



A Tradition of Stewardship
A Commitment to Service

NAPA COUNTY HEALTH AND HUMAN SERVICES AGENCY
Self Sufficiency Services Division

POLICY AND PROCEDURE:

Fry vs. Saenz
18 year olds not graduating by age 19

REVIEW FREQUENCY:

Every two years

POLICY # 2000601-4001-20

DISTRIBUTION:

- | | |
|--|--|
| <input type="checkbox"/> Employment Services | <input checked="" type="checkbox"/> Eligibility Services |
| | <input checked="" type="checkbox"/> Quality Mgmt |

EFFECTIVE DATE: July 7, 2004
 ORIGINAL DATE OF ISSUE: July 8, 2004
 LAST REVISION DATE: September 3, 2020

APPROVAL: Jane Bautista 9/16/20
 Eligibility Services Manager Date

APPROVAL: Lynette 9/22/20
 SSSD Deputy Director Date

APPROVAL: Chris Yung 9-25-2020
 HHS Director Date

POLICY STATEMENT:

It is the policy of the Napa County Health and Human Services Agency (NCHHSA) to provide cash assistance to eighteen (18) year olds who do not expect to graduate from high school by their nineteenth (19th) birthday due to a disability.

ADMINISTRATION:

Eligibility Specialist (EW)

DEFINITIONS:

None

END OF POLICY

PROCEDURE

I. Overview

- A. Fry v. Saenz challenged state law (Welfare and Institutions Code Section 11253) prohibiting the granting of CalWORKs cash aid to children who have reached 18 years of age, unless the child can reasonably be expected to graduate before age 19. The lawsuit claimed that this provision violates the Americans with Disabilities Act because it discriminates against recipients who would not graduate before age 19 due to a disability. ACL 04-33, dated August 30, 2004, instructed County Welfare Departments (CWD) to immediately cease denying, discontinuing or reducing the case aid for all otherwise eligible 18-year-olds (and their parent/caretaker relatives) who are attending school full-time and are not expected to graduate by age 19. This procedure provides the criteria to determine if a child meets the disability criteria.

II. Criteria

- A. 18 year old children who do not expect to graduate prior to their 19th birthday are not eligible to CalWORKs benefits unless they meet one of the following criteria:
1. Children who currently receive or have in the past received SSI/SSP benefits shall be considered disabled.
 - a. To determine if the SSI/SSP child who is turning 18-years old is attending school full-time, verification shall be obtained.
 2. Children who currently receive or have in the past received services through a Regional Center Program pursuant to the Lanterman Act shall be considered disabled.
 - a. Parent/Caretaker relatives shall cooperate with the EW to obtain verification of receipt of services.
 - 1) Verification may include a statement from the Regional Center stating that the child is currently receiving or has in the past received services.
 - b. To determine if the child who is turning 18-years old is attending school full-time, verification shall be obtained.
 3. Children who currently receive services at school in accordance with their Individual Education Plan (IEP) or receive services under/pursuant to Section 04 of the Rehabilitation Act or have received such services in the past shall be considered disabled.
 - a. Parent/Caretaker relatives can provide a copy of the child's IEP or Section 504 Accommodation Plan/Section 504 plan or cooperate with CWD to obtain verification from the school (MPP 40-105.5(b)).
 - b. To determine if the child who is turning 18-years old is attending school full-time, verification shall be obtained.
 4. When the child's disability cannot be verified by the criteria described in 1-3 above, the parent/caretaker relative can provide independent verification of a current or past disability by a health care provider or a trained, qualified learning disabilities evaluation professional.
 - a. To determine if the child who is turning 18-years old is attending school full-time, verification shall be obtained.
- B. Otherwise eligible 18-year-olds who attend school full-time and are considered disabled under the criteria listed in 1-4 above, shall continue to be eligible for CalWORKs benefits until they graduate, turn 19, or stop attending school full time, whichever occurs first.

III. Process

- A. For any 18 year old child who does NOT meet the criteria listed above upon turning 18 and not graduating by age 19:
1. Send NOA M42-101B to decrease the Assistance Unit's (AU) grant, (if not created automatically) **or**
 2. Send NOA M42-101C to discontinue the AU, (if not created automatically).
 3. Create a journal entry.
- B. For any 18 year old that meets the criteria listed in I.A.1-4, complete the following:
- 1.

Step	Action
1.	Click the Eligibility tab on the Global navigation bar.
2.	Click the Customer Information link on the Local navigation bar.
3.	Click the Medical Condition link on the Task navigation bar.
4.	Select Active from the Medical Condition Category drop-down box.
5.	Click the Add button.
6.	On the Medical Condition Detail page:
	a.) Select the <Name> of the disabled child from the Name drop-down box.
	b.) Select <appropriate status> from the Verified drop-down box.
	c.) Select Fry v Saenz Disability from the Medical Condition Type drop-down box.
	d.) Select <Yes or No> from the Does the person need care so that someone else can work or attend school? drop-down box.
	e.) Select <Yes or No> from the Does this person need help with activities of daily living through personal assistance or a medical facility? drop-down box.
	f.) Select <Yes or No> from the Does this person work and have medical expenses that are needed to help them keep working? drop-down box.
	g.) Enter the <appropriate date> in the Begin Date text box for the medical condition record.
	h.) Click the Save and Add Another or the Save button to save the record.

Step	Action
7.	When all information has been collected and entered, run EDBC. Verify results , making sure that all Fry v Saenz children are listed as eligible program persons and not discontinued or denied. Note: A school attendance record should also exist for children who are still attending school or have not graduated. If no record exists, this could be a reason why the child is not listed as eligible.
8.	Accept and Save the EDBC.
9.	Review the Notice of Action for accuracy.

2. Cases can only be discontinued or cash aid reduced if the child:
 - a. Turns 19 years old
 - b. Graduates from high school or vocational school
 - c. Stops attending school full time
3. Create a journal entry.
- C. If the parent/caretaker relative fails to cooperate in providing requested verification and the disability status under Fry v. Saenz cannot be determined, the EW shall discontinue or reduce the grant as a county initiated action.
 1. Create a journal entry for the reason the action was taken.
 2. In C-IV complete the following:

Step	Action
1.	Click the Eligibility tab on the Global navigation bar.
2.	Click the Customer Information link on the Local navigation bar.
3.	Click the Medical Condition link on the Task navigation bar.
4.	Select Active from the Medical Condition Category drop-down box.
5.	Click the Add button.
6.	On the Medical Condition Detail page: <ol style="list-style-type: none"> a.) Select the <Name> of the disabled child from the Name drop-down box. b.) Select <appropriate status> from the Verified drop-down box. c.) Select Fry v Saenz Disability from the Medical Condition Type drop-down box. g.) Enter the <appropriate date> in the Begin Date text box for the medical condition record. h.) Click the Save and Add Another or the Save button to save the record.

Step	Action
7.	On the Non-Compliance List page: a) Select Medi-Cal from the Program drop-down box. b) Click the Add button.
8.	On the Non-Compliance Detail page: a) Select the <Name of the Disabled Child Refusing to Provide Verification> from the Name drop-down box. b) Select Failure to Provide from the Type drop-down box. c) Select Verifications from the Reason drop-down box. d) Enter the <Appropriate Date> in the Begin Date text box. e) Click the Save and Add Another or the Save and Return button.
9.	After you collect and enter all information, run EDBC. Verify results , making sure that all Fry v Saenz children are listed as denied or discontinued program persons with a reason of Failure to Provide.
10.	Complete a Journal Entry

- D. Pregnant or parenting teens who are 18 or are approaching their 18th birthday and are not expected to graduate from high school or vocational school by age 19, continue to have the option of establishing their own AU.

REFERENCES:

ACL [04-33](#) – Fry vs. Saenz Lawsuit
 ACL [04-50](#) – Implementation of Fry vs. Saenz Lawsuit in CalWORKs
 Bulletin 04-08
 C-IV Job Aid – Medical Condition Detail - Fry v Saenz

FORMS

M42-101B – NOA to decrease AU’s benefits
 M42-101C – NOA to discontinue AU’s benefits

CONTACT PERSON(S):

Shanna Gardner, Staff Services Analyst

END OF PROCEDURE

REVISION HISTORY:

Revision	Date	Description of Change	Requested By
0.0	06-14-09	Biennial Review – no changes made. Updated into new procedure format	S. Gardner, SSA
1.0	12-13-10	Updated to reflect new C-IV instructions	S. Gardner, SSA
2.0	07-18-14	Biennial Review – No programmatic changes made. Added instructions for refusal of verification	S. Gardner, SSA
3.0	08-17-16	Biennial Review – No changes	S. Gardner, SSA
4.0	09-13-18	Biennial Review – No changes	S. Gardner, SSA
5.0	09-30-20	Biennial Review – No Changes	S. Gardner, SSA