

County of Orange Social Services Agency
Family Self-Sufficiency

Program/Area: CalWORKs/Welfare-To-Work

Title: HIGHER AND LOWER MAP - BENO

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PURPOSE

The purpose of this policy is to provide instructions to determine whether the Assistance Unit (AU) meets eligibility requirements for Higher Maximum Aid Payment (MAP).

POLICY

The *Beno v. Shalala* and *Welch v. Anderson* court cases resulted in a "two-tiered" Maximum Aid Payment (MAP); Higher MAP and Lower MAP. Each adult caretaker relative in the home must meet one of the exemption criteria for the case to be eligible to a Higher MAP. Cases that receive a Higher MAP are called BENO cases.

ASSISTANCE UNITS

All AUs are designated **Exempt** or **Nonexempt**. The AU's status determines whether they will receive an Exempt/Higher MAP or Nonexempt/Lower MAP.

BENO ELIGIBILITY

An Assistance Unit (AU) is **Exempt** if each parent/caretaker relative of an aided child and aided stepparent who lives in the child's home meets one of the following conditions:

1. Receives one or more of the following benefits:

- Supplemental Security Income/State Supplemental Payment (SSI/SSP).
- In-Home Supportive Services (IHSS). (Not paid to provide IHSS).
- State Disability Insurance (SDI).
- Temporary Worker's Compensation (TWC). Bi-weekly benefits paid to an individual who cannot work due to work injury.
- Temporary Disability Indemnity (TDI). Weekly benefit paid to an individual who cannot work due to work injury.

2. Is an unaided, non-parent caretaker relative.

Note: A parent/caretaker relative who receives Private Disability Insurance or Social Security Disability does not qualify for Exempt AU

status.

INFORMING NOTICE All applicants and recipients are informed of BENO eligibility at their initial application and annual Redetermination (RRR). [SAWS 2A SAR, "Rights, Responsibilities and Other Important Information"](#) is reviewed, signed and given to the client during these appointments. The Maximum Aid Payment section on page 6 of the SAWS 2A SAR lists the conditions for receiving a Higher MAP.

EXEMPT AUS

1. EXEMPT AUs WITH AIDED CHILDREN

An AU is considered to be Exempt if each parent or caretaker relative in the home meets one of the exemption criteria listed in the BENO Eligibility section.

- **Minor Parent**
 - Minor parent – is considered a parent, even if aided as an eligible child. Therefore, the minor parent must also meet at least one of the exemption criteria.

Example 1 – Nonexempt AU – Minor Parent

The AU consists of a senior parent and her children. One of the senior parent's children is a 17-year-old minor parent. The minor parent's child is also in the AU. The senior parent receives SDI. The minor parent aided as an eligible child in the senior parent's case is considered to be a parent. The minor parent does not receive one of the benefits specified in the BENO Eligibility section or meet any other criterion to receive an exemption. Because both senior parent and minor parent are considered parents in determining Exempt status, and all parents in an AU must receive one of the benefits in the BENO Eligibility section, the case receives the Nonexempt/Lower MAP.

Example 2 – Exempt AU – Receipt of SDI and SSI/SSP

The family consists of two parents and their two children with eligibility based upon incapacity. One parent receives SDI and the second parent receives SSI/SSP. Since each parent receives one of the benefits specified in the BENO Eligibility section, the case receives the Exempt/Higher MAP.

Example 3 – Nonexempt AU – Receipt of Private Disability Insurance

The AU consists of a parent and his aided child. The parent receives private insurance benefits from his employer; however, this income is not one of the benefits specified in the BENO Eligibility section and the parent does not meet any other criterion to receive an exemption. The

case receives the Nonexempt/Lower MAP.

Example 4 – Nonexempt AU – Undocumented Non-citizen Father

The family consists of a mother, the mother's children, and the father, who is an undocumented non-citizen. Eligibility is based on unemployment. The mother receives SDI. The father does not receive one of the benefits specified in the BENO Eligibility section or meet any other exemption criterion. The case receives the Nonexempt/Lower MAP, as each parent must meet one of the criterions to receive an exemption even if they are not aided due to exclusion.

- **Stepparents**

- Aided Stepparent must meet at least one of the exemption criteria.
- An unaided stepparent is not considered when determining if the AU is Exempt or not.

Example 5 – Nonexempt AU – Aided Stepparent

The AU consists of a father, the father's children, and an aided stepmother. The stepmother is pregnant, but she is not the parent or caretaker relative of any of the aided children. The father receives Temporary Workers Compensation (TWC). The aided stepmother does not receive one of the benefits specified in the BENO Eligibility section or meet any other criterion to receive an exemption. The case receives the Nonexempt/Lower MAP as both the parent and the aided stepmother must meet one of the exemption criteria listed in the BENO Eligibility section.

Example 6 – Exempt AU – Unaided Stepparent

The family consists of a mother, the mother's children and an unaided stepfather. The mother receives SSI/SSP and is not in the AU. The stepfather, who is not the parent of any of the aided children, is unaided; therefore, he is not considered in determining the AU's exemption status. The case receives the Exempt/Higher MAP.

2. EXEMPT AUs WITHOUT AIDED CHILDREN

- A. An AU consists of parent(s) or caretaker relatives who receive aid because of an unaided excluded child. This AU can be Exempt if all adult caretaker relatives meet at least one of the exemption criteria listed in BENO Eligibility section and the excluded child receives SSI/SSP or Foster Care.

Example 7 – Nonexempt AU – Parent with SSI/SSP Child

The AU consists of a mother and her child, who receives SSI/SSP. The mother does not receive one of the benefits specified in the BENO Eligibility section or meet any other criterion to receive an

exemption. The case receives the Nonexempt/Lower MAP.

Example 7a – Exempt AU – SSI/SSP Parent with Child

The AU consists of a father who receives SSI/SSP and his child. The father receives one of the benefits specified in the BENO Eligibility section. The case receives the Exempt/Higher MAP.

- B. A pregnant woman receiving aid based only on pregnancy may be Exempt if she meets at least one of the exemption criteria listed in the BENO Eligibility section. The father of the unborn living in the home is not considered when determining if the AU is Exempt or not.

Example 8 – Exempt AU – Disabled Pregnant Woman Only (PWO)

Because a pregnant woman is the only member of her AU and receives one of the benefits specified in the BENO Eligibility section, the case receives the Exempt/Higher MAP.

- C. Refugee Cash Assistance (RCA) AU may be Exempt if all adults meet at least one of the exemption criteria listed in the BENO Eligibility section.

**ELIGIBILITY
DETERMINATION**

CalWIN will automatically assign Higher MAP to a case once all **correct case information** is entered.

The Eligibility Caseworker shall:

1. Review cases for Exempt AU status when:
 - A new application is received, or
 - A parent or caretaker relative is added to the AU, or
 - The Semi-Annual Report SAR 7 is processed, or
 - The annual redetermination is completed or the Statement of Facts For Cash Aid, CalFresh, and Medi-Cal/34-County Medical Services Program SAWS 2 is processed, or
 - A voluntary mid-year/period request is received to review the exemption status, or
 - The AU voluntarily reports a change of status, or
 - An AU member is determined exempt from Welfare-to-Work (WTW) due to incapacity or care of an ill or incapacitated member of the household.
2. Request verification and verify changes. Send a timely 10-day notice of action as appropriate.

Note: When decreasing benefits from Higher MAP to

Lower MAP, send a timely 10-day NOA M89-110A and evaluate for any potential Over-Payment. NOA M89-110 is to be sent when increasing benefit (Lower MAP to Higher MAP) and NOA M89-110B when denying a request for Exempt/Higher MAP.

3. Follow instructions in the [Higher MAP BENO Resource Guide](#) to set up a Higher MAP BENO case.
4. Document the exemption criteria in CalWIN case comments.

STATUS CHANGE

When the AU status changes between Exempt and Nonexempt, the county shall change the MAP status effective as follows:

- If the change is reported on the SAR 7 or the SAWS 2, the change in status shall be effective the first day of the next payment period.
- If the change is reported mid-year/period and the change in status will increase cash aid, the change in status shall be effective the first day of the month following the report of the change when verification has been provided.
- If the change is reported mid-year/period and the change in status will decrease cash aid, the change in status shall be effective the first day of the next payment period.
- If the change in status is due to the AU's receipt of disability-based income, the worker must consider this income at the same time that it determines the AU's eligibility for Exempt/Higher MAP. If the Exempt/Higher MAP status, together with the disability income, would result in a decrease to cash aid, the worker would not make the change mid-year/period and would send the AU a "No-Change NOA". The change in status shall be effective the first day of the next payment period.

Note: CalWORKs aid payment is considered income in the CalFresh budget. For purposes of calculating Public Assistance CalFresh benefits, the actual CalWORKs grant amount for each month of the SAR Payment Period must be used when computing the CalFresh allotment. If there is a change in AU status, CalFresh will recalculate the allotment amount based on the new CalWORKs grant.

When Exempt AU status results from a request for review by the AU, the worker shall not treat the AU as an Exempt AU for any month prior to the month of request.

Example 9 – Determining MAP Status for Applicants

An initial application is made January 4 for an AU consisting of a father and two children. The applicant AU is placed in a January through June SAR Payment Period. When applying for aid, the father was in receipt of SSI/SSP. The SSI/SSP ends on February 28. Since the MAP status is determined prospectively for the entire period based on the applicant's status at the time application is approved, the worker uses the Exempt/Higher MAP to determine financial eligibility and cash aid for the entire SAR Payment Period.

Example 10 – Determining MAP Status for Applicants

An initial application is made January 4 for an AU consisting of two children (father is unaided). The applicant AU is placed in a January through December AR/CO Payment Period. When applying for aid, the father was in receipt of SSI/SSP. The SSI/SSP ends on February 28. Since the MAP status is determined prospectively for the entire period based on the applicant's status at the time application is approved, the worker uses the Exempt/Higher MAP to determine financial eligibility and cash aid for the entire AR/CO Payment Period.

Example 11 – Determining MAP Status for Recipients

An existing AU is in a July through December SAR Payment Period. On the November SAR 7, the recipient reports the receipt of SDI in the Data Month. The worker verifies the recipient's SAR 7 information and uses the Exempt/Higher MAP status to determine financial eligibility and cash aid for the January through June SAR Payment Period.

Example 12 – Determining Status for Recipients

An existing AU is in a July through June AR/CO Payment Period. On the June SAWS 2, the recipient reports the receipt of SDI in the Data Month. The worker verifies the recipient's SAWS 2 information and uses the Exempt/Higher MAP status to determine financial eligibility and cash aid for the July through June AR/CO payment Period.

Example 13 – Request for Review of AU Status by the AU

The AU consists of two parents and their two children, with deprivation based on unemployment. The AU receives the Nonexempt/Lower MAP. In June, the father requests a review of the AU status, as he has been determined to be exempt from WTW participation due to disability. The wife's application for IHSS was denied and she does not meet any other criterion for an exemption. Since both the father and the mother must receive one of the benefits specified in the BENO Eligibility section or meet one other criterion to receive an exemption, the case receives the Nonexempt/Lower MAP.

Example 14 – Late Discovery Due to Client's Failure to Timely

Report

The AU consists of a parent and his child. The AU is in an April through September SAR Payment Period. The father starts receiving SDI in the Data Month of August but does not report the information on the SAR 7. On October 2, the father voluntarily requests mid-period review of his status and provides the appropriate verification of his exempt status. The first month the Exempt/Higher MAP status is effective is November. The MAP status change shall not be effective for any months prior to a request for review and the increases to aid due to a mid-period voluntary report are not effective until the first of the month following the report.

Example 15 – Late Discovery Due to Client’s Failure to Timely Report

The AU consists of a child only. The AU is in an April through March AR/CO Payment Period. The father starts receiving SDI in August but does not report the information. On October 2, the father voluntarily requests mid-period review of his status and provides the appropriate verification of his exempt status. The first month the Exempt/Higher MAP status is effective is November. The MAP status change shall not be effective for any months prior to a request for review and the increases to aid due to a mid-period voluntary report are not effective until the first of the month following the report.

Example 16 – Late Discovery Due to Administrative Error

The AU consists of a mother and her child. The AU is in a January through June SAR Payment Period. The mother’s SDI benefits end on May 11 and the mother no longer qualifies for the Exempt/Higher MAP status. The AU reports the information correctly on their May SAR 7 due in June. However, the county incorrectly processes the SAR 7 and continues to use the Exempt/Higher MAP for the July through December SAR Payment Period. In July, the county discovers the error. Since the effective date of the MAP status change for the SAR Payment Period was July 1, the worker shall take mid-period action to correct the error. The worker shall reevaluate eligibility and cash aid for the entire SAR Payment Period using the Nonexempt/Lower MAP, recompute CalWORKs grant for the remaining months of the SAR Payment Period, and make an overpayment or underpayment determination for the month of July.

Example 17 – Late Discovery Due to Administrative Error

The AU consists of a child only. The AU is in a January through December AR/CO Payment Period. The mother’s SDI benefits end on May 11 and the mother no longer qualifies for the Exempt/Higher MAP status. The AU reports the information correctly on their SAWS 2 due in December. However, the worker incorrectly processes the SAWS 2 and continues to use the Exempt/Higher MAP status for the following January through December AR/CO Payment Period. In February, the

worker discovers the error. Since the effective date of the MAP status change for the AR/CO Payment Period was January 1, the worker shall take mid-period action to correct the error. The worker shall recompute eligibility and cash aid for the entire AR/CO Payment Period using the Nonexempt/Lower MAP. The worker shall recompute aid for the remaining months of the AR/CO Payment Period and shall make an overpayment or underpayment determination for the months of January and February.

Example 18 – Mid-Period Status Review Request

An existing AU, a father and his child, is in a January through June SAR Payment Period. Eligibility and cash aid for this period has been determined using the December SAR 7 information. On April 15, the recipient voluntarily reports mid-period that they began receiving SDI in lieu of their full time job on April 7. The recipient provides the necessary verification within 10 days of the report. The worker determines that this voluntary mid-period report will increase cash aid. The worker changes the recipient's MAP status for the AU from Nonexempt/Lower MAP to Exempt/Higher MAP beginning in May.

Example 19 – Mid-Period Status Review Request

An existing AU, a child only case, is in a January through December AR/CO Payment Period. Eligibility and cash aid for this period has been determined using the December SAW 2 information. On April 15, the recipient voluntarily reports mid-period that they began receiving SDI in lieu of their full time job on April 7. The recipient provides the necessary verification within 10 days of the report. The worker determines that this voluntary mid-period report will increase cash aid. The worker changes the recipient's MAP status for the AU from Nonexempt/Lower MAP to Exempt/Higher MAP beginning in May.

Example 20 – Mid-Period Voluntary Report to Add a Person

An AU of one, a pregnant woman only case, is in an October through March SAR Payment Period. The AU has been receiving aid based on Exempt/Higher MAP status. On November 5, the mother voluntarily reports the birth of the child and requests aid for the child. When determining the eligibility to add the child December 1, the worker determines that the potentially "new AU" (the existing AU and the added person) does not meet Exempt/Higher MAP status. The worker uses the Nonexempt/Lower MAP status to determine if the child is CalWORKs eligible and if the newborn's addition into the existing AU increases the grant. If the newborn increases cash aid for the existing AU, the Nonexempt/Lower MAP status shall be effective December 1. If the newborn's addition into the AU would decrease cash aid, the baby will be added to the AU and the Nonexempt/Lower MAP status shall not be effective until the first day of the next SAR Payment Period and will continue until a change

in status is reported on the SAR 7, SAWS 2, or a mid-period report.

Example 21 – Mid-Period Mandatory Report to Add a Person

An AU of one consists of a time-out mother receiving State Disability Insurance, with one child, and is in an October through September AR/CO Payment Period. The AU has been receiving aid based on Exempt/Higher MAP status. On January 5, the child's father, who was previously on aid and is now timed out, returns to the home and reports he is not receiving any income. When determining eligibility, the worker determines that the father does not receive one of the benefits specified in the BENO Eligibility section or meet any other exemption criterion, therefore, the worker uses the Nonexempt/Lower MAP to determine eligibility. The Nonexempt MAP status shall be effective February 1.

Refer to [CalWORKs Policy 100-E5A – Mid-Period Reporting in SAR](#) and [CalWORKs Policy 100-E13 – Annual Reporting/Child-Only Cases \(AR/CO\)](#) for more information.

AID TYPES

Separate aid types have been designated for Lower and Higher MAP cases. Refer to [CalWORKs Policy 100-C4 – Assistance Unit Composition, Family Structures and Aid Codes](#), and [Worker Tool 5 CalWORKs/RCA/TCVAP/Foster Care Aid Code Guide](#).

OVERPAYMENT & UNDERPAYMENT

If the MAP amount is not changed timely, an overpayment (OP) or an underpayment (UP) may occur. Follow current OP/UP policy for collecting an overpayment or issuing an underpayment.

Refer to [CalWORKs Policy 100-B15 - Overpayments and Underpayments](#) for more information.

NOTICES OF ACTION

M89-110 - Increase – Lower MAP to Higher MAP

M89-110A – Decrease – Higher MAP to Lower MAP

M89-110B – Deny request for Exempt/Higher MAP

REFERENCES

ACL 12-25

ACL 12-49

EAS 89-110

**POLICIES AND
RESOURCE GUIDES**

[Higher MAP BENO Resource Guide](#)

[CalWORKs Policy 100-B15 – Overpayments and Underpayments](#)

[CalWORKs Policy 100-C4 – Assistance Unit Composition, Family Structures and Aid Codes](#)

[CalWORKs Policy 100-E5A – Mid-Period Reporting in SAR](#)

[CalWORKs Policy 100-E13 – Annual Reporting/Child-Only Cases \(AR/CO\)](#)

ATTACHMENTS

[SAWS 2A SAR, “Rights, Responsibilities and Other Important Information”](#)

[Worker Tool 5 CalWORKs/RCA/TCVAP/Foster Care Aid Code Guide](#)
