

**County of San Diego, Health and Human Services Agency (HHS) (HSA)  
CalWORKs Program Guide**

**Persons Excluded From The Assistance Unit**

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**41-500.E**

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**Revision Date:**

July 1, 2020

**Background:**

Certain persons in the home are ineligible to CalWORKs if they are excluded by law, sanctioned, or have exhausted their CalWORKs time limit. These persons are not included in the assistance unit (AU).

**Purpose:**

To define the non-AU members. The purpose of this material revision is due to sunset review.

**Policy:**

**Persons Excluded by Law**

The following persons are excluded by Law:

- A child living with their minor parent who is receiving Foster Care or Kin-GAP
- A person not meeting the citizenship/qualified non-citizen status requirements
- The father of an unborn child who is living in the home with the pregnant woman and who is:
  - Not the parent or caretaker relative of an eligible child in the household
  - Not an essential person
- A person receiving Supplemental Security Income/State Supplemental Payment (SSI/SSP), Refugee Repatriate Payment (RRP), Foster Care or Kin-GAP
- A sponsored non-citizen whose needs are met by a sponsoring agency or by a sponsor's deemed income
- The spouse of an eligible child, living with the child in the senior parent's home, when there is no child in common, for whom deprivation exists
- A refugee eligible for and required to participate in an alternative project implemented pursuant to Section 412(e)(7) of the federal Immigration and Nationality Act 8 USC 1522(e)(7)
- A person fleeing to avoid felony prosecution, custody or confinement after conviction for a crime or attempt to commit a crime that is a felony
  - The existence of a warrant for arrest will be presumed to be evidence of fleeing, unless rebutted by other evidence sufficient to prove that the person had no knowledge that they are being sought by law enforcement
- A person in violation of a condition of probation or parole
  - Violating a condition of probation or parole means a warrant for a crime, that violates a condition of probation or parole, has been issued, or an order has been issued revoking probation or parole
  - The initial offense for which probation or parole was ordered does not need to have been a felony
- A non-minor dependent
  - Non-minor dependents constitute an AU of one and are excluded from the AU of a needy or non-needy caretaker relative for CalWORKs purposes

**Excluded Sanctioned Persons**

A sanction results when a person is taken out of the AU for failure to comply with program requirements.

A person excluded from the AU due to a sanction is:

- A parent, pregnant woman, or caretaker relative who refuses to assign support rights, or fails to cooperate with the Child/Spousal Support requirements

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- A person who fails to cooperate in the verification of their citizenship or non-citizen status
- A mandatory work registrant who fails or refuses without good cause to meet Employment Services (ES) program requirements
  - When the participant is a principal earner, the second parent is also ineligible unless they are participating in, or exempt from, ES activities

Effective March 1, 2015, CalWORKs cases that include parents/caretakers who have been ES sanctioned for 12 consecutive months or longer, will be eligible to the solely state funded (K1/3F aid codes) program.

Note: ES sanctioned persons will resume sanctioned status whenever there has been a break in aid. Intake staff must review the case to identify any adults in the potential AU who are currently serving an ES sanction. The sanction status will remain for the non-compliant persons on the automated system at intake, when the cash assistance case is granted for other eligible members of the AU. The sanction status will remain until the person has cured their sanction by performing the activity that resulted in the sanction (CPG 10-025.D).

- A customer or a child whose parent, caretaker relative, or legal guardian:
  - Refuses or fails to furnish a Social Security Number (SSN) or evidence of a completed application for a SSN
  - Refuses or fails to cooperate in verifying a SSN
- A striker who is not a caretaker relative

Excluded CalWORKs Timed-Out Adults

A CalWORKs timed-out adult is an adult who has been removed from the AU due to exceeding the 48-month CalWORKs time limit.

**Procedure:**

None.

**Impacts:**

None.

**References:**

EAS 82-832.1

ACLs No. 14-100, 15-18, 15-92

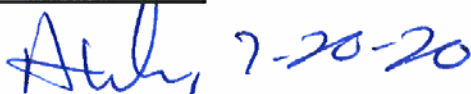
ACIN I-02-16

CFLs No. 14-15-60, 14-15-61

**Sunset Date:**

This policy will be reviewed for continuance by July 31, 2023.

**Approval for Release:**



Rick Wanne, Director  
Eligibility Operations