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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

MARIA FLORES AND LOW-INCOME
FAMILIES' EMPOWERMENT
THROUGH EDUCATION,

vs. Petitioners,

WILL LIGHTBOURNE, in his official
capacity as director of California
Department of Social Services AND
CALIFORNIA DEPARTMENT OF
SOCIAL SERVICES

Respondents.


CASE NO.

BS140565

**VERIFIED PETITION FOR WRIT
OF MANDATE**

CONFORMED COPY
ORIGINAL FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

DEC 18 2012

John A. Clark, Executive Officer/Clerk
By: , Deputy
Gina Grider

1 **Introduction**

2

3 1. CalWORKs- California’s cash assistance program for low-income families with
4 children, is a key part of the state’s safety net. Although the Legislature has made deep cuts to
5 CalWORKs in recent years to help close budget gaps, the program’s twin purposes –
6 employment services to help families move out of poverty and modest cash assistance – remains
7 intact. The California Department of Social Services (“CDSS”), however, proposes to undermine
8 that foundation with a new policy that prevent parents or caregivers of young children – children
9 between the ages of 12 to 23 months or two more children under the age of 6 – from taking
10 advantage of training programs and other employment opportunities beginning January 1, 2013.

11 2. The new policy is directed at petitioner Maria Flores, and the more than 58000
12 CalWORKs parents with young children like her, who, over the last four years, were told that
13 they did not have to participate in work activities because the state lacked the funds to provide
14 employment services. Many, like Ms. Flores, chose to participate anyway, volunteering to work
15 and/or to attend training programs to prepare for the post-recession job market. Ms. Flores
16 volunteered to go to work and start school for a community college degree in child development.
17 The county in which she lives did not have the funds to help her with child care, transportation or
18 other employment services. Left with no choice, she financed her education and work expenses
19 with a credit card, something that she can’t afford to continue to do.

20 3. This year, funds were made available to provide employment services to
21 voluntary participants like Ms. Flores. Respondents, however, have adopted a policy of refusing
22 to provide job services to parents with young children beginning January 1, 2013 if the parent
23 did not have a work plan and employment services before that date. For some, the prohibition on
24 participating in work or training activities could last as long as two years, until January 1, 2015.
25 It is impossible for petitioner Flores, and many parents like her, to avoid the harm of the new
26 policy by obtaining a volunteer plan or employment services before January 1 because they live
27 in a county that will not serve them.

28 4. Unfortunately, most of the affected parents cannot provide the services on their
own. On average, CalWORKs parents receive less than \$460 a month in cash assistance. Often,

1 that money barely covers families' basic needs, such as housing, food and clothing. Families
2 often have no money left over to pay for the child care, transportation and other employment
3 services that are needed to obtain and keep a job. It is critical, therefore, that respondents
4 provide the services and opportunities for training and employment that will prepare parents of
5 young children for the upswing in the economy and the jobs that become available over the next
6 two years.

7 5. Despite its legal obligation to help petitioners prepare for those jobs, respondents
8 have a policy that prevents petitioners – for as long as two years – from participating in activities
9 and obtaining job services in violation of the law.

10 **Parties**

11 6. Petitioner MARIA FLORES is the mother of an 18-month-old little girl. She
12 attends community college and works part-time at a community organization. She is a
13 CalWORKs recipient. She is and will remain exempt after December 31, 2012 from
14 participating in the Welfare-to-Work program because she is the parent of a young child. She
15 would like to volunteer to participate in the program, but respondents' policy would prevent her
16 from doing so because she is unable to obtain a welfare-to-work plan before January 1, 2013.

17 7. Petitioner LOW-INCOME FAMILIES'EMPOWERMENT THROUGH
18 EDUCATION ("LIFETIME") is a member-based organization that works to empower low-
19 income parents to determine, pursue and achieve their goals for education, employment and
20 economic security. LIFETIME is based in Oakland, California, and has chapter organizations in
21 the following counties in California: Alameda, Los Angeles, Long Beach, Orange, Sacramento,
22 and San Francisco. Its members include CalWORKs parents or caregivers who represent
23 CalWORKs recipients in administrative hearings, and provide information on CalWORKs law to
24 their peers.

25 8. Respondent WILL LIGHTBOURNE is the director of CDSS. As such, he is
26 responsible for the lawful operation of the agency. Welf. & Inst. Code §10553. Director
27 Lightbourne is sued in his official capacity.
28

1 9. Respondent CALIFORNIA DEPARTMENT OF SOCIAL SERVICES (“CDSS”)
2 is the single-state agency responsible for administration of the CalWORKs program, and is
3 responsible for regulations concerning the program. Welf. & Inst. Code §10554.

4 **CalWORKs Program Legal Framework**

5 10. The California Work Opportunity and Responsibility to Kids (“CalWORKs”)
6 program, California’s version of the federal Temporary Assistance for Needy Families program,
7 provides cash assistance and other employment services to low-income families. Welf. & Inst.
8 Code §11200 et seq.. The CalWORKs program is aimed at promoting the well-being of
9 children, strengthening families and helping adults and parents achieve their potential for
10 economic self-sufficiency and independence. Manual of Policies and Procedures (“MPP”)
11 §42.701.1. It encourages work for those on aid by providing education, employment, job
12 preparation, and barrier removing and employment services through its Welfare-to-Work
13 (“WTW”) program. MPP §42.701.1; Welf. & Inst. Code §§11320.3, 11322.7.

14 11. As part of the WTW program, with certain specified exceptions, parents are
15 required to work or participate in work, training or barrier removal activities for a specified
16 number of hours each week. Welf. & Inst. Code §11322.8 . “Persons not required to participate
17 may volunteer to participate.” Welf. & Inst. Code §11324.8(c); *see also* Welf. & Inst. Code
18 §11320.3(c) (stating “Any individual not required to participate may choose to participate
19 voluntarily under this article, and end that participation at any time without loss of eligibility for
20 aid under this chapter, if his or her status has not changed in a way that would require
21 participation.”).

22 12. Because parents in the program have very low incomes, the law mandates that
23 “[n]ecessary supportive services shall be available to *every participant* in order to participate in
24 the program activity to which he or she is assigned or to accept employment ...” Welf. & Inst.
25 Code §11323.2(a) (emphasis added). Supportive services include job search, child care,
26 transportation and other necessary employment services. Welf. & Inst. Code §11323.2 (a)(1)-(4);
27 MPP §42-701.1. Recognizing that those services are critical to low-income parents seeking
28 work, the Legislature intends to fund the program so that all participants, mandatory and
volunteers, are served. Welf. & Inst. Code §11322.4.

1 13. Before a parent can participate in WTW activities, he/she must develop a WTW
2 plan listing the activities and services that will be provided to move the family toward
3 employment and self-sufficiency. Welf. & Inst. Code §11325.21; MPP §42-711.61. Participants
4 are entitled to a notice of action when aid or supportive services are approved, denied, or
5 terminated or when there are changes to the arrangements or terms of supportive services. MPP
6 §42-750.4.

7 **There were temporary policies that impacted the WTW program**

8 14. In 2009, the Legislature reduced spending on programs for the poor as
9 policymakers responded to the dramatic decline in revenues and increasing need for human
10 services programs caused by the most severe economic downturn since the 1930s. Budget Act of
11 2009. Faced with a budget shortfall and increasing overall caseload for the CalWORKs
12 program, the Legislature determined that there was temporarily likely to be insufficient funding
13 to provide the full range of WTW services to all current and new CalWORKs clients in the
14 immediate future fiscal years. Budget Act of 2009, Assembly Bill AB x4 4 (Chapter 4, Statutes
15 of the Fourth Extraordinary Session of 2009). In response, AB x4 4 enacted two new, temporary
16 statutory exemptions from WTW activities for parents or other relatives who have primary
17 responsibility for caring for one or more children between the ages of 12 to 23 months or two or
18 more children under the age of 6 (“ young-child exempts”). Welf. & Inst. Code §11320.3(b)(7);
19 MPP §42-712.474. Young-child exempts’ CalWORKs 48-month time limit on aid clocks
20 stopped until they no longer meet the criteria, or until December 31, 2012, whichever comes
21 first. Welf. & Inst. Code §11454.5(a)(7).

22 15. The legislation exempted all individuals who fell into the young-child exempt
23 category, even if they lived in a particular county that was not facing the budgetary constraints
24 that others were. Welf. & Inst. Code §11320.3(b)(7). Counties, however, could serve those
25 individuals as volunteers if they had the funding to do so. All County Letter 09-46 (November
26 10, 2009); MPP §42-712.5. Because of the budget crisis, if a county could not provide the
27 necessary supportive services to young-child exempts who wished to volunteer, those individuals
28 remained in exempt status until they no longer met the exemption criteria or the exemption
ended. ACL 09-46 pp. 2; MPP §42-712.474.

1 16. On information and belief, the Legislature has since provided funding for welfare-
2 to-work services, making the exemptions unnecessary. As such, the law provides that counties
3 cannot give new young-child exemptions after December 31, 2012. Welf. & Inst. Code
4 §11320.3(g)(1). “A [young-child exempt] recipient who was not required to participate in
5 welfare-to-work activities on December 31, 2012, [however], shall not be required to participate
6 until the county welfare department reengages the recipient in welfare-to-work activities.” Welf.
7 & Inst. Code §11320.3(h)(1). Counties have until January 1, 2015 to reengage anyone who had
8 the exemption as of December 31, 2012. Welf. & Inst. Code §11320.3(h)(3).

9 **Statement of Facts**

10 17. On information and belief, contrary to state law requiring respondents to serve
11 non-participant volunteers, respondents adopted a policy that they, acting through the counties,
12 will not develop WTW plans or provide supportive services to young-child exempt individuals
13 who do not have signed volunteer plans before January 1, 2013. A true and accurate copy of
14 ACL 12-xx containing respondents’ policy is attached hereto as Exhibit “A.”

15 **Petitioners will be harmed by respondents’ policy**

16 18. Petitioner Maria Flores lives with her child eighteen-month-old child in San
17 Joaquin County.

18 19. Ms. Flores is currently in a young-child exempt category, and will remain exempt
19 through December 31, 2012.

20 20. She currently attends community college where she is pursuing a degree in child
21 development. She also currently works part-time at a local community organization for children
22 in order to gain experience in her chosen field of study and to support her family.

23 21. She has struggled to maintain employment after the downturn in the economy.
24 Earlier in the year she was employed as a tax preparer, but that was a short-term assignment that
25 ended after the busy tax season. Although she is a CalWORKs recipient, she does not receive
26 any assistance from San Joaquin County for child care, transportation or other support services.

27 22. She struggles to pay for transportation to school and to work. She has been
28 paying for the services with a credit card, but may not be able to continue to do so in 2013.

1 Without help from San Joaquin County, she may not be able to continue working or attending
2 college.

3 23. She, however, cannot obtain the help from San Joaquin County before January 1,
4 2013. In August 2012, San Joaquin County determined that it had insufficient funds to provide
5 supportive services to all young-child exempt volunteers through December 31, 2012.

6 24. Due to the County's policy, Ms. Flores is unable to develop a volunteer WTW
7 plan or obtain supportive services from her county prior to respondents' deadline.

8 25. She desperately wants to continue to work and attend school because she believes
9 that her experience and education will allow her to obtain employment that permanently gets her
10 family off of CalWORKs.

11 **First Cause of Action**

12 **(Petition for Writ of Mandate compelling respondents to comply with state law requiring it**
13 **to ensure that counties develop WTW plans and provide supportive services to young child**
14 **exempt volunteers, Code Civ. Proc. §1085, Welf. & Inst. Code §§§§10500, 11320.3(c),**
15 **11323.2(a) and 11324.8(c))**

16 26. Petitioners reallege and incorporate by reference each and every allegation in
17 paragraphs 1 through 25 above.

18 28. Petitioners are entitled to a writ of mandate, pursuant to Code of Civil Procedure
19 section 1085, in that the respondents have a clear, present, and ministerial duty to administer the
20 CalWORKs WTW system and public benefits programs in accordance with the requirements of
21 law.

22 29. Under state law, when persons not required to participate in the WTW program
23 volunteer to participate, the respondents, acting through the counties, have a ministerial duty to
24 assist the participant in developing a WTW plan and obtaining the necessary supportive services
25 to facilitate participation. Welf. & Inst. Code §§§11320.3(c), 11323.2(a) and 11324.8(c).

26 30. Respondents, acting through the counties, also have a ministerial duty to
27 administer the program in a manner that secures every person the aid to which he/she is entitled.
28 Welf. & Inst. Code §10500. Necessary support services are a key component of aid that WTW
participants are entitled to under the law. Welf. & Inst. Code §11323.2(a). By denying

1 petitioner Flores, and others like her, an opportunity to voluntarily participate in the WTW
2 program and refusing to provide necessary support services, respondents are violating the law.

3 31. Written demand was made upon the respondents to perform their duties. In
4 contravention of the laws and the demand made upon them, respondents have failed and refused
5 to perform their duties mandated by law.

6 32. At all times, the respondents have had and continue to have the legal ability to
7 perform their duties, but have failed to do so.

8 33. Petitioners have a beneficial interest in the respondents' performance of their
9 legal duties in that, petitioner Flores is in the CalWORKs young-child exempt without a WTW
10 plan category and would like to volunteer to participate in 2013 and will need support services to
11 do so. In addition, petitioners are interested as citizens in the performance of the respondents'
12 public duties.

13 34. Petitioners have no plain, speedy and adequate remedy in the ordinary course of
14 the law. Unless the Court grants the relief requested, respondents will continue to fail and refuse
15 to perform their legal duties, to the immediate and ongoing harm of the petitioners.

16 **Prayer for Relief**

17 WHEREFORE, petitioners pray for the following relief:

18 1. A writ of mandate under Code of Civil Procedure section 1085 ordering the
19 respondents to develop WTW plans and provide supportive services to young child exempt
20 volunteers, pursuant to Welfare and Institutions Code sections 11320.3(c), 11323.2(a) and
21 11324.8(c);

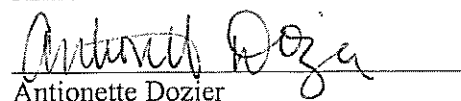
22 2. An order awarding petitioners their reasonable costs and attorneys' fees to the
23 extent permitted by law; and

24 3. Such other relief as the court deems just and proper.

25 Date: 12-18-12

Respectfully submitted,

26 Western Center on Law and Poverty
27 Richard A. Rothschild
28 Antionette Dozier

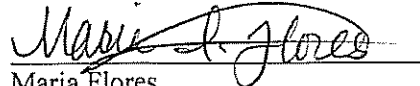

Antionette Dozier

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Verification

I, Maria Flores, am the petitioner in the above-entitled action. I declare under penalty of perjury that the facts alleged in the foregoing document that relate to me are true and correct to the best of my information and belief.

Executed in Stockton, California this 14 day in December, 2012.



Maria Flores

Verification

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I, Diana Spatz, Executive Director for petitioner LIFETIME in the above-entitled ac...
have read the Petition for Writ of Mandate. I declare under penalty of perjury that the facts
alleged in the foregoing document that relate to LIFETIME are true and correct to the best of my
information and belief.

Executed in Oakland, California this 17 day in December, 2012.

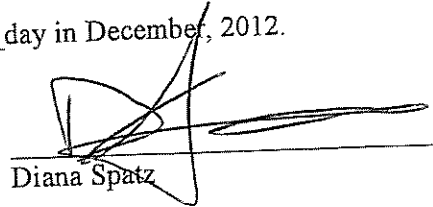

Diana Spatz

EXHIBIT A

EXHIBIT A



WILL LIGHTBOURNE
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
744 P Street • Sacramento, CA 95814 • www.cdss.ca.gov



EDMUND G. BROWN JR.
GOVERNOR

November XX, 2012

ALL COUNTY LETTER NO. 12-XX

REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Clarification Requested by One or More Counties
- Initiated by CDSS

TO: ALL COUNTY WELFARE DIRECTORS
ALL CalWORKs PROGRAM SPECIALISTS
ALL COUNTY WELFARE-TO-WORK COORDINATORS
ALL CONSORTIUM PROJECT MANAGERS
ALL COUNTY REFUGEE COORDINATORS
ALL TRIBAL TANF ADMINISTRATORS

SUBJECT: REENGAGEMENT OF CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITY TO KIDS (CalWORKs) SHORT-TERM EXEMPT INDIVIDUALS IN WELFARE-TO-WORK (WTW) ACTIVITIES

REFERENCES: ASSEMBLY BILL (AB) X4 4 (CHAPTER 4, STATUTES OF 2009),
SENATE BILL (SB) 1041 (CHAPTER 47, STATUTES OF 2011),
ALL COUNTY INFORMATION NOTICE (ACIN) I-49-09

The purpose of this letter is to provide guidance to counties regarding the reengagement of individuals exempt from participation under the short-term young child exemptions originally implemented by AB X4 4 in 2009. Pursuant to AB X4 4, any individual with a single child 12-23 months of age, or two or more children under age 6, was exempt from WTW requirements. In addition, months when an individual qualified for those exemptions did not count against the CalWORKs 48-month time limit. These short-term exemptions from WTW requirements and CalWORKs time limits will end on December 31, 2012 and will no longer be available to new recipients. Individuals who are exempt as of December 31, 2012 will not be required to participate until the county reengages them. Counties have until January 1, 2015 to reengage those individuals exempt as of December 31, 2012.

Reengagement Process

All individuals that are exempt on December 31, 2012 due to the above exemptions must be reengaged unless they are exempt under another provision. This group includes those individuals whose exemptions ended in the month of December but who are not required to participate until January 1, 2013. Engagement is defined in SB 1041 as the development of a WTW plan, including the provision of necessary supportive services. Upfront engagement in WTW, or the "WTW flow," is described in Manual of Policies and Procedures (MPP) Section 42-711.5. Upon receipt of aid, most new CalWORKs recipients follow the WTW flow in the following sequential steps: orientation, appraisal, job search, assessment, and the development of a WTW plan. Individuals being reengaged will have a unique WTW flow that may or may not include all of these steps, depending on an evaluation of the individual's specific circumstance. These evaluations may be in person, by mail, or by phone and will determine at what step in the WTW flow the individual should begin reengagement in WTW.

The attached WTW Reengagement Program Flow chart illustrates the different paths reengagement may take (Attachment 1). For example, an individual who never attended a WTW orientation or appraisal may best benefit from entering the WTW flow at the beginning, while an individual who is partially participating may only need a brief period of job search to increase his or her weekly hours of participation.

Evaluations for individuals being reengaged in WTW activities include the following:

- A case-by-case determination of an individual's status and needs.
- A determination if the individual qualifies for another exemption or good cause for not participating in WTW.
- Informing the individual of program changes that may have occurred since he or she became exempt.
- The number of months left on the individual's 48-month clock.
- A general description of program requirements.
- A description of supportive services available to participants.
- A determination on which stage in the WTW flow (as described in MPP Section 42-711.5) is appropriate to begin reengaging the individual.
- Identification of barriers to participation.
- A determination of Self-Initiated Program (SIP) eligibility (if applicable).

While each county's procedure and each individual evaluation will be unique, the following guidelines should be observed:

- Individuals who never attended a WTW appraisal prior to reengagement shall be able to qualify for a SIP if they meet the other requirements of MPP Section 42-711.541. Individuals who were in SIPs prior to becoming exempt may remain in their programs provided they continued to make satisfactory progress through the exemption period.

- Individuals who are notified by the county that they are beginning the reengagement process and who have a volunteer WTW plan should be allowed to continue in their plans as a mandatory participant if the WTW plan meets the new participation requirements. Reengagement should be structured to minimize the disruption of any employment or training program in which they are enrolled. However, a new WTW 2 must be signed to reflect the change in status from a volunteer to a mandatory participant. Volunteers are not considered reengaged until a new WTW plan is signed.

Noticing Requirements

First notice:

Beginning January 1, 2013, all counties must inform individuals via a Reengagement informing notice that their exemption has ended. Counties may begin the reengagement process 60 days after the Reengagement informing notice is sent. Language for this informing notice is attached (Attachment 2). At a minimum, this informing notice must include the language provided. Counties may add additional county-specific information.

If it has been more than six months since an individual received the initial informing notice the county is required to reissue the Reengagement informing notice at least 60 days prior to beginning an individuals' reengagement process.

Second notice:

Once an individual has received the informing notice, a second notice to schedule the reengagement evaluation must be mailed to the individual. Please see Attachment 3 for recommended language for the evaluation notice. The evaluation may be in person, by mail, or by phone depending on the individual's specific circumstances. If the evaluation is an appointment, notice for an evaluation must be sent out at least 30 days prior to the individual's appointment. Otherwise, notice must be sent out at least 30 days prior to the county requiring any documentation or verification from the individual.

An evaluation notice should parallel county procedures for standard WTW orientation/appraisal appointment notices and must contain the following:

- Attached copy of the reengagement informing notice.
- Attached CW 2186A (see Attachment 4).
- Reminder that the individual may volunteer if exempt under another exemption.
- Appointment information to determine the appropriate WTW activity or activities for those that do not qualify for an exemption.
- Reminder of the penalties for non-compliance.

Third contact:

In addition, subsequent contact must be initiated to ensure that the individual is able to attend his or her evaluation appointment, or submit the necessary verification. This contact may be verbal or written. Some reengagement individuals may not be required to attend an appointment because the individual has a current WTW plan as a volunteer that meets the participation requirements. In this situation, the third contact for the individual should include a comprehensive discussion with the individual as referenced in All County Letter 12-XX that covers: 1) the participation flexibility during the WTW 24-Month Time Clock period and his or her ability to change their participation in WTW in accordance with the new rules; 2) the conditions that allow a month not to count toward the time clock (i.e., WTW exemption status); and 3) the post WTW 24-Month Time Clock participation requirement.

Individuals are considered required to participate upon receiving the second contact informing them they are required to take an action. While the individual's time clocks will not tick until he or she signs a WTW plan, he or she is required to attend any evaluations or other appointments that the county may require as part of the reengagement process. If an individual fails, without good cause, to attend an appointment or otherwise participate in reengagement, he or she will be subject to noncompliance and possible sanction. When these individuals are in the non-compliance process, his or her WTW 24-Month Time Clock and 48-month clocks do not tick.

Other Exemptions and Exempt Volunteers

Counties must reengage individuals by January 1, 2015 unless the individual is eligible for another exemption under MPP Section 42-712. Some individuals may qualify for the new, one-time exemption for care of a child 23 months or younger. This one-time exemption is optional for the individual and counties cannot require individuals to use this exemption. Please see All County Letter (insert number) for further information on the new young child exemption.

Individuals identified as being eligible for another exemption will be sent the informing notice and the evaluation notice. In lieu of an evaluation appointment, an individual that qualifies for another exemption is only required to return the CW 2186A form and any required documentation (such as a CW 61 form to verify a medical disability). Once the documentation is received, the individual will be considered exempt from WTW on the first of the month following the month verification is received. The reengagement process will be complete for this individual and the 48-month clock would begin ticking (not the WTW 24-Month Time Clock), unless the new exemption is also a 48-month time clock stopper.

If an individual does qualify for another exemption he or she may request to volunteer and complete a WTW plan.

Several counties have developed programs to assist exempt recipients in returning to WTW participation. California Department of Social Services (CDSS) encourages counties to share any best or promising practices through the CalWORKs best practices website described in ACIN I-49-09 and located at <http://www.cdss.ca.gov/calworks/PG1933.htm>.

Short-Term Reform Exemption Volunteers

Individuals who were exempt before January 1, 2013 will not be required to participate until reengaged. These individuals may continue to participate as volunteers if a WTW plan was signed before January 1, 2013. Counties shall honor these WTW plans and revise or develop new plans for these volunteers, as appropriate, until the county reengages the individual.

CDSS strongly encourages counties to 1) fully reengage the individual or 2) honor the new request to volunteer after January 1, 2013. The reengagement process may include, but is not limited to, allowing early reengagement in the county's proposed sequencing and identifying if the individual qualifies for another exemption under which he or she may volunteer. Counties must inform individuals that choose to reengage early in this situation of the following:

- Other exemptions that the individual may qualify for.
- Information on the WTW 24-Month Time Clock and the 48-month time clock.
- Information on the number of participation hours required.
- Information on the consequences for not meeting the participation requirements including the non-compliance process and sanctions.

In addition, an individual may also voluntarily begin his or her reengagement process early, provided the county is able to reengage the individual and provide him or her with necessary supportive services. If the individual continues to choose to reengage early, the individual must be informed of the reengagement process. The individual shall be provided with an evaluation notice and a subsequent contact by the county unless the individual chooses to reengage on that day.

If the individual chooses not to reengage early and the county is unable to accommodate his or her volunteer plan, the individual may wait and be reengaged when the individual would have been normally selected for reengagement as part of the county's sequencing plan.

Counties shall inform CDSS on the sequencing and timing of reengagement.

Two-Parent Households

The short-term young child exemptions were provided to a second parent in a two-parent family. The first parent may have been required to participate 35 hours each week or may have been exempt under another exemption.

If the two-parent family's participation requirement is met by one parent, the second parent is not required to participate further. The second parent will receive an evaluation notice asking if they would like to participate. The notice must indicate that the individual's status will change to an individual having good cause not to participate and the 48-month clock will begin 30 days after the notice is mailed if no response is provided to the county.

A two-parent family may wish to share hours to meet the participation requirements. In this situation, both parents are required to attend the evaluation appointment. The second parent is considered reengaged and the 48-month clock begins after the second parent signs the WTW plan that includes the identification of necessary supportive services to be provided to the second parent.

If the second parent does not respond to the county's request or attend an appointment, the county shall automatically document the individual as having good cause as an excused second parent without initiating the non-compliance process as long as the first parent continues in a WTW plan that meets the 35-hour requirement. The second parent is considered reengaged and the 48-month clock would begin 30 days after the notice is mailed.

In addition, some two-parent families had the first parent exempted under another exemption while the second parent was exempted under a short-term young child exemption. In this situation, only the second parent would be required to attend the evaluation appointment because the first parent is still exempt. The second parent must meet the two-parent requirement of 35 hours per week, unless the first exempt parent chooses to volunteer (e.g., the first exempt parent's volunteer hours contribute to the 35 hour per week requirement). The non-compliance process would only apply to the second parent that is required to participate. If the first parent in this situation was sanctioned rather than exempt, the second parent would also be required to meet the 35-hour requirement unless the first parent cured his or her sanction.

Inter County Transfer

The following are examples of situations that may occur for reengagement individuals:

- An individual that has not been reengaged in his or her county during the reengagement period would continue to be considered not reengaged in the county that he or she transfers to. The individual will be reengaged by the new county as part of that county's reengagement sequencing.

- An individual that has entered the reengagement process by receiving the reengagement notice but has not completed the process by signing a WTW plan will continue in the reengagement process in the new county. If the individual was in non-compliance in the originating county, then that non-compliance status transfers to the new county until the individual completes the reengagement process or is considered in compliance for another reason.
- An individual who has been reengaged by the originating county by completing the reengagement process by signing the WTW plan would be considered a mandatory participant that has been reengaged in any county to which he or she transfers.

Pace of Reengagement and Best Practices

Counties have flexibility to determine the pace and sequencing of reengagement in order to best meet the needs of each county and the individuals the counties serve. Counties and the individuals they serve have unique reengagement needs based on many factors including, but not limited to, county demographics, county size, resources, and client base.

Although this flexibility is permitted, using the AB X4 4 Short Term Exemption County Reengagement Sequencing template (Attachment 5), counties must submit in writing to the CDSS Employment Bureau their proposed timing and sequence of reengagement. The CDSS Employment Bureau will review county submittals and contact the county with any questions. However, county reengagement plans are not subject to approval by CDSS.

Examples of reengagement sequencing may include, but are not limited to, the following:

- Prioritizing reengagement groups based on individuals' current level of participation as a volunteer (e.g., fully meeting participation requirements, partially meeting participation requirements or not participating). An example may include reengaging individuals not participating first, then reengaging those that are partially meeting participation requirements second and reengaging those that are fully meeting participation requirements last.
- Prioritizing reengagement groups based on the amount of time left on their 48-month time clock. This may include one of the following examples:
 - Reengage individuals with the least amount of time left on their 48-month clock first.
 - Reengage individuals with 48-37 months left on aid first, 36-25 months left on aid second, 24-13 months left on aid third, 12-7 months left on aid fourth and 6 months or less left on aid last.

- Begin reengagement for individuals as a child ages out of the exemption (e.g., the exempt parent no longer has a child under two or two children under six).
- Begin reengagement for individuals at redetermination.
- Begin reengagement for individuals at the next regularly scheduled contact/appointment.
- Begin reengagement for individuals when their current volunteer WTW plan ends.

In addition, counties should consider availability of activities, such as school term dates and services, such as child care.

Reengagement Data Tracking and Reporting

Counties must ensure that reengagement individuals are identified and appropriately tracked on the Welfare Data Tracking Implementation Project (WDTIP) Tracking Recipients Across California (TRAC) system. Counties and consortia should continue to use the WDTIP TRAC Program Exception Code (PEC) 03 and Program Exception Reason Code (PERC) 316 for reengagement individuals after January 1, 2013. These codes will be extended through December 31, 2014, but should not be used for any new recipients after January 1, 2013. Once a reengagement individual receives an evaluation notice, the county must identify that individual as entering the reengagement process by using PEC 03 and PERC 317. Please see Attachment 6 for further information on these two sets of codes.

Between January 1, 2013 and December 31, 2014, reengagement individuals may be classified as "mandatory" participants for purposes of participation codes once they receive the evaluation notice. Once the evaluation notice is received, an individual may enter into the non-compliance process. However, individuals will not be required to participate until the county has reengaged them. An individual is considered reengaged when he or she signs a WTW plan that includes the identification of necessary supportive services to be provided by the county. When the individual is reengaged, the county must place the individual in the appropriate WDTIP TRAC PEC and PERC.

Camera Ready Copies and Translations

For a camera-ready copy in English, contact the Forms Management Unit at fmudss@dss.ca.gov. If your office has internet access you may obtain these forms from the CDSS webpage at http://www.dss.cahwnet.gov/cdssweb/FormsandPu_271.htm. When all translations are completed per MPP Section 21-115.2, including Spanish forms, they are posted on an on-going basis on our web site. Copies of the translated forms can be obtained as they become available http://www.dss.cahwnet.gov/cdssweb/FormsandPu_274.htm. For questions on translated materials, please contact Language Services at (916) 651-8876. Until translations are available, clients who have elected to receive Spanish, Russian, Vietnamese, and written Chinese materials should be sent the GEN 1365 interpretation informing notice with a local contact number.

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If you have any program policy questions regarding the information in this letter, please contact your CDSS Employment Bureau county consultant at (916) 654-2137.

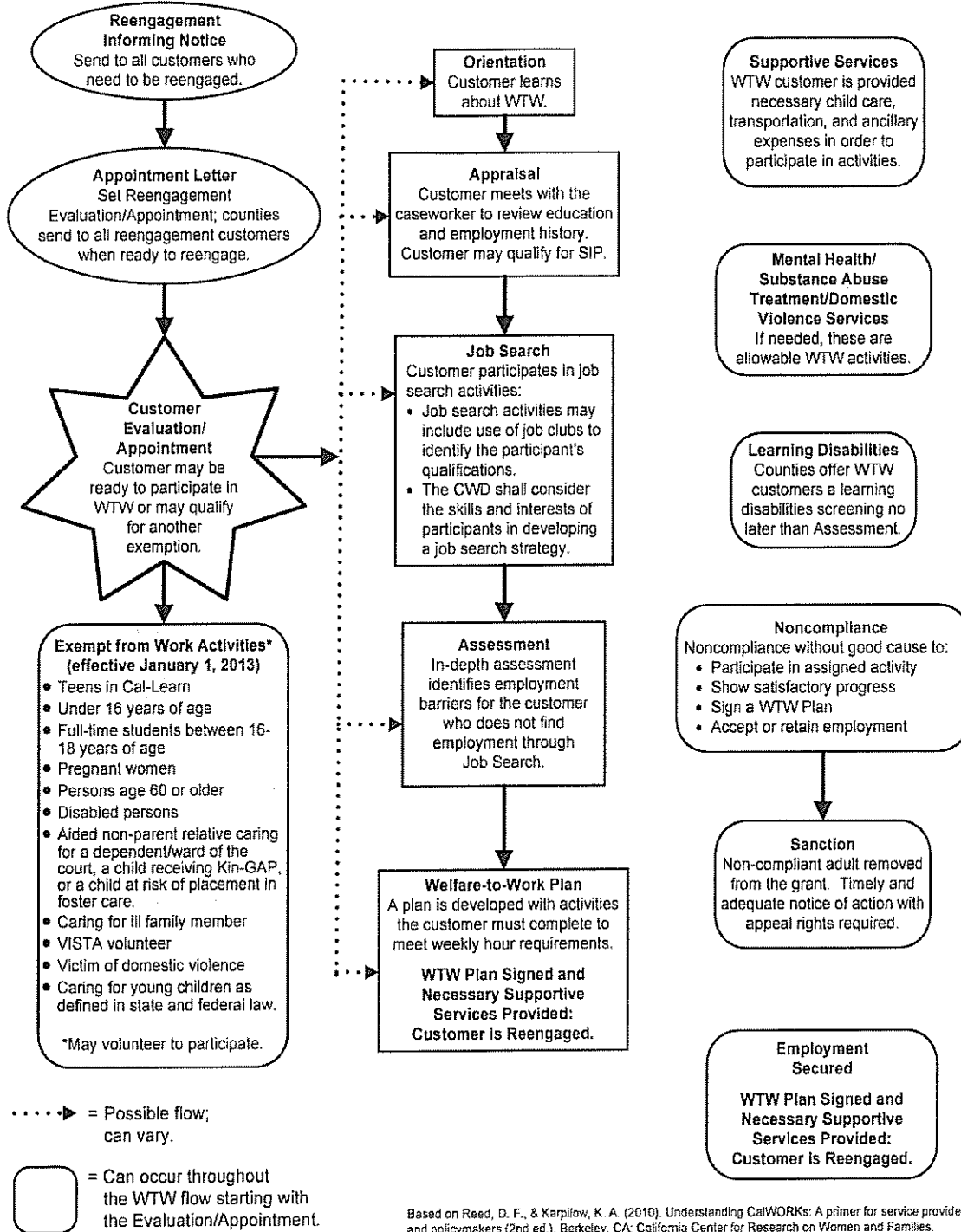
Sincerely,

TODD R. BLAND
Deputy Director
Welfare to Work Division

Attachments

Cc: California Supervisors Association of Counties
County Welfare Directors Association

CalWORKs Welfare-to-Work (WTW) Reengagement Program Flow



Based on Reed, D. F., & Karpilow, K. A. (2010). Understanding CalWORKs: A primer for service providers and policymakers (2nd ed.). Berkeley, CA: California Center for Research on Women and Families.

Reengagement Informing Notice

Reengagement Recommended Evaluation Notice Language

CW 2186A/B

Attachment 4

**AB X4 4 Short-Term Exemption
County Reengagement Sequencing**

Date

County

County Contact Information

Name

Address

Phone Number

Please indicate the date your county will begin reengaging individuals exempt under the AB X4 4 Short-Term Exemption.

Please describe your county's reengagement sequencing including, but not limited to, what groups your county will divide individuals into and in what order these groups will be reengaged.

Sequencing Group Description		Date Reengagement Begins
Group 1		
Group 2		
Group 3		
Group 4		

Other:

Attachment 6

PGM EXC CD	PGM EXC RSN CD	START DATE	END DATE	PROGRAM EXCEPTION REASON NAME	PROGRAM EXCEPTION REASON TEXT	PGM EXC TANF 60 FG	PGM EXC CW 48 FG	PGM EXC CW 24 FG	PGM EXC END DT FG
03	316	08/01/2009	12/31/2014	Exempt for WTW Participation	CalWORKs WTW Exemption – Parents caring for child age 12 to 23 months and/or two children under age six.	Y	N	N	Y
03	317	01/01/2013	12/31/2014	Reengagement Process	CalWORKs WTW Reengagement Process – Parents caring for child age 12 months to 23 months and/or two children under age six who are in the process of being reengaged by their county.	Y	N	N	Y