

45-000.C Hartley v. Lightbourne Questions and Answers

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All of the following Q&A's presume that the county has exhausted all efforts to collect the overpayment from any aided parents and caretaker relatives first, in accordance with [CPG 44-350.G.4 Priority of Recovery](#).

45-000.C.1 Emancipated Minors and Minors Head of Households

Question 1

Is it appropriate to collect overpayments from emancipated minors, as well as from minors who are head of households?

Answer

Whether the county can collect overpayments from emancipated minors and minors who are head of households depends on the individual's status at the time the overpayment occurred. The county is required to recoup an overpayment from a minor head of household or from an emancipated minor only if the overpayment occurred while the minor was a head of household or emancipated minor.

If the...	Then...
a) Overpayment was incurred when the minor was <i>aided as a child</i> in an Assistance Unit (AU) with an adult caretaker relative,	The county will not take any action to collect that overpayment from the minor when he or she later becomes the head of household in his or her own AU.
b) Overpayment occurred in the minor's own AU for which they are the head of household,	Recoup the overpayment from the minor head of household. It would also be appropriate to recoup an overpayment from an emancipated minor if the overpayment was established in the emancipated minor's own AU. However, the minor head of

	household or emancipated minor is <i>not</i> responsible for any overpayment incurred before the minor became emancipated or head of household.
c) The AU is a two-parent household where both parents are under 18 (i.e. there is no senior parent), and an overpayment is incurred within that AU,	Collect an overpayment from the AU, because at least one or both of them were head of household at the time the overpayment occurred.

**45-000.C.2
18 Year Old
“Child” Now
Active in a
Different AU**

Question 2

Can the county collect an overpayment from an AU in which there is an 18 year old who is being aided as a “child” (because he or she is still in high school), and the overpayment was established in a different AU when the child was under 18?

Answer

No, because the overpayment occurred when the 18-year old “child” was in a previous AU, and the county has been directed not to collect from children moving from an AU with an overpayment into a new AU. Even though the individual has turned 18, because (s)he is attending high school and is considered an “eligible child”, the new overpayment recoupment rules established in the Hartley v. Lightbourne settlement apply to this child.

**45-000.C.3
Non-Minor
Dependent
(AB 12)**

Question 3

If a client formerly received extended CalWORKs benefits under Assembly Bill (AB) 12, can the county collect AB 12 overpayments from the individual when that individual reaches age 21 and is no longer a non-minor dependent (NMD)?

Answer

No. AB 12 payments, though paid through CalWORKs, are for foster youth, and former foster youth are not liable for any overpayment that occurred while the NMD received AB 12 payments. Overpayments may only be recouped via grant adjustment while a NMD is actively being aided under AB 12. However, if that former AB 12 recipient receives aid after AB 12 benefits end in a new, non-AB 12 AU, that later overpayment can be recouped, because in that scenario, the former NMD is the adult head of household of his/her child’s AU.

**45-000.C.4
Nested Teen
Parent
Reaches Age
18**

Question 4

Is it proper to collect an overpayment from a grandchild that was in a Senior Parent’s AU if the grandchild’s parent(s) (a former nested teen parent) reaches age 18, completes high school or vocational training before age 19 or becomes

emancipated and starts his or her own AU?

Answer

No, in the scenario described above, both the nested teen parent and the grandchild of the Senior Parent were receiving aid as children in the Senior Parent's AU. Thus, they are not considered responsible parties for the prior AU's overpayment and the county cannot recoup the overpayment from these individuals. Once the former nested teen starts his or her own AU, the prior overpayment does not follow him/her to the new AU.

**45-000.C.5
KingGap**

Question 5

Should the county stop overpayment recoupment efforts from former KinGap individuals after they reach age 21 and are no longer eligible for aid since they are not technically "Temporary Aid for Needy Family (TANF) recipients?"

Answer

Whether the county ceases overpayment recoupment effort from former KinGap individuals depends on when the overpayment was established. If the KinGap overpayments occurred after January 1, 2011, the KinGAP youth is receiving foster care payments and, as such, is not responsible for repayment of any overpayments established in the KinGap case. Prior to January 1, 2011, the KinGAP payments were CalWORKs payments, and as such, they are subject to the new policy established by Hartley v. Lightbourne.

**45-000.C.6
Non-Needy
Caretaker
Relatives
overpayment,
and Child
Moves Back
with Parent**

Question 6

For Non-needy caretaker relatives (NNRs) with overpayments, if the child moves back with his/her mother, and the child is still under 18, is it proper to collect that previous NNR's overpayment from the Mom in the AU that the child joined?

Answer

No, it would not be appropriate to recoup the NNR's overpayment from the new AU where the child is receiving aid with Mom. Because the overpayment occurred in the NNR's AU, the overpayment would not "follow" the child from the NNR's AU to the Mom's AU.

**45-000.C.7
Overpayment
and Unaided
Adults (Child-
Only Cases)**

Question 7

Can the county collect overpayments from **unaided adults** in child-only cases?

Answer

No, the county cannot collect overpayments from unaided adults if the adult was not aided at the time the overpayment was established. The county cannot recoup an overpayment from a parent who is excluded under [CPG 41-500 E. Persons Excluded From The Assistance Unit](#), if that adult was not aided in the AU at the time

of the overpayment. This includes adults who are excluded from the AU because they are a sanctioned individual, drug or fleeing felon, undocumented non-citizen, or NNR.

However, the county is still able to recoup overpayments from active child-only cases via grant adjustment. Once the case is discontinued, the county cannot recoup from the (previously) unaided adult or the child.

45-000.C.8
How to
Handle New
Overpayment
s

Question 8

Now that the county can no longer collect in these circumstances, how should new overpayment claims be handled?

Answer

Affected individuals (former minors, minors moving from one AU to another AU) will no longer be responsible for repaying prior overpayments, and the county is required to ensure that their procedures for identifying responsible parties and overpayment recoupment reflect this change. The county also needs to ensure not to collect overpayments from unaided adults as described in [question #7](#). The county is required to continue establishing overpayment claims when an overpayment is identified. The county is required to recoup overpayments in accordance with overpayment regulations as outlined in CPG 44-350, with the exception of the changes set out in the [Hartley v. Lightbourne](#) settlement.
