



## Relative Caregiver Guide Benefits for Children Not in Foster Care



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Dear Relative Caregiver:

This information will help you understand and obtain the benefits you are entitled to for children in your care who are not in the foster care system and who are not your own. Please contact us at **213.368.6010** with any questions. The following pages are a step-by-step guide on the following topics:

**Section 1 Applying for CalWORKs:** Relative caregivers are eligible for CalWORKs (Welfare) funding for the children in their care, called Non-Needy Relative Caregiver's Assistance (child-only grant).

**Section 2 Common Problems Encountered at the CalWORKs office:** Relatives often encounter problems at the CalWORKs office when applying for benefits for children in their care.

**Section 3 Health Insurance and Disability Benefits:** Children should be eligible for health insurance through Medi-Cal. If the child has special needs, the child may be eligible for Supplemental Security Income (**SSI**).

**Seven Important Tips About Financial Benefits and Healthcare**

- 1) You are eligible for CalWORKs starting from the date you apply.
- 2) If you apply for a CalWORKs grant only for the child in your care, your income is not counted (this is called Non-Needy Relative Caregiver's Assistance).
- 3) If you are low-income, and want to get CalWORKs for yourself as well, tell the welfare worker. Your income will be considered and there will be other requirements, like job training and work requirements.
- 4) If you already have an open CalWORKs case, the child will be added to that case.
- 5) If you are denied CalWORKs because you are considered a non-relative, you may be eligible for a higher rate through State Foster Care Funding if you obtain Probate Legal Guardianship. Contact the Alliance for further information.
- 6) If you apply for CalWORKs or Supplemental Security Income (SSI) for a child in your care and are approved, he/she will also automatically receive Medi-Cal.
- 7) If you receive Supplemental Security Income (**SSI**) for a child that is not your own, your income should not reduce the grant, and the grant most likely should not be reduced for "in-kind" support.

## One: Applying for CalWORKs

### Step 1: Gathering the Right Documents

It is important that you take as many of the following necessary documents as possible to avoid having to return a second time to the CalWORKs office:

- 1) Copy of the child's birth certificate, or application for the birth certificate;
- 2) Copy of the child's social security card, or the application for the card;
- 3) Any documents showing you are a relative, such as birth certificates, court documents or school records;
- 4) Your own birth certificate and social security card; and
- 5) Proof of your income if you are applying for aid for yourself.

If you do not have any of these documents, **you may still apply** for CalWORKs and provide the required documents within **30 days**. You can also ask the worker to let you sign an **affidavit called a PA 853**, showing that you have tried to obtain the documents.

### Step 2: Going to the CalWORKs Office

- Set aside a day to apply for CalWORKs. Make a copy of all your documents before you go to the office and keep the originals for your records. To locate the office nearest to you, please refer to the attached list. It may take you most of the day to fill out all the paperwork and meet with the eligibility worker at the CalWORKs office.
- Once you get to the office make sure to fill out the application and get the name and number of the eligibility worker. Even if you do not have all of the needed documents or if the eligibility worker says that you do not qualify, you should demand the right to fill out the application. **Remember**, once your case is approved, the benefits will go back to the date you filled out the application.
- You will be referred to the Child Support Services Department (CSSD) to provide information about the identity and whereabouts of the child's parent(s). The county cannot apply a child support penalty if you do not know the whereabouts of the parent(s) or do not participate in providing this information. You do not have to provide the information to receive CalWORKs.

### Step 3: Getting Approved

- Once you have applied, the worker has **30 days** to approve your application and to allow you time to turn in additional information if you need to.
- If your application is denied, the eligibility worker must send you a Notice of Action that explains the denial. The Notice of Action is a written document listing why you were denied.
- As a relative caregiver, you are entitled to CalWORKs. Please contact the Alliance for Children's Rights immediately if you receive a Notice denying your application for **Non-Needy** Relative Caregiver's Assistance (child-only grant).
- If you are denied a **Needy** Grant (a grant including you or your biological children), please contact the Legal Aid Foundation of Los Angeles, 213.640.3901.
- You must appeal within **90 days** of receiving any Notice of Action, or you will forfeit your right to benefits.

## Two: Common Problems Encountered at the CalWORKs Office

Even when relative caregivers follow appropriate steps, problems still arise. These tips may help you fix the problem:

- 1) **Always fill out an application:** It is very important that you fill out an application while you are at the CalWORKs office. Not only does this make it easier for advocates to fix any problems that arise, but once approved, your CalWORKs will be **retroactive to the date of the application**. If you are denied the right to fill out an application, ask to speak with a supervisor. If you are still having problems, demand that the worker provide something in writing denying you the right to apply or denying the application for aid.
- 2) **\*\*Legal Guardianship is not required:** A relative caregiver is not required to have Legal Guardianship of a child before applying for or receiving CalWORKs. A relative caregiver can apply for CalWORKs by simply showing that he/she has “care and control” of the child. The caregiver can use any document (eg. school records, letter from a parent or an affidavit signed by the caregiver) that proves that the child lives with the caregiver. If you are told that you need a Legal Guardianship in order to apply for CalWORKs, ask to speak to a supervisor. If you are still having problems, demand that the worker provide something in writing denying you the right to apply or denying the application for aid.
- 3) **Birth Certificates to show relative status are not required:** An eligibility worker may insist that you prove you are a relative by obtaining a birth certificate chain from the child to you. This is often impossible, as the parents may not be available. Ask the eligibility worker to allow you to sign an affidavit (PA 853) stating you are a relative pending further documentation. If you are denied the right to fill out an application, ask to speak with a supervisor. If you are still having problems, demand that the worker provide something in writing denying you the right to apply or denying the application for aid.
- 4) **Relative’s proof of income is not required:** Some eligibility workers require a relative to provide proof of income for the entire household. As described above, all relatives are entitled to Non-Needy Relative Caregiver’s Assistance, regardless of their income. If an eligibility worker asks for proof of income, or states that you are not eligible for CalWORKs because of your income, request to fill out an application anyway and state that you want Non-Needy Relative Caregiver’s Assistance. If you are denied the right to fill out an application, ask to speak with a supervisor. If you are still having problems, demand that the worker provide something in writing denying you the right to apply for aid.

**\*\* Please note:** While you **do not need Legal Guardianship** before applying for CalWORKs it is sometimes beneficial. For example, if there is a possibility of a parent removing a child from a safe environment just to collect the CalWORKs, it is generally recommended that you first get Legal Guardianship. Call the Alliance for assistance with this process.

## Three: Health Insurance & Disability Benefits

**1) Healthcare Coverage:** Relative children in your care should be eligible for health insurance through the **Medi-Cal** program.

- If you apply for CalWORKs for a child in your care and are approved, he/she will also **automatically** receive Medi-Cal. You do **not** need to submit a separate application for Medi-Cal.
- If you choose not apply for CalWORKs for the child but still would like health insurance, you may apply for Medi-Cal separately. To apply, you can: (1) call 1.877.597.4777 to have an application mailed to you; (2) go to a local CalWORKs/Department of Public Social Services Office; (3) go to a local hospital; or (4) go to a Child Health and Disability Prevention Program (CHDP) clinic (call 800.993.2437 to find the nearest clinic).
- You will need to provide copies of your photo identification card, the child's social security card and proof that you live in Los Angeles County in order to complete the application.
- If you need help filling out the application, please make an appointment with an eligibility worker at your local CaWORKs office. Normally, the Medi-Cal office will approve or deny your application within **45 days** of receiving the application. Please contact Maternal and Child Access at 213.749.4261 if you are not contacted within 45 days or if your application is denied.

**2) Supplemental Security Income (SSI) for Children with Special Needs:** If you are caring for a child for is blind or disabled, you should apply for Supplemental Security Income (SSI).

- SSI is more money than CalWORKs because to care for a child with special needs requires extra time, effort and money.
- You may call **1.800.772.1213** to ask for an appointment with a social security representative near you to fill out the child SSI application. You can also get more information by going to <http://www.ssa.gov/>.
- Children in out-of-home care, including probate legal guardianship, may be eligible for a higher rate of SSI. Please ask the Social Security Administration worker to complete the form SSP 22 for the supplemental benefits.
- Your income should not count or reduce the amount of the child's SSI grant. The Social Security Administration may reduce the grant for the food and shelter you provide for the child (called "in-kind" support). In California, non-parents have no legal duty to financially support children, and therefore you should consult a legal advocate for assistance if the grant is being reduced.
- If the child is denied SSI or the grant is reduced based on your income, you may contact the Legal Aid Foundation of Los Angeles (LAFLA) 213.640.3901 or Bet Tzedek 323.939.0506 for assistance.