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January 4, 2019

Regulation Package No. 0818-06

CDSS MANUAL LETTER NO. EAS-18-05

TO: HOLDERS OF THE ELIGIBILITY AND ASSISTANCE STANDARDS MANUAL

Regulation Package #0818-06

Effective 12/20/18

Sections: 40-026, 40-105, 40-171, and 80-301

These proposed regulations repeal the California Work Opportunity and Responsibility to Kids (CalWORKs) Statewide Fingerprint Imaging System (SFIS) procedures for applicants and implement a new identity verification process. These changes are a result of Senate Bill (SB) 89 (Chapter 24, Statutes of 2017), which became effective July 1, 2018.

SB 89 requires CDSS to repeal SFIS and implement a non-biometric identity verification method as a condition of eligibility for recipients of aid, other than dependent children. The proposed regulations will require County Welfare Departments to verify the identity of all adult applicants in person; issue Immediate Need (IN) prior to identification (identify must be verified within 15 working days from the receipt date of the IN payment); accept any applicant's sworn statement under penalty of perjury regarding identity when acceptable photo identification does not exist; and continue aid if the applicant presents evidence of good-faith efforts to obtain photo identification.

This regulatory action will benefit the health and welfare of California residents. The new identity verification process prevents duplicate aid, makes application and eligibility practices more efficient, simple, and client-friendly. This regulatory action does not make changes to regulations involving worker safety or the state's environment and will increase the likelihood of stable families moving towards self-sufficiency, resulting in a positive economic impact to the state. In addition, the proposed regulations will make other technical, conforming changes, such as renumbering of sections and amending cross references as necessary.

These regulations were adopted on an emergency basis and will be considered at the Department's public hearing that will be held on March 6, 2019, in Sacramento, California.

FILING INSTRUCTIONS

Revisions to all manuals are indicated by a vertical line in the left margin. The attached pages are to be entered in your copy of the Manual of Policies and Procedures. The latest prior manual letter containing Eligibility and Assistance Standards changes was Manual Letter No. EAS-18-04.

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Attachment

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**ELIGIBILITY AND ASSISTANCE STANDARDS
RECEPTION AND APPLICATION**

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**ELIGIBILITY AND ASSISTANCE STANDARDS
RECEPTION AND APPLICATION**

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- .4 Chapters Adopted The chapter listed below is adopted by this regulations filing:
- | | | |
|--|--------|---|
| | 82-500 | Child Support Enforcement Program Regulations |
|--|--------|---|
- .5 Sections Adopted The sections listed below are adopted by this regulations filing:
- | | | |
|--|--------|---|
| | 40-024 | Implementation of Child Support Dates and Insurance Regulations |
| | 82-500 | Child Support Enforcement Program Regulations |
| | 82-502 | Child Support Enforcement Program Assistance Units Subject to the Provisions of the Child Support Enforcement Program |
| | 82-504 | Assistance Units Subject to the Provisions of the Child Support Enforcement Program |
| | 82-506 | Assignment of Support Rights |
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| | 82-510 | Cooperation Requirements |
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| | 82-514 | Evaluation of Claim for Exemption |
| | 82-516 | Enforcement Without Applicant/ Recipient's Cooperation |
| | 82-518 | Child and Spousal Support Collections |
| | 82-520 | Distribution of Child and Spousal Support Payments |
- .6 Sections Renumbered The sections listed below are renumbered by this regulations filing:
- | | | |
|--|--------------------------------------|--|
| | 43-203.12,
.13, .132 | Distribution of Child and Spousal Support Payments |
| | .14 - .143 | |
| | .15 - .151 | |
| | .16 - .162 | |
| | .17 - .175 | |
| | .2, .21, .23,
.3 - .32,
and .4 | |

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.7 Changes

.71 Medical Insurance

Section 82-510.2 provides that applicants for, and recipients of, AFDC must identify all third parties who may be liable for medical care or services for the applicant/recipient or any family member.

.72 Date of Collection

Section 82-518.4 provides that, for purposes of determining entitlement to payments to families in wage assignment cases, the date of collection is the date the payment is withheld from the absent parent's wages. This date is provided by the employer.

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NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10553 and 10554, Welfare and Institutions Code.

Regulations	RECEPTION AND APPLICATION IMPLEMENTATION SCHEDULE	40-026
40-026	IMPLEMENTATION OF THE STATEWIDE FINGERPRINT IMAGING SYSTEM (SFIS) REGULATIONS	40-026

This section has been repealed by Manual Letter No. EAS 18-05

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 10830, Welfare and Institutions Code.

40-027 IMPLEMENTATION OF THE ORTEGA V. ANDERSON COURT ORDER 40-027

- .1 Effective Date This regulatory action shall be effective only for the payment month of December 1, 1997, for applicant and continuing cases. Commencing January 1, 1998, counties are to follow CalWORKs grant structure implementation instructions provided in CDSS All-County Letter 97-59, dated October 14, 1997.
- .11 Retroactivity Pursuant to the Stipulation filed with the Court, continuing cases containing an ineligible alien live-in spouse of an aided parent with income shall be evaluated for retroactive payments. The period of retroactivity shall go back no further than the payment month of September 1995.
- .2 Sections Amended
- | | |
|-----------|--|
| 44-113.14 | Deduction for an Ineligible Alien Child(ren) Living in the Home of an Aided Parent |
| 44-133.5 | Income in Cases Where an Ineligible Alien Parent(s) Resides in the Home |
| 44-207 | Income Eligibility |
| 44-352.4 | Overpayment Recoupment - Methods of Recovery |

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Ortega v. Anderson, Case No. 746632-0 (Alameda Superior Court) July 11, 1995; and Assembly Bill (AB) 1542, Chapter 270, Statutes of 1997, Sections 41 and 185.

40-105	APPLICANT AND RECIPIENT RESPONSIBILITY (Continued)	40-105
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- .3 Identity Verification Requirements
 - .31 As a condition of eligibility, persons listed in Section 40-105.32 must present a form of photo identification in person at the time of application. Failure to provide the required identification will result in ineligibility for the entire assistance unit.
 - .32 The following persons must provide photo identification:
 - .321 Each parent and/or caretaker relative of an aided or applicant child when living in the home of the child; and
 - .322 Each parent and/or caretaker relative receiving or applying for aid on the basis of an unaided excluded child; and
 - .323 Each aided or applicant adult; and
 - .324 The aided or applicant pregnant woman in an AU consisting of the woman only.
 - .33 The following persons are exempted from the rule in Section 40-105.32:
 - .331 Non-minor dependents are exempt from providing photo identification as long as they meet the non-minor dependent eligibility criteria and continue to be aided as a non-minor dependent in the CalWORKs program.
 - .332 A non-needy caretaker relative applying for a relative foster child.
 - .333 An applicant who previously received CalWORKs, CalFresh, or Medi-Cal, is already known to the SAWS, and whose photo identification is part of the case file.
 - .34 Counties shall issue aid to the applicant prior to the applicant presenting their photo identification in person, under the following circumstances:
 - .341 The applicant is in immediate need of benefits pursuant to MPP Section 40-129. The county shall verify the applicant's eligibility for aid and verify identity within 15 working days from the date of receipt of the Immediate Need payment request.
 - .342 The applicant is applying remotely through telephonic or other electronic means. The applicant must present their photo identification in person within 15 working days for benefits to be continued.
 - .343 When acceptable photo identification does not exist, any applicant's sworn statement under penalty of perjury regarding identity shall be considered sufficient. However, the applicant must present their photo identification in person within 15 working days for benefits to be continued. If the applicant presents evidence of good faith efforts to obtain photo identification, the county shall continue aid.

40-105	APPLICANT AND RECIPIENT RESPONSIBILITY (Continued)	40-105
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- .35 Acceptable forms of photo identification may include, but are not limited to:
 - .351 Driver's License
 - .352 Photo Identification (from government agency, school, etc.)
 - .353 Passport
 - .354 USCIS (formerly INS) documents with photo
- .36 When the county has determined the applicant has made a good faith effort to obtain the evidence and a third party imposes a fee to obtain the evidence, the county shall pay the fee on behalf of the applicant or recipient.
- .37 Photo identification information shall be considered confidential under Section 10850 of the Welfare and Institutions Code.
 - .371 The county shall not use or disclose the identification collected for any purpose other than the prevention or prosecution of fraud.
 - .372 The county shall inform all persons required to provide photo identification that the images will be used only for the purpose of prevention or prosecution of welfare fraud.

40-105 APPLICANT AND RECIPIENT RESPONSIBILITY (Continued) 40-105

.4 Immunization Requirements

- (a) All applicants/recipients shall provide verification, as specified in Section 40-105.4(d), that all children under the age of six in the AU have received all age-appropriate immunizations.

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- (1) Applicants/recipients who have made a good faith effort to initiate immunizations for a child(ren) in the AU, but the child(ren) cannot complete the series because of a spacing requirement between vaccine doses, may be considered at that point to have received "all age-appropriate immunizations." Good faith effort may also apply in cases where the vaccine is not available.

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- (b) Age-Appropriate Immunizations

The age-appropriate immunizations for children under the age of six and for children not immunized in the first year of life that are listed in the following two charts are those suggested by the Childhood Immunization Schedule (United States), by the Advisory Committee on Immunization Practices, the American Academy of Pediatrics, and the American Academy of Family Physicians and are described in Welfare and Institutions Code Section 11265.8(b)(1). These charts are provided as an aid to the county in complying with the verification requirement of MPP Section 40-105.4(a) and are not intended to be mandatory in every case. Rather, they are recommended guidelines that would be applied as appropriate by each child's medical care provider.

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40-105	APPLICANT AND RECIPIENT RESPONSIBILITY (Continued)	40-105
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(j) Documentation

The county shall document verification of immunization, determination of good cause or any exemption.

.5 School Attendance Requirements

(a) All children in the AU for whom school attendance is compulsory, i.e., ages 6 through 17, must attend school "regularly" as defined by the county.

(b) Verification

Recipients shall cooperate in providing routinely available documentation of school attendance of all applicable school-age children in the AU when requested by the county. Applicants are not required to submit verification of school attendance prior to being granted cash aid.

(c) Exemptions

All children in the AU for whom school attendance is compulsory must regularly attend school with the following exceptions:

- (1) A pregnant or parenting teen eligible for Cal-Learn. See Section 42-763.1.
- (2) A child subject to participating in a county school attendance demonstration projects in Merced or San Diego counties.

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- (3) See Section 42-719 regarding welfare-to-work plans for children 16 through 17 years of age not regularly attending school and not exempted under Section 40-105.5(c).

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(d) Irregular Attendance Penalty

If the county determines that good cause does not exist and the child is not exempted under Section 40-105.5(c)(2), failure of a child in the AU, for whom school attendance is compulsory, to regularly attend school pursuant to Section 40-105.5(a), shall result in a reduction in the grant by an amount equal to the following:

- (1) The needs of the parent(s)/caretaker relative in the AU if the child(ren) is under the age of 16, or
- (2) The child's needs if the child(ren) is age 16 or older.

40-105	APPLICANT AND RECIPIENT RESPONSIBILITY (Continued)	40-105
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(e) Failure to Cooperate

Refusal or failure of a recipient to cooperate in providing documentation when requested shall result in aid being reduced in accordance with Section 40-105.5(b), unless the county determines good cause exists.

(f) Good Cause

The county shall determine what constitutes good cause for not attending school "regularly" and failure to cooperate.

(g) Restoration of Aid

(SAR) The needs of the parent(s)/caretaker relative or child(ren) shall be restored effective the first of the month following the month in which verification of regular school attendance is received (See Section 44-316.331(d)(SAR)).

NOTE: Authority cited: Sections 10553, 10554, 10604, 10850, 11209, 11253.5, 11265.2, 11265.3, 11265.8, 11266, 11268, 11450.5, and 11486, Welfare and Institutions Code, SB 72 (Chapter 8, Section 42, Statutes of 2011), AB 1712 (Chapter 846, Section 34, Statutes of 2012), SB 89 (Chapter 24, Section 58, Statutes of 2017). Reference: Sections 10553, 10554, 10604, 10831(a), 10850, 11017, 11209, 11253(b)(2), 11253.5, 11265.3, 11265.8, 11266, 11268, 11275.10, 11450, 11451.5, 11453, 11486, 13283, 14005.2, and 18945, Welfare and Institutions Code; Section 48200, Education Code; 45 CFR 205.42(d)(2)(v)(A) and (B), as printed in Federal Register, Vol. 57, No. 198, Tuesday, October 13, 1992, page 46808; 45 CFR 205.52(a)(1) and (2); 45 CFR 233.10(a)(1)(iv) and 235.112(b); 45 CFR 400.43; 7 CFR 273.16(b); 8 United States Code (USC) 1182(d)(5)(B); 42 U.S.C. 402(a)(6) and 616(b); and Section 301(a)(1)(A) and (B) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193); California's Temporary Assistance for Needy Families State Plan dated October 9, 1996 and effective November 26, 1996; The Trafficking Victims Protection Act of 2000 (P.L. 106-386), Sections 107(b)(1)(A), (B), and (C); The Trafficking Victims Protection Reauthorization Act of 2003 (Public Law 108-193).

40-171	ACTION ON APPLICATIONS, INTERPROGRAM TRANSFERS AND INTRAPROGRAM STATUS CHANGES (Continued)	40-171
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- c. The applicant's whereabouts is unknown.
- d. The applicant fails to complete the Form CA 2.
- e. Reserved
- f. Reserved
- g. Ineligibility occurs after the legal beginning date of aid but before action is taken to grant aid.
- h. The applicant establishes residence in another state before the determination of eligibility is completed.
- i. Failure to cooperate in providing evidence of eligibility in accordance with Section 40-126.344(b).
- j. Refusal to cooperate in accordance with Section 40-105.1.
- k. Any person required to provide photo identification refuses or otherwise fails to do so.

.23 Application or Request for
Restoration Withdrawn

- .231 An application can be withdrawn only upon the voluntary initiative of the applicant or person applying on his behalf. The request for withdrawal shall be in writing.
- .232 There is no requirement that denial action be taken on an application which has been withdrawn.
- .233 The Notice of Applicant Who Withdraws Application form is mailed or given to the applicant unless the county elects to take denial action, when the notification is by means of the appropriate Notice of Action form or its equivalent.

40-171	ACTION ON APPLICATIONS, INTERPROGRAM TRANSFERS AND INTRAPROGRAM STATUS CHANGES (Continued)	40-171
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.24 Application or Request for Restoration Cancelled

.241 An application or request for restoration of a cash grant is considered cancelled if the applicant dies before the determination is completed.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10831(a), 11201 (Ch. 270, Stats 1997) and 11275, Welfare and Institutions Code; and 42 USC 402(a)(6).

40-173	COUNTY DEPARTMENT RESPONSIBILITY FOR NOTIFYING APPLICANTS AND RECIPIENTS	40-173
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Prior to county action (except as provided in .7 below), the applicant or recipient shall be (a) notified of any county action which relates to his application, affects aid payment to him or his certification for medical assistance, or affects aid payments to him or his family, and (b) informed of his responsibility for reporting facts material to the determination of his eligibility. Such notification, advice, etc., shall be in simple understandable language. Required notifications are:

.1 Notice of County Action Granting Aid, Changing the Amount of the Grant, Changing the Recipient's Status or Not Changing the Amount of the Grant Following the Submittal of a Recipient Mid-Period Report.

Use appropriate Notice of Action form. Use appropriate Notice of Action form to report county action authorizing a supplemental grant or changing status from a cash grant to MN. (See Section 40-183.)

.2 Notification When Application is Held Pending Eligibility

Use appropriate Notice of Action form.

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Note: In regulations which have not been moved to Division 80, the county may be referred to as CWD or county welfare department.

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| (6) | County-Initiated Actions | "County-Initiated Actions" means mid-period actions that the county is required to take pursuant to Section 44-316.33. |
| (d) | (1) Date of Application | "Date of Application" means the date the applicant or the applicant's representative signs the application or the date the county receives the signed application, whichever is later. |
| (e) | (1) Eligible Child | "Eligible child" means a child who is a member of an AU. |
| | (2) Essential Person (EP) | "EP" means a stepparent or ASP. |
| (f) | (1) Filing Unit | "Filing unit" means the group of persons required to be on the Statement of Facts. |
| (g) | (1) GAIN | "GAIN" means the Greater Avenues for Independence program which is a comprehensive statewide employment program for AFDC applicants and recipients. (GAIN was replaced by the Welfare to Work (WTW) program at the same time that AFDC was replaced with TANF in 1996.) |

80-301	DEFINITIONS (Continued)	80-301
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| (2) | GED | "GED" means the General Education Development program which provides educational programs for persons no longer enrolled in public schools. |
| (3) | Grant Adjust | "Grant Adjust" means to regain TANF funds which were overpaid to an AU by reducing the aid payment. |
| (h) (1) | Half-Sibling | "Half-sibling" means a brother or sister having only one biological and/or adoptive parent in common with the applicant child. |

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| (i) (1) | Immediate Need Payment | "Immediate Need Payment" means an aid payment made in advance of a completed determination of eligibility for CalWORKs when specific criteria are met. |
| (2) | Intentional Program Violation (IPV) | "IPV" means an Intentional Program Violation, (See Section 20-351) which is a determination made by a state or federal court, including any determination made on the basis of a plea of guilty or nolo contendere, or pursuant to an administrative disqualification hearing that an individual has intentionally: |
| (A) | | Made a false or misleading statement or misrepresented, concealed, or withheld facts; or |
| (B) | | Committed any act intended to mislead, misrepresent, conceal, or withhold facts or propound a falsity; and |
| (C) | | Committed these acts to establish or maintain CalWORKs eligibility, or to increase or prevent a reduction in the amount of the CalWORKs grant. |

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| (j) | (Reserved) |
| (k) | (Reserved) |
| (l) | (Reserved) |

80-301	DEFINITIONS (Continued)	80-301
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| (m) | (1) Mandatory Inclusion | "Mandatory inclusion" means the requirement that a parent, sibling or half-sibling be included in a filing unit or AU with the applicant or eligible child. |
| | (2) Mandatory Mid-Period Reports | "Mandatory Mid-Period Reports" means mid-period reports that recipients are required to make within ten days of occurrence to the county pursuant to Section 44-316.32. |
| | (3) Medical Verification of Pregnancy | "Medical verification of pregnancy" means a written statement from a physician, physician's assistant, state certified nurse midwife, nurse practitioner or by designated medical or clinic personnel with access to the patient's medical record that provides information sufficient to substantiate the diagnosis and estimated delivery date. |
| (SAR) | (4) Mid-Period Reports | "Mid-Period Reports" means any change reported during the SAR Payment Period outside of the SAR 7 or SAWS 2 reporting process. |
| (AR/CO) | Mid-Period Reports | "Mid-Period Reports" means any change reported during the AR/CO Payment Period outside of the SAWS 2 reporting process. |
| | (5) Minor Parent | "Minor parent" means the father, mother or pregnant woman, married or unmarried, who is less than 18 years of age. |
| (n) | (1) Non-minor dependent (NMD) | "Non-minor dependent" means a current dependent child or ward of the juvenile court who: |
| | (A) | is at least 18 years of age but is less than 21 years of age, |
| | (B) | is in foster care under the responsibility of the county welfare department or county probation department, and |
| | (C) | is participating in a transitional independent living case plan. |

80-301	DEFINITIONS (Continued)	80-301
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| | <p>(2) Non-minor former dependent</p> <p style="margin-left: 40px;">(A)</p> <p style="margin-left: 40px;">(B)</p> | <p>“Non-minor former dependent” means either of the following:</p> <p>A non-minor who reached 18 years of age while subject to an order for foster care placement, and for whom dependency, delinquency, or transition jurisdiction has been terminated, and who is still under the general jurisdiction of the court.</p> <p>A non-minor who is over 18 years of age and, while a minor, was a dependent child or ward of the juvenile court when the guardianship was established pursuant to Welfare and Institutions Code section 360, 366.26, or 728(d); and the juvenile court dependency or wardship was dismissed following the establishment of the guardianship.</p> |
| (o) | <p>(1) Optional Person</p> <p>(2) Otherwise Eligible</p> | <p>“Optional person” means an otherwise eligible person who is not required to be included in the filing unit or AU.</p> <p>“Otherwise eligible” means a status where the person has been determined to meet all eligibility requirements for aid, other than that eligibility factor being considered.</p> |
| (p) | <p>(1) Parent</p> <p>(2) Reserved</p> <p>(3) Pregnant Woman</p> | <p>“Parent” means 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 purposes of determining a caretaker relative.</p> <p>“Pregnant woman” means a woman (including a minor) who has provided medical verification of pregnancy to the county.</p> |

80-301 **DEFINITIONS** (Continued) **80-301**

- (SAR) (3) Semi-Annual Report Under the Semi-Annual Reporting system, a semi-annual eligibility report is due every six months: one SAR 7 and one SAWS 2 per year. A SAR 7 is due in the sixth (6th) month of the SAR Payment Period after the application or annual redetermination of eligibility (SAWS 2) is completed.
- (SAR) (4) Semi-Annual Reporting (SAR) SAR is the reporting system that replaced Quarterly Reporting. Under SAR, in addition to certain mandatory mid-period reports, recipients are required to submit an eligibility report every six months (one SAWS 2 and one SAR 7 per year).
- (5) Senior Parent "Senior Parent" means the parent of a minor parent when the minor parent receives aid for his/her child or the parent of a minor pregnant woman.
- (6) Sibling "Sibling" means the brother or sister who has both parents in common with the applicant child. This includes siblings by adoption.
- (7) Sponsored Non-Citizen "Sponsored non-citizen" means a noncitizen whose entry into the United States was sponsored by a person who executed an I-864 Affidavit of Support or similar agreement on behalf of a noncitizen as a condition of the noncitizen's entry into the United States.
- (8) California Department of Social Services (CDSS) "CDSS" means the state department which supervises the counties in the administration of the CalWORKs program. Also referred to as DSS or the Department.
- (9) Statement of Facts "Statement of Facts" means the CW 8 (Rev. 3/13), CW 8A (Rev.4/13), SAR 22 (Rev. 3/13), SAR 23 (Rev. 3/13), CW 42 (Rev. 11/06) or the SAWS 2 (Rev. 4/13) are the state required forms used to collect the information necessary to determine a family's eligibility. See Section 80-310 for title and definition of forms.

80-301	DEFINITIONS (Continued)	80-301
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(10) Stepparent	"Stepparent" means a person who is not the biological parent, but is either married to, or the California domestic partner of, the parent of the child.	
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(11) Strike	"Strike" means a concerted stoppage of work by employees (including a stoppage by reason of the expiration of a collective bargaining agreement) and any concerted slowdown or other concerted interruption of operations by employees.	
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(12) Striker	"Striker" means an applicant or recipient who is participating in a strike on the last day of the month.	
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(13) Supplemental Security Income/State Supplementary Program	"SSI/SSP child" means a child who would be eligible for AFDC except that he/she is receiving SSI/SSP. SSI/SSP is the federal/state assistance program for persons who are aged, disabled or blind as authorized by Title XVI of the Social Security Act.	
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(t) (Reserved)

(u) (Reserved)

(v) (1) Voluntary Recipient Reports	"Voluntary Recipient Reports" means mid-period reports that recipients may make to the county pursuant to Section 44-316.31.	
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(w) (Reserved)

(x) (Reserved)

(y) (Reserved)

(z) (Reserved)

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: Sections 10054, 10058, 10063, 10553, 10554, 10604, 11008.13, 11008.14, 11023.5, 11051, 11054, 11201, 11203, 11250, 11250.4, 11265.2, 11265.3, 11265.45, 11266, 11269, 11320, 11400, 11450, 11486, 16501.1, and 16507, Welfare and Institutions Code; Sections 297, 297.5, 298.5, and 299.2, Family Code; 8 CFR 213a. and 299; 45 CFR 201.3, 206.10, 224.51, 232.12, 233.10, 233.106, 233.20, 233.51, 233.60, 233.90, 237.50, 255, and 266.10; 42 USC 402(a)(6) and 606(a); and SSA-AT-86-01; Federal Register, Vol. 75, No. 19, dated January 29, 2010, pages 4928 and 4929 [7 CFR 273.12(a)(1)(vii)].