

County of Orange Social Services Agency
Family Self-Sufficiency

Program/Area: CalWORKs/Welfare-To-Work

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PURPOSE

The purpose of this policy is to provide definitions, instructions and guidelines to determine the composition and family structure of the Assistance Unit (AU), and which aid code to assign to an AU.

DEFINITIONS

The **AU** is a group of related persons living in the same home who have been determined eligible for CalWORKs and for whom cash aid has been authorized.

The **Family AU** is a group of AU and non-AU members who are living in the home and whose income is used in the CalWORKs budgeting process. These are generally persons related by blood, marriage or adoption to members of the AU.

The **Filing Unit** is the group of persons required to be listed on the appropriate statement of facts.

Mandatory Inclusion is the requirement that a parent, sibling, or half-sibling be included in a filing unit or AU with the applicant or eligible child.

Non-AU Members are persons in the CalWORKs family whose income is considered in the budget computation, when determining the "family" MAP. The needs of these persons and others, for whom they are financially responsible, may also be considered, depending upon why the individual is excluded from the AU.

An **Optional Person** is an otherwise eligible person who is not required to be included in the filing unit or the AU.

The **Parent** is the biological parent, married or unmarried, of the child unless the child has been adopted or relinquished for adoption or the parental rights are terminated. If the child is adopted, the person who adopts the child is the parent. If the child is relinquished for adoption or the parental rights are terminated, that parent is no longer considered the parent except for the purpose of determining a caretaker relative.

A **Sibling** is a brother or sister of the applicant child who has both parents in common with the applicant child. This includes siblings by adoption. Half-siblings have only one parent in common, and step-siblings are related only by marriage.

**CALWORKS
ELIGIBILITY
CRITERIA**

The following eligibility criteria is considered for CalWORKs:

- Establish who is in the AU for CalWORKs purposes, including mandatory inclusion rules.
- Determine eligibility factors, such as: deprivation, resources, income, etc.

Refer to [Policy 100-D1 CalWORKs Deprivation](#), Policy [100-C1 Property and Policy 100-B2 Treatment of Income from AU/Non-AU Family Members](#) for more information.

All AUs are designated **Exempt** or **Nonexempt**. The AU's status determines whether they will receive an Exempt/Higher MAP or Nonexempt/Lower MAP. Refer to [Policy 100-B5 Higher and Lower MAP – Beno](#) for more information.

ESTABLISHING

THE AU

An AU shall have at least one of the following:

- One age eligible child
- A parent/caretaker relative of an SSI/SSP child, Kin-GAP child or a foster child receiving federal, state or local foster care maintenance payments
- A pregnant woman

The following persons living in the same home with the applicant child must be included in the AU (per the Mandatory Inclusion requirement):

- Applicant child's age eligible sibling(s) and half-sibling(s)
- Parent(s) of the applicant child and that child's age eligible sibling(s)

Note: A Maximum Family Grant (MFG) child is considered an eligible AU member. [Refer to Policy 100-H3 MFG](#) for more information.

The following are **OPTIONAL** persons not otherwise required to be in the AU but may be included upon the request of the applicant/recipient:

- Any non-parent relative who has been determined to be the caretaker relative
- Stepparent, registered domestic partner or alternately sentenced parent
- Any other age eligible child(ren) related to the caretaker relative (e.g., niece or nephew)

The following persons are **EXCLUDED** from the AU:

- A child living with his/her minor parent who is receiving foster care or Kin-GAP
- Ineligible undocumented noncitizen
- Other parent of an unborn child living in the home with the pregnant woman
- SSI/SSP recipient
- Kin-GAP or foster care recipient
- Sponsored noncitizen whose needs are being met by a sponsor's deemed income
- Spouse of an eligible child, living in the senior parent(s) home, with no child in common for whom deprivation exists

- Fleeing felon
- Person in violation of a condition of probation or parole
- Sanctioned person
- Timed-Out adult

An AU may consist of a pregnant woman only (PWO) with no eligible children. Refer to [Policy 100-D2 Pregnancy Special Needs/Aid Based on Pregnancy](#) for more information.

COMBINING AUs

Two or more AUs in the same home must be combined into one AU when one of the following occurs:

- A parent/caretaker relative is married to another parent/caretaker relative in another AU
- Two parents/caretaker relatives in the home have separate children and also have an eligible child in common
- There is only one caretaker relative

REGISTERED DOMESTIC PARTNER (RDP)

A Registered Domestic Partnership exists when:

- A same sex couple completes a notarized Declaration of Domestic Partnership that is signed by both partners and filed with the Secretary of State; or
- An opposite sex unmarried couple completes a notarized Declaration of Domestic Partnership that is filed with the Secretary of State and one or both are:
 - Over 62 years of age
 - Eligible for Social Security aged benefits

RDPs are treated as stepparents unless the RDP is:

- A natural parent of the children, or
- The adoptive parent of his/her partners' children, or
- Both partners' names appear on the child's birth certificate

CARETAKER RELATIVE

A caretaker relative may request aid for an eligible child(ren). The caretaker can be needy (requesting aid for him/herself and his/her children) or non-needy (requesting aid for just the eligible child(ren)).

The caretaker relative must be related to the eligible child by blood, marriage or adoption within the fifth degree of kinship. Refer to the [Worker Tool 19 Chart for Determining Relatedness of Caretaker Relatives to](#) assist in this determination.

[The Statement of Relationship F063-30-146](#) must be completed and signed by the caretaker relative to establish and document the correct caretaker relationship.

Image the completed form into OnBase.

One of the following documents may be used to verify the relationship of a child to the caretaker relative:

- Adoption papers or records
- Baptismal records of birth and parentage
- Birth certificate
- Bureau of vital Statistics or local government records of birth and parentage
- Census records
- Church records, including statements from priests, ministers, etc., of parentage or relationship
- Court records of parentage
- Court support records
- Day care center records
- Divorce papers
- Family Bible
- Hospital or public health records of birth and parentage
- Indian census records
- Insurance policy
- Juvenile court records
- Marriage licenses/records
- Outpatient care records maintained by a hospital, clinic, or physician
- Paternity records maintained by a child Support Agency
- School records
- Voluntary social service agency records

When the eligible child stays alternately for periods of one full calendar month or more with different persons not living together, determine who the caretaker relative is by reviewing the actual circumstances in each case to determine who has care and control for the child. Possible factors to be considered in making this determination are which person:

- Decides where the child attends school or child care
- Deals with school on educational decisions and problems
- Controls the participation in extracurricular activities
- Arranges medical and dental care services
- Claims the child as a tax dependent
- Purchases and maintains the child's clothing

When a child stays alternately for periods of one month or less with each of his/her parents who are separated or divorced, the following rules apply:

- The parent with whom the child stays for the majority of the time is the caretaker relative in most instances.
- The parent with whom the child stays for less than the majority of the time may be the caretaker relative, if that parent can establish that he/she has the majority of the responsibility for the care and control of the child.

Note: Only when there is 50/50 custody and it is determined that each parent

exercises an equal share of care and control responsibilities over the child, then the parent who applies first shall be the aided caretaker relative, providing that the child's other parent is not currently applying for or receiving aid for the child.

TEMPORARY ABSENCE

Any member of an AU may be considered temporarily absent when absent from the home for one full calendar month or less. A child is considered to be living in the home of a caretaker relative even though the child and/or the caretaker relative is temporarily absent from the home.

One full calendar month begins on the first of the month through the last day of the month, with the exception of February. Since February typically consists of 28 days, the full calendar month of February would begin February 1 through March 2.

Example: In a non-leap year, an individual leaves the home on February 1. The individual is not considered permanently absent until March 3, one full calendar month away from the home (**Note:** The full calendar month of February would begin February 1 through March 2).

Example: On February 5, a member of the AU leaves the home to visit an uncle in Nevada and returns on March 16. The person was not gone for one full calendar month (March 1 through March 31); thus, he would be considered temporarily absent.

In the scenario above, if the member of the AU left the home on February 1 and returned on March 16, he would be considered permanently absent since he was gone for one full calendar month (February 1 through March 2).

Example: On April 16, a member of the AU leaves home because of a death in the family. The person does not return until June 3. The person was gone more than one full calendar month (May 1 through May 31) and was not eligible for aid in June.

The following exceptions to one full calendar month time limitation for temporary absence may include, but is not limited to:

- A child in a private or public hospital shall be considered temporarily absent for the duration of the hospital stay, regardless of the length of time.
- A person hospitalized in a medical hospital, psychiatric care facility, or drug and/or alcohol rehabilitation treatment facility may be considered temporarily absent for the duration of the hospital stay.
- A person absent from the home due to employment may be considered temporarily absent for the duration of the employment/job activity (this includes Military Duty).
- A person absent from the home due to attendance at an institution of higher learning, an educational school leading to a high school diploma or equivalent, or a

vocational school leading to employment may be considered temporarily absent for the duration of the schooling or training when there is no educational or vocational school within the area that provides the education or vocational training.

Note: A person confined in a correctional facility on the first of any month and expected to remain for one full calendar month or more shall be considered permanently absent.

AID CODES

The aid codes assigned to a CalWORKs case is determined by the AU family structure and alien/citizenship status of all AU members.

CalWORKs aid codes are **not** assigned based upon deprivation status. However, deprivation is still an eligibility factor.

Worker Tool 5 [CalWORKs/RCA/TCVAP/Foster Care Aid Code Guide](#) contains a comprehensive list of CalWORKs aid codes, including aid code categories, descriptions and examples.

DEFINITIONS OF AU FAMILY STRUCTURES

TWO-PARENT FAMILIES

A Two-Parent family is an AU that includes two individuals who are non-disabled, natural or adoptive parents, of the same aided or SSI/SSP minor child(ren) living in the home. The AU may include Welfare-To-Work (WTW) sanctioned (for less than 12 months) individual(s).

Note: When both parents are minors, they do not meet the Two-Parent Family definition as they are being aided as minors.

ZERO-AIDED PARENT FAMILIES

A Zero-Aided Parent family is an AU in which the parent(s) or caretaker relative is excluded from or ineligible for cash assistance. Zero-Aided Parent families contain no aided adults.

For example: The parent in the home is an ineligible non-citizen.

ALL (OTHER) FAMILIES

All (Other) families is an AU that includes one or two aided parent(s) or caretaker relative, and does not meet the definition of Two-Parent families. For example: The AU has two parents in the home, but one is disabled or a stepparent with no common child(ren).

Note: When determining whether or not a parent meets the definition of disabled, the disability determination should be based on incapacity. Refer to [Policy 100-D1](#)

[CalWORKs Deprivation](#) for more information.

TANF TIMED OUT

TANF Timed Out is for an AU that includes recipients who have reached their TANF 60-month time limit but are eligible for CalWORKs. The TANF timed out adult, with CalWORKs eligibility, and family includes at least one non-federally eligible individual.

CALWORKS TIMED-OUT SAFETY NET

Adults who reach the CalWORKs 48-month time limit and do not meet time limit extender criteria, will be deleted from the AU. Aid will continue for the eligible children under Safety Net. There is no Safety Net for non-citizens.

Note: If one parent reaches the CalWORKs 48-month time limit and is deleted, and the other parent has not reached his/her CalWORKs 48-month time limit and remains aided, the aid code will not change to a Safety Net aid code. **All** adults in the case must be CalWORKs timed-out to be a Safety Net aid code.

WTW PARTICIPATION

WTW participants must meet the required number of WTW participation hours. Refer to [Policy 202 Work Participation Hours](#) for more information.

In an effort to improve the federal Work Participation Rate (WPR), effective October 1, 2013, Safety Net, drug felons, and fleeing felons residing with an aided child were moved to new aid codes K1 and 3F.

Effective March 1, 2015, long-term sanctioned cases (12 months or longer) were moved to aid codes K1 and 3F.

Effective April 1, 2015, identifying information pertaining to those with prior felony drug convictions was eliminated, and thus removed from aid codes K1 and 3F.

Refer to Worker Tool 5 [CalWORKs/RCA/TCVAP/Foster Care Aid Code Guide](#) for more information.

WTW SANCTIONED PERSONS

Cases remain in the same family structure even when a parent is WTW sanctioned and not aided due to non-participation.

For example: The family structure for an AU that includes one aided parent remains All (Other) Families even when the parent is WTW sanctioned due to

INDIVIDUAL AID TYPES

CalWORKs aid types correspond to the AU family structures and are based on alien/citizenship status.

Aid types and definitions are listed in Worker Tool 5 [CalWORKs/RCA/TCVAP/Foster Care](#)

[Aid Code Guide.](#)

ATTACHMENTS

[F063-30-146 Statement of Relationship](#)

[Worker Tool 5 CalWORKs/RCA/TCVAP/Foster Care Aid Code Guide](#)

[Worker Tool 19 Chart for Determining Relatedness of Caretaker Relatives](#)

REFERENCES

ACL 02-66, 06-45, 99-54, 10-30E, 13-25, 13-70, 14-78, 14-100, 15-18

ACIN I-40-03, I-95-02

EAS Manual 40-118, 44-209, 82-804, 82-808, 82-812, 82-820, 82-824, 82-828, 82-832, 82-833, 82-836

[Policy 100-B2 Treatment of Income](#)

[Policy 100-B5 Higher and Lower MAP – Beno](#)

[Policy 100-C1 Property](#)

[Policy 100-D1 CalWORKs Deprivation](#)

[Policy 100-D2 Pregnancy Special Needs/Aid Based on Pregnancy](#)

[Policy 100-H3 Maximum Family Grant \(MFG\)](#)

[Policy 202 Work Participation Hours](#)
