

# County of San Diego, Health and Human Services Agency (HHS) CalWORKs Program Guide

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**Background:**

The Maximum Family Grant (MFG) rules stipulate that the Maximum Aid Payment (MAP) will not be increased for any child born into a family, after September 1, 1997, that has received CalWORKs continuously for the ten months prior to the birth of a child.

**Policy**

**44-300.C.1 Definitions**

<b>Term</b>	<b>Definition</b>
Break-in-Aid	For MFG purposes the following conditions will be considered a month in which the AU did not receive cash aid: <ul style="list-style-type: none"> <li>• A month in which the AU is eligible for a zero basic grant (ZBG)</li> <li>• A month in which the reunification family (as described in CPG 10-015.C) does not receive a cash aid payment</li> </ul>
Continuously	Aid received without a break-in-aid of at least two consecutive months
Law Enforcement Agency	Includes all federal, state and local law enforcement agencies
Mental Health Professional	A person licensed by the State of California to provide counseling services
MFG Child(ren)	The child(ren) that is/are not included in the Assistance Unit (AU) size for the purpose of determining MAP
Received Aid	Applies to a parent who receives aid for themselves or on behalf of their eligible children. This includes the following: <ul style="list-style-type: none"> <li>• A sanctioned parent who has a protective payee</li> <li>• A minor that receives aid as a child and who subsequently becomes a minor parent</li> <li>• An ineligible non-citizen parent or SSI parent who is receiving CalWORKs for his/her other eligible children</li> <li>• A month in which the AU receiving a special needs payment or homeless assistance</li> </ul>
Nickols v. Saenz	MFG policies, revised in November 2000, to comply with the Nickols v. Saenz lawsuit settlement. The lawsuit relates to how CalWORKs applicants and recipients are informed about the MFG rule.
Nested Teen	A minor parent aided as a dependent child, rather than as a parent. Nested teens are minor parents who: <ul style="list-style-type: none"> <li>• Are dependents (eligible children) in their senior parent's case; or</li> <li>• Reside with a caretaker relative as required, whether or not the caretaker relative is needy.</li> </ul>

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**44-300.C.2 Requirement**

Effective November 2002, impose the MFG rules when all the following apply:

- The AU has received written notice (CW 2102 - MFG Rule for Recipients of Cash Aid, which contains a written acknowledgement of receipt of the information notice) at least ten months prior to the birth of the child
- The AU has not had a break in aid of at least two consecutive months during the ten months prior to the birth of the child
- The AU is not exempted as noted in the Exemptions to the MFG Requirement section below

**Note:** The CW2102 must always be provided to the AU at each application, reapplication, and re-determination. A copy of the form is to be provided to the applicant/recipient and the original must be maintained in the case file.

This form must be signed and dated (or documentation of a refusal to sign) by the applicant/recipient each time it is provided.

If there is no signed CW 2102 (or record as described above) that the applicant/recipient was notified of the MFG requirement at application or the most recent redetermination at least 10 months before the child's birth, whichever is later, the MFG rule does not apply to the AU.

Once a child has been determined to be a MFG child, the MFG rules continue to apply, until the AU has not received aid for at least 24 consecutive months.

**Counting of Months**

To determine if MFG applies, 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. A 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.

**44-300.C.3 Exemptions to the MFG Requirement**

MFG rule does not apply when:

- The child was conceived as a 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.

**Note:** The customer must provide written verification from one of the entities listed above that the incident of rape was reported and the date the report was made.

- The child was conceived as a result 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 incest prior to, or within three months after, the birth of the child.

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**Note:** The customer must provide written verification from one of the entities listed above that the incident of incest was reported and the date the report was made.

- The child was conceived as a result of the failure of any of the following contraceptive methods:
  - An intrauterine device
  - Norplant
  - Sterilization of either parent**Note:** Written medical verification is required.
- The child was conceived while either parent was unaided non-parent caretaker relative.
- The child is not living with either parent.
- A teen parent/former teen, who has met the age requirements (as described in CPG 42-100.A) at the time the child was born, establishes his/her own AU. When this occurs, the MFG rule does not apply to:
  - Any existing child of the teen parent/former teen parent
  - Any new child born to the teen parent/former teen parent during the first ten months after establishes his/her own AU.

**44-300.C.4 MFG Child Eligibility**

MFG children are considered eligible for, and recipients of, aid including all CalWORKs related benefits even though they are not included in the MAP calculation. CalWORKs related benefits including Public Assistance CalFresh, child care, and cash-based Medi-Cal. The child is included in the Maximum Basic Standard of Care (MBSAC) for determining financial eligibility, special needs such as temporary homeless assistance payments, and special diet. However, benefits derived from MAP do not include MFG children.

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

**44-300.C.5 Exempt MFG Income**

Any new or pending application with an effective date of April 1, 2001, or later, must exclude as income in the CalWORKs budget any of the following types of income received for an MFG child from an absent parent:

- Child Support
- Social Security
- Other government disability benefits
- Retirement benefits

**44-300.C.6 Child Support**

All child support payments received by the Local Child Support Agency (LCSA) for MFG children, must be sent to the family. Child Support payments for MFG children are exempt from consideration as income. In addition, a child support referral is required on all MFG children, unless good cause exists (as described in CPG 43-200.D).

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Eligibility Worker/LCSA/Recipient responsibilities include:

Eligibility Worker Responsibility	LCSA Responsibility	Recipient Responsibility
Notify LCSA when: <ul style="list-style-type: none"> <li>• A referral is done for a child to whom MFG applies</li> <li>• MFG is temporarily suspended</li> <li>• MFG has been terminated (AU has been off aid for 24 consecutive months or more, and reapplies)</li> </ul>	LCSA will notify the Eligibility Worker of the date and amount of child support money sent to the AU	The AU is responsible for reporting the receipt of child support money on the SAR 7.

### **44-300.C.7 Application of the MFG Rule Examples**

#### **Example 1**

A child born on November 5, 2006, into a CalWORKs AU who has been on aid since December 2002. The family's most recent re-determination was December 2005. For the MFG rule to apply, the family's CalWORKs case file must contain a signed acknowledgement of receipt of the CW 2102 from the re-determination in December 2005.

#### **Example 2**

A CalWORKs AU has been on aid since August 2004 and their new child was born on October 2, 2006. The family was re-determined and signed the CW 2102 in July 2005. The family's July 2006 re-determination was completed but the CW 2102 is missing from the case file. The MFG rule applies to the new child because the CalWORKs case file contains a signed CW 2102 from the most recent re-determination (July 2005) that is at least ten months before the child's birth. Although there was a more recent re-determination in July 2006, it did not occur at least 10 months prior to the birth of the child, so the CW 2102 signed July 2005 would be the applicable CW 2102 in this case situation.

#### **Example 3**

A CalWORKs AU signed the CW 2102 and has been on aid since July 2005; they go off aid March 1, 2006 and are reinstated on April 10, 2006. They are re-determined and their CW 2102 is signed July 2006. A new child is born August 3, 2006, and the MFG rule applies to their new child because the family had a break-in-aid of less than two consecutive months during the ten months before the birth of the child and there is an applicable CW 2102 in the case that was signed in July 2005.

### **44-300.C.8 Domestic Violence Waiver**

On a case-by-case basis, the Eligibility Worker may waive the MFG rule for a customer who has been identified as a past or present victim of domestic abuse. The waiver of the MFG rule **MUST** be linked to a customer's inability to obtain employment or participate in Welfare-to-Work (WTW) activities. Therefore in order to determine if the MFG rule may be waived, a referral to the Family Services Coordinator (FSC) must be made.

The MFG waiver will be granted in increments of no more than three-month and will be monitored monthly by the FSC and continue for **as long as** the domestic violence continues to impact the customer's ability to participate in regular WTW activities or obtain employment.

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Notify the customer that if the MFG rule is temporary suspended, during the duration of the waiver:

- All child support payments received by the LCSA for MFG children, will not be sent to the family
- Any type of income (as described in CPG 44-300.C.5 above) received for an MFG child from an absent parent will be counted in the CalWORKs budget

Refer to Processing Guide 40-100.O.3 for additional domestic violence protocols related to WTW.

**Procedure:**

1. Refer to Processing Guide 44-300.C1 MFG Rule Questions and Answers
2. Refer to Processing Guide 44-100.O1 and Processing Guide 40-100.O.3 for information related to domestic violence waivers.

**Impacts:**

None

**References:**

EAS 44-314, ACL 14-59

**Approval for Release:**

March 7, 2016

**Sunset Date:**

This policy will be reviewed for continuance by January 31, 2019.