

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

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Revision Date:

May 1, 2022

Background:

All parents regardless of their age or marital status are responsible for the support and care of their children. For the purposes of the CalWORKs program, parental responsibility stops only when a relinquishment for adoption takes effect or when the child is a minor parent who is married and living with their spouse.

Purpose:

The purpose of this revision is to update the CalWORKs Program Guide (CPG) Chapter on Responsible Relatives to current formatting standards and to combine CPG sections 43-100.A Relationship Definitions and 43-100.B Responsibility for Child Support into one section.

Policy:

State regulations designate certain relatives who, under specified conditions, are legally liable to provide financial support or to contribute to the support of a child receiving CalWORKs who is under their care. Below are definitions of relationship for the purposes of child support responsibility.

Definitions	
Stepparents	An individual who is not the biological or adoptive parents but is either married to or the California Domestic Partner of the parent of the child.
Registered Domestic Partner	<p>An individual who:</p> <ul style="list-style-type: none"> Has a Declaration of Domestic Partnership registered with the California Secretary of State Is a member of a legal union, other than marriage, of two persons of the same sex validly formed in another jurisdiction, and substantially equivalent to a California Registered Domestic Partnership <p>Registered Domestic partners have the same rights and responsibilities as stepparents of the children of their partners and are treated as such for the purposes of determining eligibility and grant amount. This allows for registered domestic partners to be treated as spouses in the CalWORKs program.</p>

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Common Law Marriages	California law recognizes any out-of-state marriage as valid (including common-law marriage) as long as it is valid where contracted or performed. If the parents state they are married to each other, it is assumed that they are lawfully married unless other evident refutes to this.
Same Sex Marriages	<p>Marriages between individuals of the same sex are treated the same by both state and federal law, and in all state and federal programs. Marriages in California between two people of the same sex are valid if the marriage occurred June 16, 2008 or later.</p> <ul style="list-style-type: none"> • Same-sex spouses married during one of the periods described above are extended the same rights and responsibilities as other spouses in the CalWORKs program. They are stepparents to the other spouse's child(ren), unless they are the natural or adoptive parent of the child(ren). In that case, they will be treated like every other parent • Same-sex marriages performed in other states, valid in the state at the time in which the marriage was performed, are recognized as valid in California, regardless of the date on which the marriage took place

Responsibility for Child Support

CalWORKs Program regulations require the determination of financial responsibility of the relatives listed below.

Responsible Relative	
Parents	<p>All parents regardless of their age or their marital status are responsible to the extent of their ability for the support and care of their children whether they are natural or adopted, including minor parents and children in foster care.</p> <p>The responsibility continues even when:</p> <ul style="list-style-type: none"> • The parent is not living with the child • The marriage of the parents has been legally dissolved • The parents were never married • There is a court order removing the children from the parent's custody

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Parents of Minor Parents	Parents of minor parents are legally required to provide support to the minor parent. These resources must be explored to determine CalWORKs eligibility for the minor parent. However, parents are not financially liable for their grandchildren.
Absent Parents	Resources of the absent parent which are made available for support of a child for whom a CalWORKs application is submitted include contributions from the absent parent(s). Both parents, to the extent of their ability are legally responsible for the support of their child(ren).
Unmarried Parents	The unmarried parent is responsible for the support of their children (including an unborn child).
Stepparent	<p>A stepparent (including the California Domestic Partner of a parent) is responsible for the support of their:</p> <ul style="list-style-type: none"> • Children from another relationship living outside of the home • Children, natural and adopted, living in the home <p>Spouse</p> <p>The stepparent's income, after allowable deductions, is deemed available to aided stepchildren living in the home.</p> <p>Aid will be denied or discontinued due to:</p> <ul style="list-style-type: none"> • Failure of the parent to cooperate with obtaining income information of their spouse • Failure of a stepparent to provide information necessary for the determination of eligibility of their stepchild(ren)

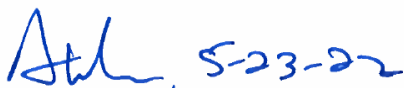
References:

EAS 82-500
 EAS 43-103, 43-105
 ACL No. 09-05, 16-13

Sunset Date:

This policy will be reviewed for continuance by May 31, 2025.

Approval for Release:



Rick Wanne, Director
 Self-Sufficiency Services