



CDSS

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DEPARTMENT OF SOCIAL SERVICES
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<u>REASON FOR THIS TRANSMITTAL</u>
<input type="checkbox"/> State Law Change
<input type="checkbox"/> Federal Law or Regulation Change
<input type="checkbox"/> Court Order
<input type="checkbox"/> Clarification Requested by One or More Counties
<input checked="" type="checkbox"/> Initiated by CDSS

April 6, 2015

ALL COUNTY LETTER (ACL) NO. 15-26

TO: ALL COUNTY WELFARE DIRECTORS
ALL TITLE IV-E AGREEMENT TRIBES
ALL CONSORTIA PROJECT MANAGERS
ALL WELFARE-TO-WORK PROJECT MANAGERS
ALL CHILD WELFARE SERVICES PROGRAM MANAGERS

SUBJECT: RECORDS RETENTION

REFERENCE: ACL NO. 11-08

This ACL is a reminder of the legal requirements for records retention and the identification of certain records, which require extended retention periods.

A. Public Assistance Records

The California Department of Social Services (CDSS) Manual of Policies and Procedures (MPP) sets forth various retention periods for public assistance records. Generally, the regulations require all public assistance (23-353), social service (10-119.2), administrative claiming (25-815.38) records and their supporting documents be retained for three years from the date the state submits the last expenditure report to the federal Department of Health and Human Services (DHHS).

For statewide Electronic Data Processing projects sponsored or supervised by CDSS, the starting date of retention is the day on which the state submits its final expenditure report to the federal government. This process occurs after the state and federal government have certified completion of the entire (not a project component or consortia) project and the project is officially functioning statewide in the Maintenance and Operations mode.

Case record material must be retained for three years after the date the last state expenditure report has been made to DHHS for the period the records

were last used to document eligibility. The MPP Sections 23-353 through 23-356 set forth the requirements for certain records, which have retention periods which vary from the general rule. Some records require retention periods of more than three years, while the regulations must be reviewed for a complete listing.

The following are the most common types of records:

1. Records and their supporting documents must be retained when there is an open federal or state audit. This also includes those federal audits in progress and pending issuance of final reports. Counties are to inform contractors providing social services to retain all necessary records for audits which have not been resolved or closed.
2. Case records in which criminal or civil litigation was involved are to be retained for three years after the final claim is submitted for federal reimbursement. These records include those which were used in the determination of eligibility, including denials for the amount of retroactive benefits. Other records in the case must be retained in accordance with the requirements for public assistance records specified in this letter.
3. Form ABCD 278L, List of Authorizations to Start, Change or Stop Aid Payments (or its equivalent), bearing the original initials or the original signature of the delegated county employee who authorized the specific action, is identified as one of the records and supporting documents which must be retained in accordance with the retention period for the case record material.
4. Form ABCD 278L, or its equivalent, must be retained for a period of ten years following closure in all cases where notification to do so by the Child Support Agency has been received.
5. County welfare warrant registers must be retained for five years unless an imaged record of the register has been made.
6. While not required by regulation, it is desirable that those Aid to Families with Dependent Children (AFDC)/California Work Opportunity and Responsibility to Kids (CalWORKs) case records and their supporting documents identified by CDSS as federal sample Quality Control (QC) cases containing an error be retained until the federal sanction process is resolved for the applicable Federal Fiscal Year (FFY).

7. Records necessary to sustain an Intentional Program Violation (IPV) disqualification should be retained through the life of the individuals.
8. Federal and/or state law and regulations require 60-month time limit on the receipt of Welfare-to-Work (WTW) services and aid and provide for exceptions to the time limit requirements. Therefore, counties are required to track CalWORKs recipients' time in services and on aid. Welfare case record documentation which support the tracking of time in services and on aid for CalWORKs recipients must be retained and transmitted to the statewide automated time limit tracking (Welfare Data Tracking Implementation Project System). Case records must be retained until the system is validated for completeness and accuracy.

The CDSS will instruct counties when this period has ended. Other records need not be retained in the case file as long as sufficient records or verifications are retained to meet federal QC requirements for the AFDC/CalWORKs (AFDC QC Manual section 3000) and CalFresh (Food and Nutrition Service [FNS] QC Handbook 310, Chapter 5).

Documents (i.e. photocopies) such as birth certificates and divorce papers provided by the recipient to establish eligibility may be purged (MPP section 48-001.112) provided there is a written record of the type of evidence and its pertinent content in conformance with QC requirements. This notation would normally be made in the case narrative and shall also contain the following detail:

- a. The type and source of document, date (processed, signed, received or sent), any identification/serial numbers and the volume and page numbers, if applicable.
- b. Where the original document is located, such as a government office, if appropriate.
- c. Any other pertinent information for QC purposes.

NOTE: Original documents received should be returned to the applicant/recipient. The county may choose to retain essential and non-essential documents in the case records in lieu of the documentation and purging discussed above. Retention would ensure that all necessary information is in the case file.

9. Documents which were never used to document eligibility may be destroyed provided that they have no potential of being used to take action on a case, including good cause determination or fair hearing. For example, a note from an applicant canceling a meeting may be needed as evidence, should you determine a denial is appropriate based on noncooperation. However, once the eligibility determination is made and documented, the note would be of no value and may be destroyed.
10. Records which were used to document eligibility may be destroyed provided that three years have passed since the last state expenditure report for that period has been submitted to DHHS. These records must be retained longer when there are unresolved audits or court cases.
11. While not required by regulation, it is desirable those cases identified by CDSS as federal sample QC cases containing an error should be retained until the federal sanction process is resolved for the applicable FFY.

B. CalFresh Records

There are two separate retention requirements for CalFresh program records located in the CDSS MPP. The regulations regarding the retention of public assistance, social service, administrative claiming records and their supporting documents are located in sections 23-353, 10-119.2 and 25-815.38. The MPP sections 23-353 through 23-356 set forth the requirements for records which have retention periods which vary from the general rule.

Program records are to be retained for a period of three years from the month of origin. Fiscal records and accounting documentation are to be retained for three years from the date of fiscal or administrative closure. This means records such as, but not limited to, transaction receipts, master issuance files, records-for-issuance for each month, authorization documents, cashier's daily reports, Notices of Change, Household Issuance Record cards and tally sheets shall be retained for three years from origination. However, any documents or records which are involved in any billing or claim shall be retained for three years from the date of fiscal or administrative closure.

Also, any records or documents which are involved in a fiscal audit or investigation must be retained for three years from the date the audit or investigation is closed. Some records require retention periods of more than three years. These include:

1. CalFresh program case records which are a part of an assistance case record must be retained in accordance with MPP sections 23-353 and 23-356. See Part A, Public Assistance Records.
2. Records and their supporting documents for which there is an open federal or state audit must be retained until resolution of the audit. This includes those federal audits in progress, pending issuance of final reports and unresolved audits.
3. Case records in which criminal or civil litigation was involved are to be retained for three years after the final claim is submitted for federal reimbursement. Records that must be retained include those documents which were used in the determination of eligibility (including denials) and those used to determine the amount paid as retroactive benefits. Other documents in the case record must be retained in accordance with the requirements for public assistance records specified in this letter.
4. While not required by regulation, it is desirable those CalFresh program case records and their supporting documents which have been identified by CDSS as federal sample QC cases containing an error, should be retained until the federal sanction process is resolved for the applicable FFY.
5. Records necessary to sustain an IPV disqualification should be retained through the life of the individuals.

The provisions of this letter are to meet the fiscal monitoring and oversight requirement of CDSS and do not authorize the destruction of those records which have a longer retention period required by other laws/regulations, court cases or unresolved audits.

Questions or comments regarding records retention involving court cases for specific programs should be addressed to the following persons representing those programs:

CalWORKs	Eligibility Bureau	(916) 654-1322
CalWORKs	Employment Bureau	(916) 654-2137
CalFresh	Policy Implementation Unit	(916) 651-8047
In-Home Supportive Services/ Adult Programs		(916) 651-2787

For general records retention questions which are not program specific, please contact Robert Castro, Records Retention Coordinator at Robert.Castro@dss.ca.gov or call(916) 657-1908.

Sincerely,

Original Document Signed By:

BRIAN DOUGHERTY
Acting Deputy Director
Administration Division

c: CWDA