

**County of San Diego, Health and Human Services Agency (HHS) (HSA)
CalWORKs Program Guide Special Notice**

Exemption of Safety Net, Drug/Fleeing Felon Cases from Child Support Requirements	Number	Page
	15-05	1 of 4

Issue Date:

March 6, 2015

Effective Date:

June 1, 2014

Background:

The California Department of Social Services (CDSS) instructed to move all child-only Safety Net cases and cases in which all adults are excluded due to the adults' status as a drug felon or fleeing felon into two new aid codes (K1 and 3F) which are state funded.

Moving these cases out of the federally funded TANF program and into a new solely state funded aid code allows these cases to be excluded from California's work participation rate (WPR) calculation, thus increasing California's chances of meeting federal WPR requirements.

Refer to [CalWORKs Program Memo 13-12](#) for additional information.

Policy:

The following policy changes are effective retroactively to June 2014.

Exempt from Child Support:

Due to federal regulations CalWORKs K1 and 3F cases are exempt from Child Support requirements unless the family voluntarily requests Child Support services from a Local Child Support Agency (LCSA).

No Mandatory Referrals:

Referrals of K1 and 3F cases to the LCSA are no longer required. These cases also are not required to assign support rights or cooperate with Child Support requirements as a condition of eligibility for CalWORKs. Child Support sanctions and penalties will not be applied to K1 and 3F cases and must be removed.

Existing Child Support Passed Through:

K1 and 3F cases that already have an open Child Support case with the LCSA may continue Child Support enforcement and collections if the family voluntarily wishes to maintain an open Child Support case; however, any support collected on behalf of the aided children must be passed through to the family directly and **not** be retained by the State or County to reimburse CalWORKs aid paid.

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

Exemption of Safety Net, Drug/Fleeing Felon Cases from Child Support Requirements	Number	Page
	15-05	2 of 4

Reporting Rules:

CalWORKs Assistance Units (AU) are required to report the Child Support payments they receive in accordance with their CalWORKs and CalFresh income reporting rules. CalFresh Semi-Annual Reporting (SAR) households are required to report Child Support received on their SAR 7 report, and CalWORKs Annual Reporting/Child-Only (AR/CO) AUs are required to report Child Support received at application and during the annual redetermination. In addition, all AUs are required to report receipt of direct Child Support income any time the family's total monthly income exceeds the Income Reporting Threshold (IRT) if the AU also has earned income.

Child Support Disregard:

Once the Child Support is determined to be reasonably anticipated and countable, disregard the first \$50 of the Child Support income and count the remaining Child Support as unearned income against the AU's grant for the upcoming payment period according to AR/CO rules. If an AU receives more than one Child Support payment in the same month, the \$50 disregard is applied only once per month regardless of the number of payments received, unless the first payment is less than \$50, in which case an amount up to a total of \$50 for the month is disregarded.

Procedure:

Time-On-Aid (TOA) and Arrearages:

Under the new policy, since Child Support collected is no longer used to reimburse aid paid to the family, TOA months will no longer be "unticked" unless arrearages are collected and retained by the County that are used to reimburse full months of aid paid to that AU.

Child Support Sanctions and Penalties:

Remove all Child Support related sanctions and penalties for these cases retroactively, effective back to June 1, 2014. Because these cases are child-only cases, lifting the sanction for refusal to assign support rights will not increase the grant for the adult's portion.

Underpayments and Overpayments:

For cases in which a 25 percent Child Support penalty was applied for failure to cooperate with Child Support requirements, remove the penalty effective June 1, 2014. All underpayments issued as a result of removing the sanction or penalty must be used to offset existing overpayments in accordance with [CPG 44-350.K](#). Adequate and timely notice must be provided. Any remaining underpayment following the offset must be given to the family.

**County of San Diego, Health and Human Services Agency (HHS)A)
CalWORKs Program Guide Special Notice**

Exemption of Safety Net, Drug/Fleeing Felon Cases from Child Support Requirements	Number	Page
	15-05	3 of 4

Other Aid Codes:

If a case transitions back into a non-K1/3F aid code, the prior sanction or penalty will **not** be re-applied, but Child Support assignment agreements and cooperation requirements must re-initiated. If the individual refuses to cooperate or assign his/her support rights without good cause when the case is transitioning into the non-K1/3F aid code, a **new** sanction or penalty will be initiated at that time.

The adult will be added back into the AU effective the first of the month in which the case transitions back into the non-K1/3F aid code, providing the adult has not reached his/her 48-month time limit and is otherwise eligible.

Benefits of Child Support Collection:

Workers are strongly encouraged to have a discussion with each applicant (or recipient who does not have a current open Child Support case) to highlight the advantages of opening a Child Support case and the benefits of Child Support collection. For example, explain that receipt of direct Child Support will mean the family will receive and be able to keep more income.

Assisting Clients:

Provide assistance to clients seeking Title IV-D (Child Support) services through the LCSA such as:

- Telling the client where they need to go to apply for services
- Helping the family to fill out the necessary forms
- Making appointments
- Answering any questions they may have

Automation Impact:

CalWIN changes to reflect these new regulations are work in progress and scheduled to be updated in the near future.

Management Report:

A Management Report will be provided in the near future to staff listing all the K1 and 3F cases possessing either a Child Support sanction or Child Support penalty for removal.

Client Correspondence:

The Notice and Agreement for Child, Spousal and Medical Support and the Child Support Questionnaire are no longer required and should not be used for applicants whose cases will be immediately placed into one of these aid codes unless required by the Medi-Cal program. If at any time the case transfers into another aid code that is not K1/3F, the parent/caretaker relative would at that time be required to complete and sign the two forms.

**County of San Diego, Health and Human Services Agency (HHS) (HSA)
CalWORKs Program Guide Special Notice**

Exemption of Safety Net, Drug/Fleeing Felon Cases from Child Support Requirements	Number	Page
	15-05	4 of 4

CW 2215 - New Rules in California Work Opportunity and Responsibility to Kids (CalWORKs) for Safety Net and Certain Child-Only Cases:

The CW 2215 notice must be used to notify recipients in aid codes K1 and 3F about the changes in Child Support rules and when to report income changes. It can be mailed to AUs as they are moved into the K1/3F aid codes.

Until translations are available, recipients who have elected to receive materials in languages other than English should be sent the English version of the form or notice along with the **GEN 1365-Notice of Language Services**.

Forms and Document Capture:

Workers are **not** to complete and/or Document Capture the Child Support Referral forms for K1 and 3F aid code cases. Workers are complete and Document Capture the Child Support Referral forms if the case moves to another aid code that is not K1 or 3F.

Impacts:

None

Quality Control (QC):

QC will cite the appropriate error when regulations are not applied or are applied incorrectly.

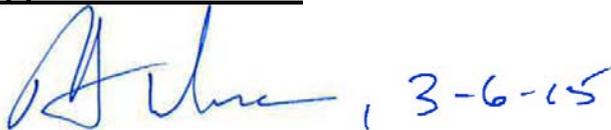
References:

[ACL 13-70](#)
[ACL 14-78](#)
[MPP 82-500](#)

Sunset Date:

This policy will be reviewed for continuance by March 31, 2016.

Approval for Release:



Rick Wanne, Director
Eligibility Operations