

58. Suspected Misuse of CalWORKs Funds

58.1 The Law — W&I Code 11480 [CFC 20-101]

Any person other than a needy child who wilfully and knowingly receives or uses any part of an CalWORKs grant for a purpose other than to support the needy child and the caretaker(s) is guilty of a misdemeanor.

58.2 Suspicion of Misuse of CalWORKs Funds

Reasonable grounds to suspect misuse of CalWORKs funds exist when all of the following conditions exist:

1. The person is living with the family;
 2. The person knows the family is receiving a CalWORKs grant;
 3. The person has insufficient income or resources to meet his/her own subsistence needs, which is MAP differential;
 4. The person has no apparent physical or mental disability that would preclude employment; and
 5. The person is ineligible or refuses to apply for public assistance, GA, UIB, DIB, or other benefits for which he/she is potentially eligible.
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58.3 Procedure When Reasonable Grounds Exist

When the Eligibility Worker determines reasonable grounds exist to suspect the misuse of CalWORKs funds, then a referral to the District Attorney must be made in accordance with the following procedure.

1. The person suspected of misuse and the caretaker relative shall both be advised ORALLY and in WRITING that their current circumstances violates W&I 11480. An oral and written notice may be completed on the same date.
 - a. The oral advisement shall include the following:
 - (1) Continuation of the existing situation may mean the person will be subject to prosecution under W&I 11480.
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- (2) Explanation of the amount of income the person needs to meet his/her needs.
 - (3) A referral will be made to the District Attorney if the individual does not secure income to meet his/her needs or leave the home.
- b. The written notification shall include the same content as the oral plus a statement that unless the person obtains income to meet his/her own needs or leaves the home within 30 days a referral will be made to the District Attorney.

**Note:**

No other statements will be made by the Eligibility Worker regarding the bringing of charges against the individual by the District Attorney.

2. Thirty (30) days following the mailing of the written notice, the Eligibility Worker shall determine if the situation has been corrected. If the situation has not been corrected, then the Eligibility Worker shall make an online referral to the District Attorney via the CalWIN **Referral** Subsystem.