school or employment due to a documented medical (physical, mental or emotional) condition.

25.23.2 Program Requirements

Program requirements for the NMD are managed by the children's Department of Families and Children Services (DFCS) case manager. The case manager will provide the documentation needed to establish eligibility. At no time is a face-to-face interview required for CalWORKs purposes. However, the DFCS case manager is required to visit the NMD on a monthly basis.

25.23.3 CalWORKs Eligibility

Once extended CalWORKs eligibility for the NMD is established the NMD must be assigned a new case number, aid code 4N and placed in his/her own Assistance Unit (AU).

In order to remain eligible for extended CalWORKs benefits the NMD must be living with an approved caregiver relative (needy or non-needy), and not eligible for federal or state Foster Care payments.

Individuals who are already in a CalWORKs case with their caretaker relative, may be discontinued from that case and set up on their own extended CalWORKs case. This would be considered a mid-period county initiated action and therefore, the grant may be reduced mid-period with a timely and adequate NOA.

A Caretaker relative may receive CalWORKs if there is another eligible child living in the home or the caretaker relative is a pregnant woman in her 2nd trimester of pregnancy. If the NMD is the only "eligible child", the caretaker relative is not eligible for CalWORKs.

A 18 year old foster youth has the option of receiving an extended CalWORKs payment if eligible as a NMD, or may choose to remain in the "regular" CalWORKs program if they are expected to graduate before turning age 19.

Statewide Fingerprint Imaging System (SFIS)

Effective January 1, 2013, SFIS requirements no longer apply to NMDs. NMDs must no longer be fingerprinted or photo imaged as a condition of eligibility.

Out of County

When a NMD moves to another county, the original county of jurisdiction retains payment responsibility for the NMD. The NMD must continue to live with the caretaker relative in order to maintain eligibility for extended CalWORKs benefits. However, if the caretaker relative is aided with other children on

CalWORKs, their case must be transferred to the other county following Inter-County Transfer (ICT) rules.

The county in which the NMD is living may be designated the county of residence when the NMD has had a continuous physical presence in the county for one year as a NMD, and expresses his or her intent to remain in that county. Since the county of jurisdiction retains payment responsibility for NMDs, an ICT may be necessary if the NMD has been receiving aid from a county other than the county of responsibility.

Out-of-State

NMDs placed in approved homes of relatives residing out-of-state will be eligible for extended CalWORKs benefits. This may occur if (1), the NMD is placed with an approved relative in another state, or (2), the approved relative the NMD is currently placed with moves to another state. The Social Worker will provide documentation of eligibility via the "Six-Month Certification of Extended Foster Care Participation (SOC 161) and the "Mutual Agreement for extended Foster Care (SOC 162) to the CalWORKs eligibility worker (EW), who will then issue the CalWORKs payment.

Non-Minor Dependant (NMD)

The NMD has the option to establish a CalWORKs case and receive benefits for both him/herself and his/her eligible child.

Child Support and NMD's

A NMD is not considered a parent for the purposes of child support referrals. A NMD who resides with his/her child in Foster Care is not liable for child support and will not be referred to the local child support agency for the collection or enforcement of child support. Child support will also not be collected if the NMD is the non-custodial parent.

25.23.4 Out of County

When a NMD moves to another county, the original county of jurisdiction retains payment responsibility for the NMD. The NMD must continue to live with the caretaker relative in order to maintain eligibility for extended CalWORKs benefits. However, if the caretaker relative is aided with other children on CalWORKs, their case must be transferred to the other county following Inter-County Transfer rules.

