

CalWORKs 101: An overview of cash aid for poor California families

Antionette Dozier
Senior Attorney
Western Center on Law and Poverty

Cynthia Chagolla
Staff Attorney
Bay Area Legal Aid

What will be covered?

- * Who is this program for, and what will they receive?
- * What are common problems that families face in navigating this program?
- * What advocacy opportunities exist for pro bono advocates?

What law applies?

- * Temporary Aid for Needy Families, 42 USC § 603 *et seq.*, and regulations
- * California Welfare & Institutions Code, general law applicable to the program, §10000 *et seq.*
- * California Welfare & Institutions Code, CalWORKs law, § 11200 *et seq.* , and CDSS regulations (sub-regulatory letters may interpret the regulations)
- * Federal and State Constitutions
- * Federal and State civil rights laws, including Govt. Code §11135, American with Disabilities Act and Section 504 of the Rehabilitation Act

Eligibility Rules: Who can get CalWORKs?

- * Families with minor children (under age 18/19) who
 - * Are deprived of parental support; or
 - * Live with a non-parent caretaker relative
- * Low income based on family size (see MBSAC handout)
- * Applicants must pass two income eligibility tests:
 - * Applicant Test – income below MBSAC of family size
 - * Recipient Test – income below the maximum monthly cash grant amount for family size (see MAP handout)
- * Must have low resources
 - * Less than \$2,250 (\$3,500 for household with disabled or 60 year old) in resources. No car with equity value <\$9,500 unless it is a gift.

Polling Question #1

- * **True or false:** In order to be eligible for CalWORKs, the adults cannot receive employment income.

Which parents are eligible?

- * CalWORKs grants are given to assistance units (AU)
- * Who must be in the AU?
 - * A minor child and
 - * That child's birth or adoptive parents living in the home unless the adult is ineligible (see ineligibility rules) and
 - * Minor related siblings living in the home

Who can be excluded?

- * Unrelated boyfriend/girlfriends in the home without children in common
- * Domestic partners or stepparents of eligible child without children in common
- * Caretaker relatives
- * Some half or step-siblings receiving child support payments (beg. Nov. 1, 2018)

Immigrants also Eligible

- * Legal Permanent Residents (Green Card holders)
- * VAWA (Violence against Women Act) petitioners
- * T (trafficking victims)
- * U Visa applicants or holders (victims of violent crimes)

Denials: Who cannot get CalWORKs?

- * Categorically ineligible:
 - * Fleeing Felons – fleeing to avoid custody, confinement or prosecution after felony conviction (this may change)
 - * Probation – in violation of probation requirements
 - * Ineligible immigrants – see National Immigration Law Center website
 - * SSI recipients
- * Financial ineligibility – too much income or resources
- * Convicted of welfare fraud

Denials or Delays of Emergency Assistance

- * Immediate cash assistance
- * Counties have 45 days to process application but must do so in 15 working days if the need is immediate; few verifications required
- * Must have less than \$100 and in need of housing, diapers, utilities; or less than the rent amount if facing eviction
- * Can get full CalWORKs grant w/in 3 days if facing eviction, or up to \$200 of grant

What benefits will families receive?

- * Monthly cash grant
- * Emergency cash assistance and/or housing assistance
- * Categorically eligible for CalFresh – food assistance program
- * Categorically eligible for Medi-Cal – health program
- * Child care, transportation and other employment services for aided adults
- * Work and education programs for aided adults
- * Employment barrier removing services such as mental health services, and domestic and substance abuse services

Denials of Housing Assistance

- * Homeless Assistance Program (HAP, §11450(f)(2))
 - * Recipients and apparently eligible applicants
 - * Temporary housing assistance or move-in costs for permanent housing and to prevent eviction

- * CalWORKs Housing Support Program (§11330.5) – rapid rehousing
 - * Any CalWORKs recipient is eligible but not entitled
 - * May receive funds to pay move-in costs or prevent eviction, credit repair, motel and hotel vouchers,
 - * County discretion – possible abuses of discretion
 - * Lack of county rules

What is expected of recipients?

- * Must regularly report income, resources and household changes
- * Aided adults must participate in work requirements unless excused
- * Must follow conduct rules, ex: child immunizations, attend required meetings
- * Must complete annual redeterminations
- * Adults in the work program and their children or household may receive barrier removal services

Polling Question #2

- * How long may an adult receive CalWORKs?
 - * A) For as long they remain eligible
 - * B) Until their youngest child turns two-years old
 - * C) 24-months, unless an exemption applies
 - * D) 48-months, unless an exemption applies

What are the WTW requirements?

- * Every aided adult must participate in welfare-to-work (WTW) (§11320.3 *et seq.*)
 - * Not required to participate:
 - * Good cause – a temporary circumstance or event that prevents participation (§11320.3(f))
 - * Exempt – a statutory circumstance that prevents regular participation for the number of hours required (11320.2(b))
 - * Have a domestic violence waiver (§11495, 11320.3(f))
- * WTW is a combination of:
 - * Weekly hours requirements – (20/30/35) (§11322.8)
 - * Activities requirements – wide range of state activities but narrow range of federal activities (§11322.6)

Family Stabilization

- * Eligibility:
 - * Participating in state welfare-to-work activities and
 - * CalWORKs families who have a crisis or event that could impair the adult recipient's ability to participate in welfare-to-work activities
 - * Apply using FSP1 form
- * Services
 - * Intensive case management and
 - * Services and supports to remediate the destabilizing or crisis event
 - * Ex: rent or other payments to prevent homelessness, services for children
- * Common issues
 - * Limits on the type of services
 - * Failures to screen and provide work and time limit exemptions

What are common problems that recipients face?

- * Work requirements (hours and activities)
- * Work program delays
- * Denials or substantial delays in work supports (child care, ancillary services, or transportation assistance)
- * Denials of services to remove barriers to work
 - * Domestic and substance abuse services, mental health services, family stabilization services
- * Adults are limited to 48 months of aid
- * Failures to inform and grant work and time limit exemptions (CW 2186)
- * Reporting and overpayments



WTW case example

- * Maria is a mother of 2, Chris age 4 and Denise age 5. She has primarily worked as a waitress/hostess since she was a teenager. Recently, her boss has drastically reduced her regular hours, sometimes giving her as little as 10 hours a week. She has applied for and received CalWORKs.
- * Using WTW2 form , answer the following polling questions.

Reporting

- * Recipients must report income/status
 - * Child only cases must report annually
 - * Cases with aided adults must report semi-annually
- * Recipients must report mid-period if income exceeds the Income Reporting Threshold (IRT)
- * Recipients will have differing IRTs for CalWORKs and CalFresh
- * Monthly grant will be recalculated when recipient reports income above IRT during the mid-period
- * Recipients must report changes in status w/in 10 days: fleeing felon, probation violation, change in address
- * Changes in composition of household may be reported mid-period, and will be acted upon if it increases benefits

Advocacy Tools

- * Administrative advocacy with county and/or state
- * State administrative law hearing
- * Grievance
- * Federal and State Civil Rights Complaints
- * Code of Civil Procedure 1085/1094.5 writs

Resources

- * Please see online public benefits resource handouts
- * State law:
 - * Welfare and Institutions Code Section § 11000 et seq.
- * Regulations: CDSS's Manual of Policies and Procedures
 - * To access state regulations (MPPs):
 - * <http://www.dss.cahwnet.gov/ord/PG302.htm>
- * State sub-regulatory guidance:
 - * To access state ACLs or ACINs
 - * <http://www.dss.cahwnet.gov/lettersnotices/default.htm>

We would love to hear from you

- * Antionette Dozier

- * Western Center on Law & Poverty, Senior Attorney

- * Email: adozier@wclp.org

- * Phone: 213-235-2629 (direct)

- * Cynthia Chagolla

- * Bay Area Legal Aid, Staff Attorney

- * Email: cchagolla@baylegal.org

- * Phone: 510-663-4744 ext. 7208