



The Alliance for Children's Rights

Dear Relative Caregiver:

This letter provides an explanation of the financial benefits you are eligible for as a relative caregiver of a child not in foster care or probation. Relative caregivers are eligible for CalWORKs funding. The Alliance for Children's Rights is here to help you obtain the appropriate funding for the child in your care.

YOU HAVE A RIGHT TO APPLY FOR CALWORKS (WELFARE) FOR A RELATIVE CHILD THAT IS NOT YOUR OWN.

You are eligible for CalWORKs from the date you apply. If you only apply for a CalWORKs grant for the child in your care, your income is not counted (this is called Non-needy Relative Caregiver's Assistance). If you are low-income, and want to get CalWORKs for yourself as well, tell the worker and your income will then be considered and there will be other requirements. If you already have an open CalWORKs case, the child will be added on to that case.

HOW TO APPLY FOR CALWORKS

Step 1: Gathering the Right Documents

It is important that you take as many of the necessary documents as possible to avoid having to return a second time to the CalWORKs office. The following are the documents you will need in order to apply:

- Copy of the child's birth certificate, or application for the birth certificate;
- Copy of the child's social security card, or the application for the card;
- Any documents showing you are a relative, such as birth certificates, court documents or school records;
- Your own birth certificate and social security card; and
- Proof of your income only if you are applying 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.**



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If you are denied the right to apply, please ask to speak to a supervisor or call The Alliance for Children's Rights from the CalWORKS office.

*Please note that 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).

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. You are entitled to CalWORKs, so contact The Alliance for Children's Rights if you receive a Notice denying your application. Remember, you must appeal within **90 days** of receiving the Notice if you do not agree with the decision.

COMMON PROBLEMS ENCOUNTERED BY RELATIVE CAREGIVERS AT THE CALWORKS OFFICE

Even when relative caregivers follow appropriate steps, mistakes are made. 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 the problem, but once approved, your CalWORKs will be retroactive to the date of the application. The following are common problems that relatives encounter at the CalWORKs office.

Legal Guardianship: A relative caregiver is not required to have Legal Guardianship of a child before applying for 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 or call The Alliance for Children's Rights from the CalWORKs office.

Please note that while you do not need Legal Guardianship before applying for CalWORKs it is sometimes beneficial. For example, if the biological parent is already collecting CalWORKs for the child, he/she might remove the child from the caregiver once he/she finds out that the CalWORKs money will be transferred to the caregiver. If there is a possibility of a parent removing a child from a safe environment just to collect CalWORKs, it is generally recommended that you first establish a legal relationship with the child. You should call the Alliance for assistance with this process.

Requiring Birth Certificates to Show Relative Status: An eligibility worker may insist that you show you are a relative by obtaining a birth certificate chain from the child to you to prove you are a relative. This is often impossible, as the parents are may not be available. At the very least, ask the eligibility worker to allow you to sign an affidavit (PA 853) stating you are a relative pending further documentation.



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Denying Relatives based on the Relative's Income: 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.

THE ALLIANCE FOR CHILDREN'S RIGHTS IS HERE TO HELP!

If in doubt, give us a call at 213-368-6010