

## 48. Maximum Family Grant (MFG) (Obsolete)

Effective January 1, 2017, due to the enactment of Assembly Bill (AB) 1603, no child will be denied aid because he/she was born into a family that received cash aid continuously for ten months immediately prior to their birth. This rule applies to children currently designated as MFG and future children born to the AU.

This change will not be applied retroactively. The number of needy persons in a family shall not include the needs of a child subject to the MFG rule until January 1, 2017.

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### 48.1 Rule

As of September 1, 1997, for purposes of determining the Maximum Aid Payment (MAP), the number of persons in the AU will not include any child born into a family that has received CalWORKs continuously for ten months immediately prior to the child's birth.

The MFG rule:

- Applies when the AU has received written notification of the MFG rule at least ten months prior to the birth of the child.
- Applies whenever aid is requested for a child born on or after September 1, 1997, and the child is living in the home with either parent.
- Continues to apply until the family has not received CalWORKs for at least 24 consecutive months.

The MFG child is considered eligible for, and a recipient, of CalWORKs. However, the family's MAP is not increased. The child is included in the Maximum Basic Standard of Care (MBSAC) for determining applicant financial eligibility. The MFG child is also considered eligible for special needs, including temporary shelter payments for homeless assistance. In addition, the MFG child is considered eligible for Public Assistance Food Stamps, child care and cash-based Medi-Cal. However, benefits that are derived from the MAP will not include the MFG child.



#### Note:

If the mother has a multiple birth, the MFG rule must be determined and applied to each child.

Although the MAP level is not increased for a child born to a family that has received CalWORKs continuously for ten months immediately prior to their baby's birth, the MBSAC level may be increased to include the newborn, once eligibility is cleared.

**Reminder:**

Once it is determined that the MFG Rule applies to a child, the EW must send the family the appropriate NOA. The Regulation cite on the NOA must include EAS Section 44-314, as well as any other applicable regulations for the specific action taken.

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## 48.2 Definitions

### 48.2.1 Continuously

"Continuously" means that aid was received without a break-in-aid of at least two consecutive months.

### 48.2.2 Law Enforcement Agency

"Law enforcement agency" includes the federal, state and local law enforcement agencies, such as police, sheriff, etc.

### 48.2.3 Mental Health Professional

A "Mental Health Professional" is a person who is licensed by the State of California to provide counseling services.

### 48.2.4 MFG Child

MFG child means the child, or children in the case of a multiple birth, that is not included in the AU size for the purpose of determining the MAP.

### 48.2.5 Nested Teen

A "nested teen" is a minor parent aided as a dependent child, rather than as a parent. "Nested teens" are:

- Minor parents who are dependents (eligible children) in their senior parent's case; or
- Minor parents who reside with an appropriate caretaker relative as required, whether or not the caretaker relative is needy.

## 48.2.6 Receiving Aid

“Receiving aid” means that the parent received CalWORKs for himself or herself or on behalf of his or her child(ren). This includes, but is not limited to:

- A minor who receives aid as a child and then becomes a minor parent.
- An ineligible non-citizen parent or SSI parent who is receiving CalWORKs for his or her other eligible children.
- A sanctioned parent who has a protective payee.
- A month in which the AU only receives a special needs payment or homeless assistance.

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## 48.3 Counting of Months

To determine if MFG applies, the EW must count backwards ten months, starting with the month BEFORE the baby is born. If the family received aid for ten months in a row, without a two month break-in-aid, the MFG rule will be applied. Any partial month of aid counts as a month in which aid was received. MFG must be determined for every child born on or after September 1, 1997, even if the family was not receiving CalWORKs in the month of birth.



### Example:

If the child was born in 01/01, begin counting backwards from 12/00, the month before the child's birth date. The 10th month would be 3/00.



### Example:

A family received CalWORKs from January 1, 1997, through November 1997. They were discontinued November 30, 1997. On January 13, 1998, the mother gives birth to a newborn. On March 27, 1998, the family reapplies for CalWORKs. An MFG determination is made for the child born on January 13th, and it is determined that the family received CalWORKs in the ten months preceding the month of the child's birth without a two consecutive month break-in-aid. The newborn is an MFG child and MAP is not increased to meet that child's needs.

The "Application of MFG Rule" (SC 1248) has been developed to identify the MFG child. The SC 1248 must be:

- Completed whenever a case contains a child born on or after September 1, 1997.
- Scanned into the IDM case record.

**Example:**

A family applied for CalWORKs in December 1996. On December 4, 1997, the mother calls and reports that she gave birth on November 28, 1997 and she wants to add the newborn to the AU. The EW completes the SC 1248 and determines that the AU has received aid for 12 consecutive months, prior to the birth of the child. The newborn is an MFG child and is added to the AU. However, MAP is not increased to include this child.

**Example:**

A family applied for CalWORKs in December 1996. The case was closed on May 31, 1997, as the father found employment and there was no longer financial eligibility. On July 22, 1997 the family reapplied and was determined eligible. On November 12, 1997 the mother reports that she gave birth on October 31, 1997 and wants to add the newborn to the AU. The EW completes the SC 1248. The AU received CalWORKs from December 1996 through May 1997 and from July 1997 onward. Since the family has received aid for the last ten months without a two month break-in-aid, the newborn is an MFG child.

**Example:**

An applicant mom became pregnant in the month of application (2/00), the month in which she was provided the informing notice. Her due date was November 28, 2000. The baby was born prematurely on October 20, 2000. The MFG rule is applied by the letter of the law. Both the statute and regulations specify that the client must have received written notice of the MFG rule at least 10 months before the birth of the child. In this case, the child was born prematurely in the 8th month. The MFG rule cannot be applied to this child.

**Example:**

A family received aid in another state from October 1999 to June 2000. They moved to California and went on cash aid, effective August 1, 2000. The mother was pregnant when she moved to California. A child was born in February 2001. The MFG rule does not apply because a month on aid in another state is never considered when counting the ten consecutive months of aid.

**Example:**

Mom was on aid with child #1; the MFG rule was applied to child #2. Mom went to jail and the non-needy grandmother received custody of the children and the MFG rule was removed from child #2. When mom was released from jail, mom did not regain custody of her children, but the court gave her permission to live in the home. Although mom is not the caretaker relative of her

children the MFG rule is applied to child #2 when mom rejoins the AU as the child is living with a parent. Application of the MFG rule is not dependent upon mom being the caretaker relative for her children.

### 48.3.1 Break-In-Aid

The MFG rule does not apply if the AU stopped receiving aid for at least two consecutive months during the ten-month period prior to the child's birth. The MFG rule will apply as long as ONE or more members of the family remain on aid. The MFG rule does not apply if ALL members of the AU are off aid for the SAME TWO CONSECUTIVE MONTH PERIOD.

For MFG purposes the following conditions will be considered as months in which the AU did not receive cash aid and are to be counted toward the two-month break-in-aid for MFG purposes:

- Suspense and/or zero basic grant (ZBG) months occurring on or after September 1, 2000, (*Nickols v. Saenz* settlement), or
- Months in which Family Reunification families do not receive cash aid.

The following examples illustrate if a break-in-aid has occurred. In each example, the county has confirmed that the AU was notified in writing of the MFG rule at least ten consecutive months before the birth of the child unless noted otherwise.

#### A Two-Consecutive Month Break-In-Aid IS Established

The following examples illustrate when a break-in-aid is established.



#### Example:

Mom and dad are on aid with two children. Mom becomes pregnant in 1/00. In 3/00 the two aided children move out of the home and into Foster Care. The AU was discontinued at the end of the month. Neither parent was aided for 4/00 or 5/00. The children were returned to the home on 6/1/00; cash aid was resumed, effective 6/01/00. The mom had twins in 10/00. The MFG rule does not apply to the twins because there was a two-month break-in-aid, 4/00-5/00. No member of the AU received CalWORKs for two consecutive months in the ten months prior to the birth of the twins. Foster care payments are not considered "cash aid" for purposes of determining MFG application.

**Example:**

Bobbie has been a CalWORKs recipient since March 1998. She had a baby in October 2001. In April 2001, Bobbie had a suspense month because of excess income. In May 2001, Bobbie had a ZBG month because her grant was less than \$10.00. The MFG rule would not be applied to her baby because she had a consecutive two-month break-in-aid during the ten months prior to the birth of the baby.

**Example:**

A mom is on aid with two aided children. She was inappropriately discontinued on 3/31/00, although she should have received aid for April and May. Mom and the kids went back on aid in June. The baby was born in 10/00. The recipient had a two-month break-in-aid (4/00-5/00.) MFG cannot be applied for this county-caused error, even if the county restores aid for those two months.

**Example:**

Mom was on aid with child #1 until 10/99 when case was discontinued. From June 2000 through October 2000, child #1 received aid with a non-needy Aunt. Mom reapplied for aid in November 2000, for herself and child #1. Mom had child #2 in March 2001. The MFG rule does not apply to child #2. The AU with Mom and child #1 did not exist ten months prior to the birth of child #2. That AU (Mom and child #1) did not become effective until November 2000, four months before the birth of child #2 in March 2001. Therefore, child #2 was not born into an AU that received aid for at least ten consecutive months prior to the birth of the child. The fact that child #1 was on aid with an aunt from June 2000 through October 2000 does not change this case. That AU (Aunt and child #1) is not relevant, as it began after Mom and child #1 established a two-month break-in-aid.

**Note:**

If the grant is reduced to zero because of a penalty or an overpayment adjustment, that month is counted as a break-in-aid for MFG purposes.

**A Two-Consecutive Month Break-In-Aid Is NOT Established**

The MFG rule will apply as long as one or more members of the family remain on aid in the original assistance unit or continue on aid in a different assistance unit without a two-consecutive month break-in-aid. The MFG rule does not apply if ALL members or the AU are off aid for the SAME TWO consecutive month period.

A month in which the AU receives a special needs payment or homeless assistance does not count as a break-in-aid for MFG purposes since the AU actually receives a cash aid payment.

The following examples illustrate when a break-in-aid is NOT established.



**Example:**

Julia has been a CalWORKs recipient since February 1999. She had a baby in October 2000 and the MFG rule was applied to the child. The AU had a suspense month in April 2000 and a ZBG month in May 2000. The child would remain an MFG child since the suspense/ZBG months occurred PRIOR to September 2000 and were not considered a break-in-aid at that time.



**Example:**

A pregnant woman has received aid for herself and two children for two years. The two children are removed from her home. Because she was in her third trimester, the woman continued to receive aid for herself (AU of 1) and pregnancy special needs. The MFG rule will apply to the newborn child #3. Mom continued to receive CalWORKs after the children were removed up to the time of the birth of her 3rd child. A two-month break-in-aid in the ten consecutive months before the birth of the child cannot be established.



**Example:**

Mom and two children were on aid in county #1 in May 2000. The AU has been continuously on aid since May 1999. Dad took custody of the children on June 1, 2000 and applied for aid in county #2 based upon absent Mom. Aid was approved for father and the two children, effective June 1, 2000. Mom and Dad are unmarried. In November 2000, Mom joined the AU in county #2, with her eligibility effective November 14, 2000. When she joined the AU, she was pregnant. Deprivation for the three children was changed to the unemployment of the father. Mom's baby was born on March 15, 2001. The MFG rule is applied to the newborn as the AU has not demonstrated that there is a break-in-aid of two consecutive months. The children were never off of aid. The baby was born into an AU that received aid continuously for the ten months prior to birth.

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## 48.4 Informing Requirements

### 48.4.1 TEMP 2102

Recipients of AFDC/CalWORKs were notified in writing of the MFG rule and the impact the rule had on future aid to the family. To insure that all recipients had adequate notification the state developed the "The Maximum Family Grant Rules For Recipients of Cash Aid" (TEMP 2102). The TEMP 2102:

- Was sent to all AFDC/CalWORKs recipients from the State Department of Social Services on August 1, 1996.
- Is included in each AFDC/CalWORKs Intake packet, given on or after August 1, 1996.
- Is included in each CalWORKs RD packet given on or after April 1, 2000.
- Was provided to any AFDC applicant who had their AFDC application "in-process" on August 8, 1996.
- Explains the MFG rule and the exemptions.
- Is printed in English, Spanish, Vietnamese, Russian, Cambodian and Chinese. Other translations will be made available, as provided by the state.

**Note:**

The TEMP 2102 is replaced by the CW 2102 in October 2000.

#### **48.4.2 CW 2102A**

The State mass mailed the notification, "Your Family's Cash Aid May Not Go Up if You or Your Child Has a New Baby" (CW 2102A), to all CalWORKs recipients on aid as of July 2000 and therefore a copy may not be on file. ACIN 1-82-00 serves as documentation for the August mailing. The CW 2102A:

- Was sent to all CalWORKs recipients from the State Department of Social Services on August 30, 2000.
- Was provided by the county to any CalWORKs applicant who applied and had their CalWORKs application approved between June 1, 2000, and September 30, 2000.
- Explains the MFG rule and the exemptions.
- Is printed in English and Spanish.
- Does not require the client's signature.

#### **48.4.3 CW 2102**

The revised "The Maximum Family Grant Rule For Recipients of Cash Aid" (CW 2102) must be given to all CalWORKs applicants and recipients, effective October 1, 2000. The CW 2102 is essentially the same as the TEMP 2102, but now requires the client's signature or acknowledgment of refusal. The CW 2102:

- Must be included in each CalWORKs Intake packet, given to an applicant on or after October 16, 2000,
- Must be included in each CalWORKs RV packet given on or after October 16, 2000,
- Original must be given to the client and a copy of the signed or documented refusal to sign the CW 2102 must be scanned into the IDM case folder,
- Explains the MFG rule and the exemptions,
- Explains the MFG rule as it applies to "nested teens", and
- Is printed in English, Spanish, Vietnamese, Russian, Cambodian and Chinese.

#### 48.4.4 Signature of Client

The CW 2102A sent August 30, 2000 to CalWORKs clients did not have a signature block on the bottom of the form. However, the CW 2102 has a signature block on the bottom of the form. The CW 2102 can be signed by either parent (caretaker relative) at application, AND annually at redetermination. In two-parent households, only one signature is required. The original must be given to the client and a copy of the signed CW 2102 must be scanned into the IDM case folder.

- If the client refuses to sign the CW 2102, the EW must document their refusal, including the date, by noting it on the informing notice.
- Once their refusal is documented (thereby establishing notification), apply the MFG rule to any child born to the AU that has received CalWORKs continuously for ten months after notification.

#### 48.4.5 New Informing Notice Requirements

Except for the children of minor parents, the MFG rule will continue to apply to children already designated as MFG. Furthermore, any child (except for children of minor parents), born before November 1, 2001, will be subject to the MFG rule if appropriate notification (i.e., TEMP 2102, CW 2102A or CW2102) was provided at least ten months prior to the child's birth.

**On or after March 1, 2001** All NOAs that are issued when a child is added to the case must contain the date the MFG notice was provided to the family when the MFG rule is applied.

**On or after July 1, 2001:** The MFG rule only applies to the child of a minor parent, who is a dependent in his/her senior parent's case, if the AU was provided a copy of the CW 2102 or CW 2102A at least ten months before the birth of the child and at the latest redetermination ten months before the child's birth.

**On or after November 1, 2001:** The MFG rule will apply to all children born into any AU (to adult and minor parents) ONLY if the AU was provided one of the new informing notices (CW 2102A or CW

2102) through the August mass mailing, at application, the most recent redetermination, or other later date that occurred at least ten months prior to the birth of the child. If the AU has been on aid long enough to have had a redetermination ten months prior to the birth of the child, then a notice must have been provided at redetermination for the MFG rule to apply.

**On or after November 1, 2002:** The MFG rule will apply to any children born into an AU (to adult and minor parents) ONLY if the case file contains a copy of the CW 2102 or other MFG informing notice issued or approved by CDSS with a written acknowledgment signed by the head of the household (a parent or non-parent caretaker relative, or documentation of their refusal to sign. To apply the rule, the case file must contain the signed acknowledgment that was provided at application or the most recent annual redetermination or other later date at least ten months prior to the birth of the child.



**Example:**

Philip, a CalWORKs recipient since October 1998, was provided and signed the CW 2102 at his redetermination interview on November 2, 2000. On the October 2001 monthly report, Philip reported the birth of another child with a date of birth of October 3, 2001. Since Philip had been provided a written copy of the CW 2102 at least ten months prior to the birth of the child, MFG would apply to this child, if no other exemptions apply.



**Example:**

Isabel became a CalWORKs recipient on July 1, 2002. In July 2003, Isabel had her redetermination interview. In January 2004, Isabel had a child. When determining if the MFG rule would be applied, it was discovered that there was no copy of a signed CW 2102 in the case file (or documentation of her refusal to sign), nor was there any other appropriate informing document with a signed acknowledgment in the file. The MFG rule would not be applied to Isabel's child.

Beginning November 2002, MFG applies only if a written acknowledgment signed by the parent at application and at the most recent annual redetermination (or documentation of their refusal to sign) is in the case file.



**Example:**

A child was born into an existing AU in county #1 where mom was on aid for more than ten months prior to the birth of the child. The MFG rule was applied to the child. The child now lives with her father in county #2. The MFG rule would continue to be applied when the child went to live with the father if county #2 can document that the AU (mom) was appropriately notified of the MFG rule based on information from county #1, even if the other parent (father) was not an AU member when the written notice was sent to the AU. The MFG rule applies because the child was born into an AU that had been receiving aid for the ten months prior to the birth of the child.

**Example:**

If the case file includes a CW 2102 with a signed acknowledgment or the annotation of refusal to sign, county #1 must send a copy of the form to the receiving county. If informing was done using the CW 2101A or the TEMP 2102, which do not contain a signed acknowledgment, county #1 must provide county #2 with the date the AU was notified and the specific informing document that was provided to the AU, i.e. the Temp 2102 or CW 2102A. These procedures must be followed for all Inter-County Transfer cases as well as cases in which the children move from one parent to another when the parents live in different counties.

**Example:**

A mom went on aid with two children in 1997. The children's father was not in the home at the time of application. In 5/99, the father became the caretaker relative for the children when mom left the home. The county did not provide the father with a copy of the MFG informing notice when he became caretaker of the children in 5/99. In 2/00, mom resumed her duties as caretaker relative and the father left the home. When mom left the home again in 6/00, the father applied to be caretaker for the children, with aid effective, 6/1/00. He was provided a copy of the MFG informing notice in 6/00. In 9/00, the father's girlfriend who was pregnant moved into the home. The father and girlfriend's child was born on 10/28/00. The MFG rule would not be applied to the child of the father and the girlfriend. Neither the father nor the girlfriend had been on aid for ten months before the birth of their child. Additionally, the father had not received a copy of the informing notice at least ten months before the birth of the child.

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## 48.5 Exceptions

### 48.5.1 Rape

The MFG rule does not apply if the child was conceived as the result of an act of rape, as defined in Sections 261 and 262 of the Penal Code, and

- The rape has been reported to a law enforcement agency, medical or mental health professional, or an organization that provides counseling to victims of rape prior to, or within three months after, the birth of the child.
- The recipient provides written verification from one of the above entities that the incident of rape was reported and the date the report was made.

**Note:**

The EW does not need to see an actual copy of the reports given to the law enforcement office, but does need written verification that meets the above criteria.

## 48.5.2 Incest

The MFG rule does not apply if the child was conceived as the result of an act of incest, as defined in Section 285 of the Penal Code, and

- Paternity has been established, or
- The incest has been reported to a law enforcement agency, medical or mental health professional, or an organization that provides counseling to victims of rape prior to, or within three months after, the birth of the child.

The recipient must provide written verification from one of the above entities that the incident of incest was reported and the date the report was made.



### Note:

The EW does not need to see an actual copy of the reports given to the law enforcement office, but does need written verification that meets the above criteria.

As defined in the California Penal Code and the California Family Code, a child is conceived as a result of incest when that child is conceived between:

- Parents and children (including step relationships that have not been dissolved by death, divorce, or annulment, or
- Brothers and sisters (including half-brothers and half-sisters), or
- Uncles and nieces, or
- Aunts and nephews.

## 48.5.3 Contraceptive Failure

The MFG rule does not apply if it is medically verified that the child was conceived as the result of the failure of:

- An intrauterine device (IUD), or
- Norplant, or
- Depo-Provera, or
- The sterilization of either parent.



### Example:

Depo-Provera is a sterilization method by injection that is administered by a physician to prevent pregnancy. Therefore, the MFG rule will not apply when the county receives medical verification that the pregnancy occurred as the result of failure of this sterilization method.

**Example:**

A woman on aid was sterilized. She subsequently had a child and was given an MFG exemption for a failed contraceptive. She is currently pregnant and again claiming an exemption for this second child because of the failure of the same prior method of sterilization. The woman must provide medical verification of her sterilization status after the birth of the first child. The MFG rule would apply if her physician informed the woman that the first sterilization had failed and she would need other birth control methods to prevent pregnancy in the future. However, the MFG rule would not apply if her physician indicated that a second sterilization or other birth control methods were not necessary to prevent future pregnancies.

### 48.5.4 Unaided Caretaker Relative

The MFG rule does not apply if the child was conceived while either parent was an unaided non-parent caretaker relative.

**Example:**

A non-needy caretaker relative has been receiving CalWORKs for her nephew. She becomes pregnant and applies for CalWORKs for herself and her child when the baby is born. MFG does not apply as she was not receiving cash aid for herself or on behalf of her eligible child.

**Example:**

A non-needy caretaker relative has been receiving CalWORKs for her niece. She becomes pregnant and once the child is born she applies for CalWORKs for herself and her child. Also living in the home are the father of the newborn and his separate child who have been receiving CalWORKs for himself and his separate child. Due to the mandatory inclusion rules, this is one AU. However, since the mother was an unaided non-parent caretaker relative, the newborn meets an exception to the MFG rule.

### 48.5.5 Non-Parent Caretaker Relative

The MFG rule does not apply when the child is not living with either parent.

**Example:**

An MFG child moves into the home of the grandmother and the grandmother applies for CalWORKs for that child. The MFG rule will no longer apply to that child, as long as neither parent lives in that same home. This exception will continue to apply regardless of whether the grandmother is needy or non-needy.

## 48.5.6 Victim of Domestic Abuse

On a case-by-case basis, the MFG rule may be waived for a recipient who has been identified as a past or present victim of domestic abuse. To determine if the MFG rule may be waived, a referral to the CalWORKs Social Worker/Domestic Violence Advocate must be made.

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## 48.6 Eligibility of MFG Child

The MFG child is considered eligible for and a recipient of aid, including special needs.

- The mandatory inclusion rules apply to the MFG child. If a parent is receiving aid for siblings and/or half-siblings of the MFG child then all required information about the potential MFG child must be provided and if eligible, the MFG child is added to the AU. (MAP is not increased to include the needs of the MFG child.) The MFG child's parent must cooperate in all facets of that child's eligibility, including but not limited to: securing a Social Security Number, cooperating with the Local Child Support Agency (LCSA), turning in any direct child support to LCSA or the State Disbursement Unit (SDU), applying for any unconditionally available income, etc.
- Since this child is considered a public assistance recipient, the MFG child receives cash-based Medi-Cal, and if the family receives Food Stamps as a Categorically Eligible (CE) household, they will continue to be CE.
- The MFG child is included in the MBSAC AU size when the Applicant Gross Income Test is completed.
- The needs of the MFG child are not considered when determining the Recipient Net Income Test.
- Resources of the MFG child are counted to the AU.
- Income of the MFG child is counted to the AU.
- Payments to the AU which are derived from MAP do not include the MFG child.

### 48.6.1 MFG Exempt Income

Any child support money received for the MFG child is exempt from consideration as income.

*Kerher v. Saenz*: The following payments are exempt from consideration as income in the eligibility and grant computation for cases subject to the MFG rule:

- Child support payments from the absent parent (AP) for the MFG child, whether paid directly to the MFG child, the custodial parent, SDU or the LCSA.

- Derivative benefits from Social Security such as survivors, disability, retirement, or other government programs based on the absent parent's disability or retirement, and paid to or on behalf of the MFG child. These payments are considered child support for MFG purposes.

However, should the child support funds be placed into a savings account, these monies then become personal property and are counted towards the AU's property limit.

## 48.6.2 MFG Continues to Apply

Once the MFG rules are applied to a newborn child, the MFG rules continue to apply until the AU has not received CalWORKs for 24 consecutive months.



### Example:

An AU consists of a mother and two children. One child was born after the AU received CalWORKs for ten continuous months and was not included in the MAP level. CalWORKs benefits were discontinued November 30, 2003. On January 3, 2005, the AU again applies for CalWORKs. The MFG rule is still applied to the MFG child, as there was not a 24-month break-in-aid.



### Example:

An AU consists of a mother, father and three children. One child was born after the AU had received CalWORKs for ten continuous months and was not included in the MAP level. CalWORKs benefits were discontinued effective November 30, 2001. On January 16, 2004, the AU again applies for CalWORKs. The MFG rule is no longer applicable as the family has been off cash aid (AFDC/CalWORKs) for 24 consecutive months. The MAP level must include all AU members.



### Example:

A mother receives CalWORKs for herself and two children, both of whom are MFG children. The MAP level (payment level) is for one - the mother. The case is discontinued January 31, 2004. The mother reapplies on March 17, 2004. When the Applicant Gross Income Test is determined, the needs of the mother and both children are considered. When the Recipient Net Income Test and the grant computation are made, only the needs of the mother are considered. If the AU has no income, the AU receives the CalWORKs payment for one.

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## 48.7 Child Support Provisions

### 48.7.1 Rule

Any child support collected for an MFG child must be passed on directly to the family. The parent must cooperate in all aspects of the child support enforcement process, including, but not limited to:

- Providing information about the absent parent,
- Cooperating with the Local Child Support Agency (LCSA), and
- Turning in any direct child support received for the MFG child to the LCSA or State Disbursement Unit (SDU). (Once these monies are received by SDU, the funds will be returned to the caretaker.)

**Note:**

A parent will be penalized/sanctioned for failing to cooperate in the child support process for an MFG child.

When referring the MFG child's absent parent to the Local Child Support Agency (LCSA), the referral must clearly indicate that this is an MFG child. The EW must enter in the comments section of the form, "Name of Child" is an MFG child. This will notify the LCSA that any support payments received for that child must be sent to the caretaker.

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## 48.8 Effect of MFG Rule on Minor Parents

If a minor parent has a child while receiving aid on the senior parent's case, the MFG rule applies if the family has received the required informing and received aid for ten months prior to the birth of the minor parent's child. MFG will continue to apply for that minor parent's child until the AU has not received CalWORKs for at least 24 consecutive months.

**Example:**

An AU consists of a mother and her 14-year-old son and 16-year-old daughter. The family has been on CalWORKs for the last several years. The mother reports that the 16-year-old had a baby and requests that the baby be added to the AU. This newborn is determined to be an MFG child and MAP is not increased to include the 16-year-old's child.

### 48.8.1 Children Born to Minor Parents Prior to July 1, 2001

*Nickols v. Saenz*: Any child born to a minor parent aided as a dependent in a CalWORKs AU (nested teen) prior to July 1, 2001, is not subject to the MFG rule.

### 48.8.2 Minor Parent Establishes Own AU

The *Nickols* settlement provides for new exemptions to the MFG rule. When a former minor parent who was aided in a CalWORKs case establishes his/her own AU, the MFG rule is no longer applied to any existing MFG child of this former minor parent. The MFG rule cannot be applied to any new child born to this former minor parent during the first ten months after establishing his/her own AU. Additionally, the MFG rule cannot be applied unless the former minor parent received a copy of the CW 2102A/CW 2102 when he/she applied for aid in his/her own case.

*Nickols v. Saenz*: As of September 1, 2000, any child born to a minor parent aided as a dependent in a CalWORKs AU, who had or has the MFG rule applied to them, will no longer be subject to MFG once the minor parent establishes his/her own AU.

This applies to a minor parent who turns 18 or meets an exception to the minor parent residency requirement and applies for CalWORKs on their own behalf. The minor parent's child will be relieved of the MFG status permanently and the needs and formerly exempt income will be counted when determining eligibility. A copy of the CW 2102 must be provided and signed by the parents as part of the application process when they apply for aid in their own case. The MFG rule will be applied to any additional children born to the parent ten months after establishing his/her AU, if no other exemptions apply.



#### Example:

An AU consists of the senior parent, the minor parent, the minor parent's child and two siblings of the minor parent. The minor parent's child has been determined to be an MFG child and MAP is not increased to include that child. The minor parent turns 18 and applies on her own behalf. The MFG rule is no longer applied to this child. The MAP for the AU of the 18-year-old and her child is MAP for 2.

If the minor parent's child is born after the minor parent leaves the senior parent's AU and the minor parent has been receiving CalWORKs on her own behalf, then the MFG determination is made based upon whether the minor parent received aid in the last ten consecutive months. If the minor has received aid, either as an adult or as a child for ten consecutive months, then the MFG rule is applied to the minor parent's child.

### 48.8.3 MFG Child of Minor Parent Excluded by Law

If the minor parent is a mandatory member of the senior parent's AU but is excluded from the AU by law (i.e. undocumented non-citizen, SSI/SSP recipient) and that minor parent has a potential MFG child,

the MFG rules do not apply. The minor parent has not "received aid" for the 10 months immediately preceding the birth of the minor parent's child.

**Note:**

The MFG rule would apply to the child born to an unaided minor parent, excluded by law, if the minor parent has been receiving aid on behalf of his or her other eligible children, even if they (i.e. undocumented non-citizen, SSI/SSP recipient) do not receive aid for themselves.

**Example:**

The senior parents have received cash aid for themselves and two other eligible children. Their SSI/SSP child is a minor parent. The MFG rule does not apply to the child of a minor parent who was unaided, even if his/her senior parents and or siblings have been on aid at least ten months before the baby was born. However the MFG rule would apply if the minor parent received aid for another child.

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## 48.9 Effect of Mandatory Inclusion

If the newborn is determined to be an MFG child, eligibility for that child's parent(s) and any other siblings or half-siblings must also be determined.

**Example:**

A pregnant woman is receiving CalWORKs for herself and her separate child. She becomes pregnant and receives the pregnancy special need. The father of the unborn is in the home and considered an Unrelated Adult Male (UAM) until the baby is born. The mother calls on November 20th to report the birth of the child and to request that aid be paid for both the child and the child's father.

The EW secures the required verification and determines that the newborn is an MFG child. That child is added to the AU, however there is no increase in MAP for the newborn. Since the father of the newborn is also a mandatory AU member, he is added to the AU once eligibility is cleared. The MAP amount is increased to include the father.