

Q. & A. Regarding CalWORKs and SILPs

ACL 13-82, 10/16/13 and ACL 13-82E, 03/25/14

1. Are NMDs eligible for extended CalWORKs during the time frame the caregiver is taking steps to become approved for foster care placement? For example, a youth turns age 18 and can no longer live with the caretaker relative. The youth then moves in with another relative.

No, the NMD is not eligible for extended CalWORKs while waiting for the caregiver to be approved for foster care placement. As a condition of eligibility, the NMD must be placed with an approved relative.

However, the NMD may be eligible for regular CalWORKs or EFC benefits in a Supervised Independent Living Placement (SILP) while living in the relative's home and awaiting approval for placement. Relative approval is not required in the regular CalWORKs program, and the youth may be eligible for CalWORKs if expected to graduate before his/her 19th birthday.

2. If the NMD who is receiving extended CalWORKs leaves the home of a relative, could he/she qualify for a foster care payment by going into a different foster care placement setting, such as a SILP, etc.?

Yes. Non-federal foster youth placed with an approved relative receiving extended CalWORKs benefits are dependents and are considered in foster care, provided that court dependency was not terminated. Therefore, they are eligible for all placement options. However, the NMD should be placed in the least restrictive environment and provided with a continuum of care.

If the NMD moves to a SILP, he/she can receive the basic foster care rate. The NMD may be able to receive this payment directly, if appropriate. This decision will need to be documented in the Transitional Independent Living Case Plan (TILCP). The BDA would be the first of the month following the month the SILP is approved, provided a 10-day Notice of Action has been sent to discontinue the NMD from CalWORKs.

3. Can a NMD receive a CalWORKs payment and reside in a SILP at the same time?

No. A NMD may not receive a CalWORKs payment and a foster care payment for a SILP at the same time. A payment received for a SILP is a foster care payment, and the NMD cannot receive a foster care payment and a CalWORKs payment at the same time, as this is considered duplicate aid.

4. If a NMD is living in a SILP and renting a room from a relative caregiver, how is the income that the NMD pays to the relative caregiver treated for purposes of determining the relative's eligibility for CalWORKs (assuming that the relative is (1) needy; and (2) has other dependents in the home that make the relative eligible to receive CalWORKs)?

If the NMD lives in the home and pays his/her "portion of the rent" it is considered a partial item of need and is not counted as income against the caregiver's CalWORKs

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grant per MPP Section 44-111.452. If the NMD pays the entire rent amount for the home, the value of the rent would be considered income-in-kind per MPP Section 44-115 and deducted from the caregiver's CalWORKs grant based on the income-in-kind value chart.

5. A father that meets the requirements for EFC lives in an approved SILP with his girlfriend, their child in common, and the girlfriend's parents. The girlfriend applies for CalWORKs. The father receives EFC benefits and also has earnings.

Is the father required to be mandatorily included in the CalWORKs case? If so, does this mean he is not eligible for EFC? If not, is the EFC payment counted in the CalWORKs budget? How are his earnings treated?

The father's child is not an eligible child for CalWORKs per Welfare and Institutions Code (WIC) Section 11263.5; therefore, the child may not receive CalWORKs. The father would continue to be eligible for EFC and the infant supplement. The girlfriend can be considered a caretaker relative and receive CalWORKs for herself as an AU of one, per MPP Section 82-820.22, if otherwise eligible.

The father is not precluded from choosing to receive "regular" CalWORKs instead of EFC and may request himself and his child to be aided with his girlfriend who receives CalWORKs, if eligible. If he chooses EFC, his EFC payment will not be counted in the CalWORKs budget of his girlfriend's AU (MPP Section 44-133.3).

The NMD's earnings would also not be counted when determining CalWORKs eligibility and grant amount for the girlfriend. Per MPP Section 44-133.51, the NMD's income is not counted, because he is the recipient of another aid program.

6. A NMD in a SILP is pregnant and lives with the father of the unborn baby, but the couple is not married. The NMD receives a foster care payment. The father has two children of his own from a previous relationship and receives CalWORKs, CalFresh, and Medi-Cal for himself and his two children. When the child is born, will the child be required to be aided in the father's CalWORKs AU? If the NMD receives an infant supplement when the child is born, will the infant supplement count as income in the father's CalWORKs budget?

The NMD's child must be excluded from the father's AU per WIC Section 11263.5. The NMD may receive an infant supplement for her child, and the CalWORKs AU will remain an AU of three. The infant supplement would not count as income in the father's CalWORKs budget, as the newborn is not in the CalWORKs AU. Because the foster care payment is intended for the needs of the person receiving it, and that person is excluded from the AU, it is not considered available to meet the needs of the AU and is therefore not counted as income when determining eligibility and grant amount for the AU.