



CALWORKS: SAFETY NET FOR FAMILIES

PRESENTED BY
LISA NEWSTROM



BAY AREA
LEGAL AID
4 N. Second
St,
Suite 600
San Jose, CA
95113

BAY AREA LEGAL AID

FREE Legal Services for low income residents of Bay Area counties:

Alameda, Contra Costa, Marin, Napa, San Mateo, San Francisco, & Santa Clara

Practice areas:

- public benefits
- healthcare access;
- DV/sexual assault/trafficking: family law & immigration for survivors;
- housing;
- consumer rights;
- youth

WHAT IS CALWORKS?

- **Temporary Assistance to Needy Families (TANF, formerly known as AFDC) is a federal program providing cash aid to needy families with children**
- **California's TANF program is called California Work Opportunity and Responsibility to Kids or CalWORKs**
- **CalWORKs is intended to be a time limited, transitional program to move people into employment**

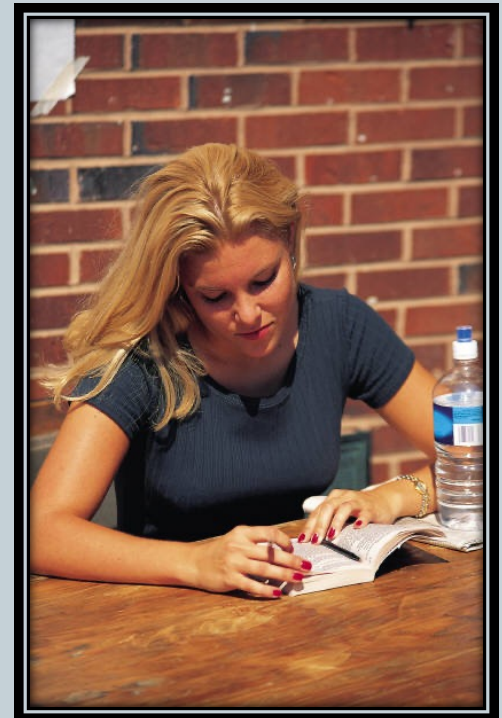
TWO COMPONENTS OF CALWORKS

ELIGIBILITY:

- Who can qualify and how poor do you have to be

WELFARE-TO-WORK:

- What do you have to do to keep getting cash aid:
 - employment, education and training



CALWORKS ELIGIBILITY

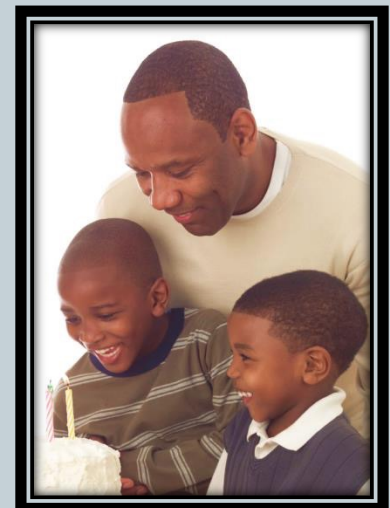
- Family: a caretaker relative with at least 1 minor child in the home or pregnant (if split custody, whoever has care and control 51% of time)
- Child must be Deprived of parental support/care → 1 parent absent, deceased, incapacitated, unemployed or underemployed
- CA resident and resident of county where aid received



7/22/22



Bay Area Legal Aid



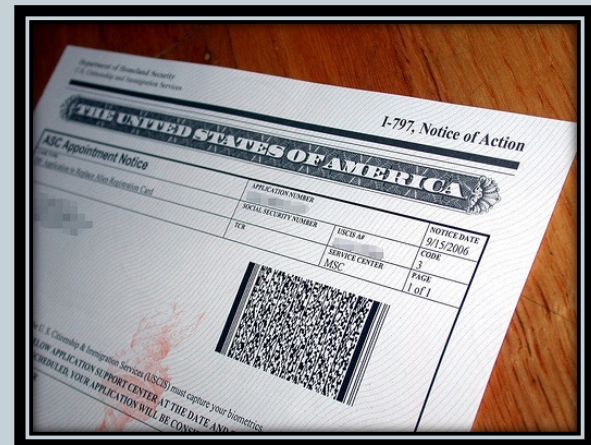
EXAMPLES OF ELIGIBLE IMMIGRANTS

“Qualified Immigrants”

- LPR (green card)
- Refugees
- Asylees
- T Visa holders (trafficking victims)
- Battered spouse/child of USC/LPR with “prima facie determination”

Other Eligible Immigrants

- PRUCOL
- T visa applicants
- U visa applicants or holders (violent crime victims)
 - A “Receipt Notice” from Immigration is enough to establish eligibility



CALWORKS ASSISTANCE UNIT

- Some people who live together must be in the assistance unit
 - Ex: parents and minor children
- Some people can choose not to be in the assistance unit
 - Immigrant family members (including parents)
 - Step-parents who do not have kids in household
- A non-parent caretaker can choose to get aid just for the children
 - Unaided caretaker's income and resources won't count for financial eligibility

INCOME: HOW POOR DO YOU HAVE TO BE?

■ The Rule:

Applicants must have gross income under following:

People	1	2	3	4	5	6
Limit	\$714	\$1172	\$1453	\$1424	\$1724	\$1967

Recipients get Max. Aid Payment minus any countable income:

People	1	2	3	4	5	6
Max. Aid	\$550	\$696	\$878	\$1060	\$1242	\$1424

■ Exceptions:

- Disability or Earned Income gets \$225 total deduction,
 - Earned income gets further 50% deduction
- In-kind: only if the entire item is provided (ex. Payment of all rent, not just part)

EXAMPLES OF EXCLUDED INCOME

- \$100 child support pass thru (\$200 for 2+)
- Most work study, educational loans and grants
- Earned Income Tax Credit
- In-Kind “Item of partial need” ex: rental help
- In-Kind support from a non-profit organization
- Personal loans (need repayment agreement)
- Corrective CalWORKs underpayments, for 2 months after receipt

INCOME: SPONSOR DEEMING

- **The Rule:** Income and resources of immigrant's sponsor count for CalWORKs eligibility until the immigrant works in US 10 years or becomes citizen
- **Exemptions:**
 - Hungry or Homeless (1 yr); or
 - **Domestic Violence**
 - Sponsor abusive or deeming would exacerbate DV



RESOURCES

- Any property that the family owns that has monetary value
 - Ex.: bank account, lump-sum
 - Must be “actually available”
- Limit is \$10,211 or \$15,317 for families with a disabled/60+ member



EXAMPLES OF EXEMPT RESOURCES

- Home where family resides
- Household goods
- Tools recipient needs for work
- DV: Community property that requires consent of abuser



- A car if,
 - used to transport physically disabled household member,
 - used as home, or
 - used to transport heating fuel or water
 - Used for employment
 - Received as gift, donation, or family transfer
- If car is not exempt, counts as equity value minus \$9,500.00

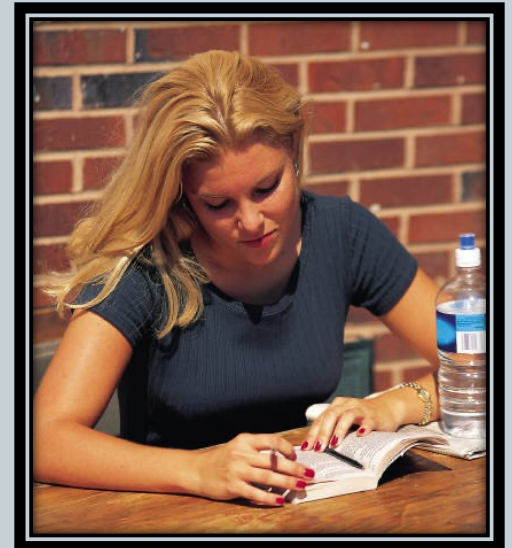
WELFARE TO WORK

WHAT IS WELFARE-TO-WORK

- CalWORKs recipients must be working or engaged in job-readiness activities, like GED, higher education, job skills classes, or ESL
- Required hours:
 - 20 hrs/wk: 1-parent, any child under 6
 - 30 hrs/wk: 1-parent, all children 6 or older
 - 35 hrs/wk: 2-parent
- Some people can be exempt from WTW
 - Exempt people can volunteer to participate full or partial hours

WELFARE-TO-WORK

- Education may be a Self-Initiated Plan (SIP) if started prior to CalWORKs
- For first 24 months, can do any activity in assessment (including school)



WHAT CAN YOU GET BESIDES CASH AID?

WTW SUPPORTIVE SERVICES

■ Supportive services:

- Counseling (DV, drug and alcohol)
- Transportation costs
- Clothing, uniform, tools
- Licensing fees
- Books, supplies

- ****CHILD CARE**** during work or job training activities

■ Exempt individuals can volunteer and get training, support services

IMMEDIATE NEED PROCESSING (FOR INITIAL APPLICANTS)

- Have emergency need, i.e. shelter, medical care, DV, eviction
- Appear to be eligible
- Have \$100 or less in cash or liquid resources AND
- Needs cannot be met by community agencies
- Up to \$200 within 2 working days
- Process application within 15 days
- With eviction notice, full grant in 3 days



HOMELESS ASSISTANCE

- Homelessness includes family with eviction notice.
- Once every 12 months UNLESS:
 - Habitability (need proof)
 - Disaster
 - DV Related Homelessness
 - Requires sworn statement, may need homeless plan, but can't require DV Counseling

TEMPORARY HOMELESS ASSISTANCE

- \$85/day for motel for family of 4 or less. \$15 for each additional person, up to \$145 max/day.
- Up to 16 days in a row.
- Families must receive this money the same day they ask for it
- In Addition: CalWORKs applicant fleeing abuser shall be deemed homeless and is eligible for up to 32 days of temporary HA, disregarding \$\$ of alleged abuser

PERMANENT HOMELESS ASSISTANCE

- Pay for security deposit and last month rent if rent is 80% or less of monthly household income
- County can pay up to 2 months of back rent to prevent eviction.
- Must receive this money one business day after they ask for it

KEEPING YOUR CALWORKS

SEMI-ANNUAL REPORTING

- Redetermination happens annually
- A report (“SAR 7”) of changes happens every 6 months
- Families must report reasonably anticipated income and anything that may change their eligibility
- Grant amount stays the same for 6 mos., unless income goes over Income Reporting Threshold (IRT)
- Report everything, even if not sure, preferably in writing!

WHAT SORT OF CHANGES SHOULD A HOUSEHOLD REPORT?

■ Changes to people

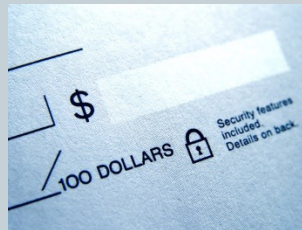
- If someone moves in or out of the house
 - 51% rule of thumb
- Change of address
- Change of immigration status
- Change of student status
- Disability status

■ Changes to money

- Income goes up or down
- Work hours go up or down
- Household gets asset/property
- Household sells asset/property

CHILD SUPPORT COOPERATION

- Recipient must assign child support to county (family gets \$50 pass-through)



- Recipients must cooperate with establishing paternity and enforcing child support

- Good Cause Waiver:

- Increased risk of abuse to parent or child

- Child conceived as result of rape or incest

- Any other reason in child's best interest

48 MONTH TIME LIMIT

- ADULTS limited to 48 months of aid
- Exempt months: months on CalWORKs not count toward limit
 - Unable to participate due to DV
 - Disabled/injured at least 30 days,
 - Caring for sick/disabled family member,
 - Caring for child under 24 months
 - Age 60 or older
- Extensions: extends time on aid after 48 months is reached
 - Ex: DV, caring for sick/disabled family member, age 60 or older
- Months the county received child support from unaided parent do not count against your clock



CALWORKS RULES FOR SURVIVORS OF ABUSE

FAMILY VIOLENCE OPTIONS (FVO)

- **County Welfare Departments must:**
 - *Identify* applicants who are abuse victims while protecting eligibility
 - *Refer* abuse victims to domestic violence supportive services
 - *Waive* any program requirements for as long as necessary, if:
 - Rules make it more difficult to escape abuse, or
 - Unfairly penalizes family
- **Cannot waive deprivation, assets, & income

HOW TO PROVE ABUSE

- Sworn statement sufficient
 - Unless county, in writing shows an independent, reasonable basis for finding recipient not credible



- Any other evidence can also be used, for example:
 - DV Agencies
 - Legal Aid
 - Police reports
 - Restraining orders
- Cannot contact abuser for collaborating info

ASKING FOR WAIVERS

- Ask in writing: no statewide form, but see sample
- No time limit to request waivers: recipient can reveal DV & ask at any time
 - Prospective waivers
 - Retroactive waivers
 - For example, at 48 months time limit recipient reveals 3 yrs of abuse – may get 36 months added back to 48 month clock
- Months in which person has waiver does not count towards 48 month time limit
- County must issue a Notice of Action whenever a DV waiver is granted or denied. Must request hearing within 90 days.
- If the county fails to take any action after request for DV waiver has been made, can request hearing

OVERCOMING BARRIERS

APPLICATION PROCESS

- Can file joint application for CalFresh, Medi-Cal and CalWORKs using one form
- Applying online: www.mybenefitscalwin.org
 - DO NOT USE if client is immigrant other than LPR, or if seeking emergency aid, homeless assistance
- Need to go in to provide verifications

DOCUMENTATION

- Proofs that may be required:
 - Identity
 - SSN
 - Birth/marriage certificates
 - Noncitizen status
 - Housing/shelter costs
 - Employment or other income
 - Bank account
 - Car value or title
 - Student status
 - And more!

SB 1569: DOCUMENTATION OF IDENTITY

- Many immigrant DV or trafficking victims have little or even no documentation, including i.d.
 - May need to be issued “pseudo” SSN for benefit processing
 - ★ May need to use non-standard identity documents (foreign i.d., non-photo i.d., etc.) or sworn declarations of identity
 - ★ For trafficking victims a sworn statement and any one piece of supporting evidence shall be sufficient to prove victim status. IF no supporting documents available, victim’s sworn statement is enough as long as no documented basis to believe the person lacks credibility

KEY ISSUES FOR MIXED-STATUS FAMILIES



- Ineligible individuals may apply for benefits on behalf of family members
- Applications should distinguish between *applicants* & *non-applicants*
- Non-applicants are not required to provide their immigration status
 - Non-applicants without SSN cannot be required to provide one
 - Never provide SSN unless officially issued by the Social Security Administration
 - Never provide false or misleading information
- Information provided on application may be used **ONLY** to determine eligibility for benefits.

PUBLIC CHARGE FACTS

- Fear that getting benefits will hurt immigration status
 - But almost no immigrants impacted by public charge are eligible for CalWORKs
- Does not apply to LPRs unless they leave country for more than 6 months
- Does not apply to most humanitarian immigrants
 - U visa
 - T visa
 - SIJS
 - Asylee
 - Refugee
 - TPS
- Does not count benefits received by people other than immigrant (such as benefits received by children or other family members)

APPEALS

- Right to request hearing before administrative law judge to dispute county action
- Must request hearing within 90 days of the date of the Notice of Action, if one was sent and it was adequate. Additional 180 days if good cause for not requesting hearing earlier.
- Requesting a hearing:
 - Written: fax to 408-817-6099 if in Santa Clara County
 - Verbal: call 1-800-952-5253



LEGAL RIGHTS

Public benefits recipients have the right:

- To be treated without discrimination
- To language access
- To disability accommodations
- To confidentiality
- To adequate notice
- To file an administrative appeal
 - Read the notice for deadlines!! Good cause for late filing.
- To have legal representation

CONTACT

For potential client intake:

Bay Area Legal Aid
Legal Advice Line
1 (800) 551-5554
9:30a.m.-1p.m. M-Th

QUESTIONS?