




# Inter-County Transfers

Benefits Enrollment  
Learning Circle



# Overview

- Overview of “ICT” rules by program
  - Common Issues
  - Tips on avoiding transfer problems
  - Q & A on ICTs
  - Q & A on other benefits issues
- 



# CalWORKs



# CalWORKs

- ICT does NOT require a new application
  - True also for switching intra-program status, such as change within categories of family aid (CalWORKs, Foster Care, Kin-Gap). MPP § 40-121.32
- “First” county is old county residence (aka “sending” county)
- “Second” county is the new one (aka “receiving” county)



# CalWORKs

## When

- *Applicants:* If move after applied/before determined eligible (prior to aid being restored in month after a discontinuance), the first county completes the eligibility determination.
  - If eligibility exists, sending county authorizes aid (and Medi-Cal), and starts ICT process with receiving county. (§40-125.5)
- *Recipients:* Immediately upon the first county being notified that the recipient has moved. (§40-190.1)
  - The first county notifies the second county (§40-195.211)



# CalWORKs

## Payment Responsibility

- The first county is responsible for determining eligibility and payment during the "transfer period." (§40-190.22)
  - 30-Day Transfer period
    - *Begins* with the postmarked date/ date of the electronic transfer of the notification of the ICT. (§40-187 .11)
    - *Ends* at the end of the month following the 30-day transfer period, or the end of the month in which aid is discontinued for cause, whichever date is earliest. (§40-187.12)
- No interruption in payment of aid. (§40-190.2)
- QR cycle may change, as it's based on second county's system. (§40-190.21)



# ICT When Only *Some* Aided Children Move

When a child(ren) moves to the home of a new caretaker relative, who resides in a second county:


- If the move results in the creation of a new AU (the transferred child plus one or more applicants for aid), the first county determines eligibility and makes aid payment during the transfer period.
- If the children who move are being added to an *existing* CalWORKs family (already aided in 2<sup>nd</sup> county), the second county is responsible for eligibility and payment for the entire AU.

(§40-190.23)

**NOTE:** Delays happen when original household says child has not left, or new household applies but aid not discontinued with original AU.

# DV and ICT's ([ACIN I-60-09](#))

- If 1st county knows in advance “strongly encouraged” to provide local domestic abuse services referrals.
  - All DV info and documents must be kept confidential (not available to any county workers not directly involved in the recipient’s case).
    - Discourages faxing ICT file, unless there is a restricted fax machine
  - Reminder families can use the “Safe At Home” for confidential mail.
    - “Strongly encouraged” to include sending info on DV services, waivers, and good cause for not cooperating with child support services.
      - Must use [WTW 37 form](#) for permitting release of this information.
  - When 2nd county identifies DV during the ICT process, it “may explore” whether there was a DV waiver in the 1st county.
    - 1st county’s DV waivers remain effective during 30-day transfer period.
    - After transfer period, the 2nd county “may continue” the waiver if the county finds the waiver “continues to meet the needs of the domestic abuse waiver criteria.”
- TIP: Ask for hearing if the 2nd county proposes ending or changing the waiver, and the person disagrees.



# Welfare-to-Work Transfers

# Welfare-to-Work Responsibilities

([ACIN I-38-04](#))

- Complete transfer w/in 30-day period, or earlier by mutual (County) agreement.
- 1<sup>st</sup> county to send WTW plan w/ ICT docs
- 2<sup>nd</sup> county to establish a WTW case and ensure individual is engaged in activities.
- During transfer period, 2<sup>nd</sup> county:
  - “Can meet” with the person to discuss employment history, job skills, educational background, need for supportive services.
  - Review the prior CalWORKs WTW plan, if one was completed.



# WTW Activities

- If no WTW at time of ICT, 2<sup>nd</sup> county should place in similar activity (if any) [e.g. job search]
- If there is a WTW plan, 2<sup>nd</sup> county must determine whether the activities and services included in that plan remain appropriate, given the labor market and available resources in the current county. If continued participation in the activity is appropriate, the county should refer the individual to that activity, when feasible.
  - If a activity is appropriate, but not available, the county should attempt to refer the individual to a comparable activity.
  - If the county activities and services are no longer appropriate, must determine new activities and amend WTW plan.
    - Right to appeal and Third Party Assessment



# WTW: Changing Plan

- State has said whether 2<sup>nd</sup> county allows the individual to continue with prior plan “is solely at county discretion.”
- To determine whether to allow plan to continue, counties should consider:
  1. Whether the activity is appropriate for the individual.
  2. Whether participation in/successful completion of the program will help the person find a job in the county.
  3. Whether the training location is within the norm of how far other people in the same county customarily travel for training or for work.
  4. Whether the person is meeting the required hours, making satisfactory progress, and complying with other program requirements.
  5. Whether the person complied with the requirements of his or her current program in a manner that leads the county to believe that he or she will successfully complete the program.
  6. Whether the individual will be able to complete the current activity within a reasonable period of time.

# ICT and Supportive Services

- Determination of needed supportive services are part of the case transfer process
- To be seamless to avoid disruption of participation
- Child Care transfer ([MPP 47-310](#))
  - 1st county tells client in writing MUST apply for child care in the 2nd county and who is responsible for payment.
    - 1<sup>st</sup> county pays for child care through the last day the existing provider provides services if new provider
      - If no change in provider, 1<sup>st</sup> county pays through transfer of cash aid. If no longer aided, pays through 30 days from move or earlier by agreement
  - 2nd County to establish as soon as client reapplies and meets eligibility, regardless of status of transfer of rest of case
    - 2nd County provides local child care referrals
    - Place in Stage 1 until can see if eligible/can provide other stages
    - Switches to Stage 2 if CalWORKs denied on ICT



# Homeless Aid during ICT

- The county where the family lives (physically present + intent to reside) determines the eligibility for the homeless aid and makes the HA payment. (§44-211.515)
  - The MAP (maximum aid payment) amount for the 2<sup>nd</sup> county (new residence) is used.
  - Example: moving from Sacramento to Yolo county, Sacramento pays the CalWORKs grant, but Yolo (where client found housing) will determine HA eligibility and issue payment

# Overpayment Adjustment During Transfer Period

- 1<sup>st</sup> county does adjustment during transfer period.
- If the overpayment adjustment will continue beyond the transfer period, the 1st county:
  - Sends the repayment record and notifies the 2<sup>nd</sup> county to continue adjustment.
  - At end of ICT transfer period, the 2<sup>nd</sup> county continues recoupment
    - If case was discontinued (during or after transfer period), 2<sup>nd</sup> county responsible for collection through other (non-grant adjustment) means.

(§40-190.5)



# Discontinuances During ICT

- If 1<sup>st</sup> county discontinues aid during transfer (no longer eligible), 1<sup>st</sup> county has no further obligations unless recipient appeals
  - If recipient does not appeal the discontinuance, but wishes to reapply, he/she must reapply for aid with the county in which he/she currently resides.

(§40-191.1)



# Foster Care and Kin-Gap



# Foster Care

- When a 1st county places a child in a foster home in a 2nd county, the first county retains responsibility for payment of aid. (§40-190.32)
- This is not an “real” ICT. The county of jurisdiction (juvenile or probation court) action remains responsible.



# No New Application

- ICT does NOT require a new application
  - Also for any switching intra-program status, such as change within categories of family aid (CalWORKs, Foster Care, Kin-Gap). MPP § 40-121.32
  - For children on CalWORKs prior to entering Kin-GAP and who are placed out-of-county, an Intraprogram Status Change to Kin-GAP and an Inter-County Transfer (ICT) may be necessary to transfer the child's case back to the placing county. ([ACL 99-97](#))



# Intra-Program Transfers

- **Foster Care to Kin-GAP**
  - If remains in the home of the same caretaker relative, the BDA of Kin-GAP is the first of the month following the dismissal of the dependency
    - AFDC-FC shall be paid until the Kin-GAP payment begins.
- **CalWORKs to Kin-GAP (or vice-versa)**
  - If remains in the home of the same related caretaker, the effective date of the program transfer is the first of the month following the request for change of program or the dismissal of the dependency.

(§44-317.64)

# Documentation Transferred

- SAWS 1; FC 2/KG 2; Birth Certificate/Alien Status; Social Security Number, FC 3/FC 3A; Voluntary Placement Agreement, Legal Guardianship Papers; or Court Order which establishes the authority for placement; Independent Living Plan; evidence supporting federal and/or state eligibility; and any other information necessary to determine eligibility. (§40-



# Legal Guardian/Kin-Gap

- Guardians have the right to move anywhere in state, but must notify the court in writing.
  - County then is to start an Inter County Transfer.
  - If the Legal Guardian plans to move out of California, they must obtain court permission and the Legal Guardian is no longer eligible for Kin-GAP funding from California.
    - Guardianship and/or funding may need to be re-established in the new state, subject to the new state's laws and eligibility rules.



# Legal Guardian: Foster Care

- Guardians have the right to move anywhere in state, but must notify the court in writing.
  - County then must do an ICT.
    - If the Legal Guardian plans to move out of state, they must obtain court permission.
      - Guardianship and/or funding may need to be re-established in the new state, subject to the new state's laws and eligibility rules.



# CAPI

(c) LSNCLegal Services of Northern California



# CAPI (ACL 99-87)

- If both counties are in the same CAPI consortium, no ICT is needed
- 1st County, within 10 calendar days of notice of move:
  - Notifies 2nd county the initiation of a transfer and the expected date of discontinuance. Uses form SOC 822
  - Sends copies of all documentation, including the application forms, the most recent redetermination forms and grant amount worksheet, identification documents (e.g. passport, alien documentation), overpayment data, etc.
  - Tells recipient of effective date of the transfer of responsibility to 2nd county.
  - 1st county remains responsible through completion of transfer.
- 2nd County, within 10 calendar days of notice of ICT and getting documents:
  - Tell 1st county got notice of initiation of an ICT
  - Contact the recipient to start establishing eligibility in new county.
- The transfer period lasts from date of notice through last day of the



# Food Stamps



# No ICT for Food Stamps

- When move, must reapply. (CA requires county residence and has no transfer process.)
  - Reapply ASAP. Aid starts with application filing date.
  - For CalWORKs/FS cases: Sending (1<sup>st</sup>) county to discontinue food stamps to coincide with the transfer period of the CalWORKs case.
    - Example: A recipient informs county A on February 5 that she moved to county B. County A pays CalWORKs through end of March 31. Legislation pending on this (A.B. No. 2018, set for hearing 8/3/10). Would create immediate process for CalWORKs and Medi-Cal households, paralleling the other aid program. Agency to develop process for Food stamps only cases by 2012.

## ● Expedited Services

(c) LSNC 2010 Client can apply for Expedited (3 day) services in new county



# Transitional Food Stamps

- Not required to report during TFS period. (§63-504.131 and .132)
  - This includes no need to report change of address.
- If circumstances change and would be eligible for higher amount, can reapply.
  - Must meet applicant eligibility standards
- Prior to end of TFS should apply for regular food stamps if believe still eligible
  - Will then count current income.



# Medi-Cal





# Flexible Application Sites

- You can apply anywhere in state. The county where you live is responsible for your aid.
- If you don't live in the county where you apply, the county is to forward the information to the county of responsibility no later than 15 days from the date of application.
  - The county in which the person applies may, with the consent of the *applicant*, become the county of responsibility for determining initial eligibility and initiating an intercounty transfer. (22 CCR §50135)



# Transfer Period

- Medi-Cal remains active throughout the ICT period. No interruption in benefits.
  - Counties cannot terminate Medi-Cal benefits until the effective date of benefits in the new county is confirmed.
  - Counties cannot ask or require a reapplication solely due to the change in county residence.
  - Cannot require redetermination during the ICT.
- Counties shall not require the beneficiary to complete a new application or redetermination review in the new county until the next annual redetermination date
  - Date determined old county of residence.
- If CalWORKs not transferred, 2<sup>nd</sup> County uses form/notice CW 215A to request MC referral.

# CW Discontinuance and MC ICT

- If the recipient's CalWORKs benefits are discontinued, the county may not require the individual to reapply for Medi-Cal or complete a redetermination based solely on the move.
  - When the 2<sup>nd</sup> county determines the CalWORKs recipient is ineligible for CalWORKs during the inter-county transfer period, the 1<sup>st</sup> county discontinues the CalWORKs and authorizes Medi-Cal in the receiving county.
    - No ICT referral to the receiving county for persons discontinued from CalWORKs due to loss of California residency, incarceration, death, or if the person is transitioning into another public assistance program that provides Medi-Cal benefits such as SSI/SSP or IHSS.
- Disenroll from former health plan w/in 2 working days (expedited) of request (22 CCR §§53889)



# Medi-Cal Manual

- Medi-Cal Eligibility Manual Section 50136 for county responsibility for continued Medi-Cal eligibility:

<http://www.dhcs.ca.gov/services/medical/eligibility/Documents/Article3-CountyofResponsibility.pdf>



# Juvenile Justice Placement Issues

- When an “inmate” in a “public institution” federal funding for Medi-Cal ends (not eligibility)
  - Detention Centers or Correctional Facility *after* disposition of case
- To suspend MC for up to 1 year (not terminate)
  - No need to reapply if released



# Foster Youth and Health

- Usually in Fee For Service (even if CalWORKs must be in managed care)
  - Exception if a single agency county
    - Can volunteer to be in managed care
    - May *have to* be in managed care if on CalWORKs with FC dependency (i.e. placed w/ relative not eligible for federal foster care)



# Payment for FC Health

- County of Origin (jurisdiction) remains responsible for youth placed out of county
- Health Plan must pay for out-of-plan care if necessary
- Disenroll from former health plan w/in 2 working days (expedited) of request (22 CCR §§53889)



# IHSS






# IHSS Process

- Transfer period starts when the 1st county sends the notice of transfer form and documentation. (§30-759.9)
  - 1st county has 10 days from date learns of move to notify 2nd county.
  - Period to end no later than the first day of the month following 30 calendar days after the notice of transfer form is sent.
  - 2nd county to return transfer form, indicating completed transfer.
- The receiving county must do a face-to-face assessment with the recipient during the transfer period. (§30-759.94)



# IHSS ICT Documentation

- 1st county sends the IHSS application, the most recent assessment, an IHSS provider eligibility update, and, if applicable: a personal care services program provider enrollment form; a paramedical authorization form; current NOAs, and any information on overpayments and fraud investigations.
  - If the person moves *again*, the transferring county cancels the transfer and initiates the transfer to the new receiving county.



# Benefits During Transfer

- No interruption or overlapping of services. 1<sup>st</sup> county pays until end of transfer period when 2<sup>nd</sup> county takes over.
- No change in the recipient's level of authorized hours/benefits during the transfer period unless there is a substantive change in living arrangements or other eligibility factors as verified by the receiving county. (§30-759.941)

# New Provider Clearance Rules and Transfers

- Providers are now required to attend an orientation and have a background check.
- Existing providers have until 6/30/10 to do at least 1 of 4 new requirements, and then have until the end of the year to finish
- *DRAFT* ACL says that moving counties a) makes this a “new provider” situation that requires *all 4* new rules to be met; b) requires a new background check
  - *Advocates have said this is not legally permissible. Unclear when final decision will come out.*



# Discontinuances during ICT

- If transferring county discontinues services (lack of eligibility) during the transfer period, and the recipient does not appeal, any reapplication shall be treated as a new application with the new (2<sup>nd</sup>) county. (§30-759.95)
- If the IHSS recipient appeals a discontinuance, decrease of hours, or any adverse action against him/her by the transferring county during the transferring process, the transferring county shall maintain full responsibility for the case.
  - Responsible for the hearing and aid paid pending (if applicable), until a hearing decision is made, after which the transfer of the case to the receiving county can be completed. (§30-759.96)



# Moving During Application

- If a person moves while an IHSS application is pending, the 1<sup>st</sup> county remains responsible
  - Transfer if determined eligible
  - If a Determination of Disability is pending, the 1<sup>st</sup> county holds the case through getting the determination, and then forwards it with the notice of transfer (§30-759.97)



# TIPS

- Call and report in writing to worker as soon as know will move
- Contact new county as soon as arrive to see if anything is needed
- REAPPLY if getting food stamps as soon as arrive in new county
  - Can apply in advance if know moving
- If applying for person aided elsewhere, get confirmation person is with you
- Maintain a “verification packet” of lease, bank info, ID, birth certificates, etc.
  - County has responsibility to transfer, but may facilitate things



# Resources

- State website: [www.dss.cahwnet.gov](http://www.dss.cahwnet.gov)
  - Regulations: [www.dss.cahwnet.gov/ord/PG302.htm](http://www.dss.cahwnet.gov/ord/PG302.htm)
  - ACL's/ACIN's: [www.cdss.ca.gov/lettersnotices/default.htm](http://www.cdss.ca.gov/lettersnotices/default.htm)
- ICT contact list: [www.cdss.ca.gov/lettersnotices/entres/getinfo/acin08/I-34-08EII.pdf](http://www.cdss.ca.gov/lettersnotices/entres/getinfo/acin08/I-34-08EII.pdf)
- Searchable site for state letters/notics: [www.lsn.net/regs](http://www.lsn.net/regs)
- Food Stamp Manual (on-line) [www.foodstampguide.org](http://www.foodstampguide.org)
- CalWORKs Manual (\$75/2 years): [www.wclp.org](http://www.wclp.org) (“resources”/”manual publications”)
- Medi-Cal Manual: <http://healthconsumer.org/publications.htm#medi-caloverview>



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