

General Relief (GR) Program Guide (PG) Letter #56

August 5, 2009

Subject **UPDATES TO CLEARANCE PROCEDURES, COUNTY MEDICAL SERVICES (CMS) LIENS, WAIVERS, DEFINITION OF “FULLY-EMPLOYED”, AND SAME-SEX MARRIAGES AND REGISTERED DOMESTIC PARTNERS**

Effective Date Upon receipt

References County Policy

Purpose The purpose of this Letter is to provide updates to the:

- Clearance procedures for MEDS clearances;
- Proper case number to enter on CMS Liens;
- Hardship Waiver procedures;
- Definition of a fully-employed individual; and
- Recognition of same-sex marriages and Registered Domestic Partners (RDP).

Background MEDS clearances are included in the clearance procedures for individuals requesting GR.

CMS Liens are required for CMS eligibility and will only be recorded after the CMS case closes and the recipient has over \$5,000 in claims.

Hardship Waivers may be requested in situations where the application of a particular rule would pose an extreme hardship on the applicant/recipient.

An individual is currently considered to be fully-employed if working 100 hours per month (25 hours per week), no matter what income is earned and is not eligible for GR.

On May 15, 2008, the California Supreme Court determined that it is impermissible under the California Constitution to limit marriage only to opposite-sex couples. However, voters passed Proposition 8 in November 2008, which was a constitutional amendment that states “only marriage between a man and a woman is valid or recognized in California.” The passage of Proposition 8 took effect on November 5,

2008. Subsequently, same-sex marriages are no longer allowed in California. In addition, Proposition 8 no longer allows California to recognize same-sex marriages that were entered into outside of California.

Assembly Bill (AB) 205 extends RDPs in the State of California (individuals with a domestic partnership registered with the California Secretary of State) with the same rights and responsibilities that are granted and imposed on civil marriages. AB 205 also extends these rights and responsibilities to members of a legal union validly formed in another jurisdiction that is equivalent to a California RDP.

Changes

The following changes are included in this letter:

- All MEDS screens should be reviewed when clearing;
 - The CMS Application Number must be entered on the CMS Lien;
 - Clarification on who must approve an Extreme Hardship Waiver request;
 - Clarification that a three-day notice to pay rent or quit is not an eviction notice (this letter obsoletes GR Program Inquiry #08-02); and
 - An individual will also be considered to be fully employed if the employee is active on the employer's records as being employed full-time even if the individual is not currently reporting for work.
 - The California Supreme Court recently upheld Proposition 8. As a result of this decision, same-sex marriage licenses issued within the State of California between June 17, 2008 and November 4, 2008 are deemed to be valid on the basis of marriage. Same-sex marriages from other states will not be recognized.
 - RDPs in the State of California shall be treated as spouses when determining the GR family size and budget unit. RDPs from other jurisdictions may also be treated the same if it is equivalent to a California RDP.
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**MEDS
Clearances**

Effective with the receipt of this letter, case clearing must review CalWIN and all of the screens available in MEDS (including the QS screen), for the individual requesting GR. If the applicant shows he/she has a pending SSI application or an appeal in MEDS, the applicant must be referred to SSI Advocacy and Medi-Cal for a referral to Disability Determination Services Division (DDSD).

CMS Liens

Effective with the receipt of this letter, workers must follow the actions in the table below to complete the CMS Lien.

Step	Action
1	Enter the applicant's information in the AuthMed system.
2	Approve the CMS eligibility.
3	Search AuthMed using the "Search Apps" feature.
4	Click on "Status."
5	Locate the CMS Case Number.
6	Enter the CMS Case Number in the Case Number field of the CMS Lien.

**Hardship
Waivers**

The GR Program Manager must review all Hardship Waiver requests.

One of the items that indicates an extreme hardship is the possession of an eviction notice. A Three-Day Notice to Pay Rent or Quit is not an eviction notice. An eviction notice contains the Sheriff's Seal and is delivered by a Sheriff's Deputy, not the landlord.

**Fully-
Employed**

An individual who is active on an employer's records as a full-time employee will be considered fully employed even if that individual is not reporting for work. Any individual that meets this definition of a fully-employed individual is not eligible for GR.

**Same-Sex
Marriage**

Same-sex marriages that were licensed in the State of California between June 17, 2008 and November 4, 2008 will be recognized for GR eligibility and budgeting purposes. These marriages will be treated according to the appropriate rules as any other marriage. Same-sex marriages from another state will not be recognized.

RDPs

RDPs registered in the State of California shall be treated as spouses for GR eligibility and budgeting purposes. These unions will be treated according to the appropriate rules as a marriage. RDPs from other jurisdictions will be evaluated on a case-by-case basis by GR Program.

Forms Impact

No impact.

**Automation
Impact**

On the **Collect Household Relationship Detail** window, the worker must enter "Spouse" as the relationship between the married individuals in a same-sex marriage and as "Domestic Partner" for RDPs.

Quality Assurance Impact

Effective with the October 2009 review month, Quality Assurance will cite with the appropriate error any case that does not follow the requirements of this Letter.

Summary of Changes

The table below shows the changes to the GRPG.

Section	Changes
90-100.1	Added instruction to clear all MEDS screens in the clearance procedures.
90-100.3	Added instructions to refer to SSI Advocacy and Medi-Cal if a pending SSI application/appeal is on MEDS.
90-100.4	Added instructions to refer to SSI Advocacy and Medi-Cal if a pending SSI application/appeal is on MEDS.
90-100.7	Added information regarding same-sex marriages and RDPs
90-250, Appendix H	Added instructions to locate the CMS Case Number to be entered on the CMS Liens.
90-300.1	Revised who must approve the waiver to Program Manager.
90-500.2	Added information regarding same-sex marriages and RDPs
90-600.2	Defined "Eviction Notice."
90-700.24	Added individuals who are active employees but not reporting for work as fully-employed individuals.
93-100.5	Added information regarding same-sex marriages and RDPs

Manager Approval

ORIGINAL SIGNED BY:

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