QC REGULATION INTERPRETATION REQUEST
(County Completes)

Note: The response to this interpretation request is case specific based on the information provided. It is not intended to establish policy.

Requestor Name: Kathy Toerner David W. Rogers	**County:** Kern County
Phone No: (661) 631-6231 (661) 631-6563	**Subject:** CFET sanction, CFET exemptions
Regulation Cite(s): QC: 63-407.21(d) and 63.407.542(a). Program 63-407.21(d), 63.407.542(a), CW-MPP47-712.47 and 47-712.473. **(MPP Sections)**	**References:** **(ACL/ACIN, FSQUADS, court cases, etc.)** Program: ACL 09-46 and ACIN I 60-10.
Date of Request: 7/26/12	**Date Response Needed:** 7/31/12

CASE SCENARIO: CWD Scenario: The H/H consists of 2 parents with apparent UIB eligibility and 2 CIC's receiving CF benefits, who later applied for CW benefits on 12/21/11. Dad's UIB was denied and mom was receiving UIB that ended in the review month of March 2012. When the CW was granted both parents were sent appointments to attend WTW orientation and neither of them attended. Due to the H/H having 2 children under 6 years of age, mom was given the young child exemption for WTW and dad was sent an NA840 starting the sanction process. Both were scheduled to meet with the SSW again and neither kept their appointments. A phone call attempt to the H/H found the number no good. After 2 missed appointments and a phone attempt, a sanction was imposed for dad for CW and CF. Dad was not given the exemption for a child under 6 years of age, because mom had already been given the young child exemption in CW.

The CWD was cited for not giving dad the CF exemption for a child under 6 years of age.

CW regulation 42-712.47 and CF regulations 63-407.2(d) both state that a parent or other H/H member who is responsible for personally providing care for a dependent child under 6 years of age can be exempt.

CW regulations - MPP section 47-712.473, ACL 09-46 and ACIN I 60-10 all state that the exemption based on the care of a child can only be given to one parent or caretaker.

QC Scenario: The CFHH consists of 2 parents and 2 children receiving CF benefits having then applied for CalWORKs on 12/21/11. At the time of screening the CalWORKs application on 12/21/11, the CFHH informed the CWD of the mother's receiving UIB and the father's denial of UIB, as shown in the CWD's narrative on the same date. According the the CWD's narrative on the date of the interview with the CFHH on 1/3/12 for the CalWORKs application, the CFHH again informed the CWD of each parent's status for UIB. On 1/5/12, the father's UIB denial letter dated 12/16/11 was imaged to the case record. Both parents were referred to the Welfare-to-Work program on 1/10/12.

According to CWD narratives, both parents were scheduled and failed to show for the Welfare-to-Work appointments on 1/18/12 and 1/26/12. At this time, the WtW Social Worker attempted, but was twice unable, to contact the clients over the phone and then determined the Assistance Unit to be eligible for an exemption

from WtW for caring for two children under six years of age, in accordance with WtW program rules. The WtW SSW sent a request for a CalWORKs sanction effective 3/1/12 for the father to the ongoing eligibility worker. The WtW SSW also granted the two children under 6 years exemption for CalWORKs. On 2/13/12, the eligibility worker implemented the sanction effective 3/1/12 refering to the previous WtW narratives.

On 7/3/12, the Quality Control Reviewer contacted the mother regarding the care of the children. The mother informed the QC Reviewer that she and the father would both drop the children off at child care in the mornings. In the afternoon, either the father or the woman's mother would pickup the children from child care. Additionally, during a WtW SSW contact on 4/16/12 documented in the CWD's case narrative, the father informed the CWD that he would miss an appointment because he would be enrolling a child in kindergarten.

According to the CWD's CFET plan, the county "must discuss with the parents who will be responsible for providing the care for children under 6."

REASON FOR ERROR OR POTENTIAL ERROR: It appears the father was eligible for a CFET exemption because he was caring more for a child under six years of age (63-407.21(d)). The mother was, at the time of CWD proposing the sanction, eligible for a CFET exemption due to receiving UIB (63-407.21(e)).

QUESTION: Program: Is the state reader saying that it's acceptable to give an exemption for caring for the same children to two parents in the same household, because it's two separate programs? For exampl: allowing exemptions to work participation for two parents to care for the same children? The fact that mom also had a 2nd exemption due to the receipt of UIB should not matter, unless the state is saying we should then circumvent the system to re-arrange our exemptions to make more members eligile.

PROPOSED COUNTY RESPONSE: Program: Based on the regulations and references listed above that state the exemption for the care of a child can only be given to one parent, the county's position was that mom had already been given the young child exemption for WTW and CF; therefore, dad was not eligible for the same exemption.

QC: Based upon cited regulations, the CWD's CFET plan, and the family's situation, the CWD should have discussed the exemption criteria and household circumstances with the family in order to determine the appropriate circumstances which would render the household members eligible for the appropriate exemptions under the CFET program at the time of the application. Additionally, the CWD should have exempted the mother from CFET because she was in receipt of UIB. The father should have been exempted from CFET for caring for children under six years of age.

CDSS FSP POLICY RESPONSE: Based upon the information received above, CalFresh Policy agrees with the QC findings. The CWD should have discussed the exemption criteria, however, the parents are not receiving the same exemption - the mother should have the exemption for receiving UIB and the father should have had the exemption for caring for children under six years of age. Had the father received the proper exemption, he would not have received a sanction. According to MPP 63-407.542(a), a CalFresh sanction will not be imposed if the work registrant is qualifies for an exemption in Section 63-407.21.

(State FSP Analyst Completes)