

**County of Orange Social Services Agency
Family Self-Sufficiency & Adult Services Division**

Program/Area: CalWORKS/Welfare-To-Work

Title: Client Access to Their Case Records

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PURPOSE

The purpose of this policy is to provide guidance on client general access to CalWORKs case records, and the documentation required to be on file that supports case actions and determinations.

This policy pertains to the following programs: California Work Opportunity and Responsibility to Kids (CalWORKs), state-funded Trafficking and Crime Victims Assistance Program (TCVAP), and Refugee Cash Assistance (RCA) case records.

When an Eligibility Worker receives a request to obtain documents from a case that is in discontinued, denied, or otherwise closed status, the worker is to refer the individual to the Custodian of Records. For additional guidance, refer to WT 78 – Public Assistance Inquiries.

Note: Individuals who are verified guardians, conservators, have power of attorney, and have legal authority on file are allowed to act on behalf of the applicant/recipient and may sign any release of information form on behalf of the applicant/recipient.

BOOKMARKS

- **Definitions**
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DEFINITIONS

Case Records

Any form of documentation containing information pertaining to eligibility and case management, as well as information received from external sources such as Income and Eligibility Verification System (IEVS) printouts, medical information, employment information, and court orders.

Authorized Representative (AR)

A person or group with authorization from the applicant/recipient to act on their behalf. An AR may be anyone the applicant/recipient chooses, including hired legal counsel retained by the applicant/recipient.

Under the CalWORKs program, ARs are not assigned; however, these individuals can be provided with an extremely limited scope of authority provided by a completed release of information form. They are not authorized to sign forms pertaining to eligibility/applications and are not allowed to make changes to the CalWORKs case.

The AR is allowed to inspect and/or receive hard copies of non-privileged and non-confidential information contained in the case record regardless of whether the client is present; however, a completed Applicant's Authorization For Release Of Information – ABCDM 228 must be on file.

Community Based Organization (CBO)

A CBO is an organization that helps people apply for and/or manage their benefits.

The "Request a CBO Manager Account" Feature in BenefitsCal

The feature allows CBOs to perform functions that include but are not limited to submitting certain applications on behalf of the applicant/recipient, uploading documents, and checking the application status.

The Applicant/Recipient Authorization for Release of Information to CBO in BenefitsCal – ABCDM 229 was created to authorize the release of specific case information to a CBO by means of BenefitsCal.

MAINTAINING RECORDS

The record for each applicant/recipient must contain Personal Identifiable Information (PII) and documentation that supports eligibility determinations, that includes but is not limited to:

- A complete application
- All evidence obtained to support the linking and non-linking factors of eligibility
- The original or a copy of pertinent forms completed during the Re-Evaluation (RE) process and the Semi-Annual Report (SAR 7)

- The journal entry must include the basis for the Eligibility Worker's action of granting, denying, changing, or not changing a recipient mid-period report, delaying, canceling, or discontinuing aid
- The computation of any overpayment and the basis for a conclusion that the overpayment is or is not subject to adjustment or repayment
 - If the overpayment is subject to repayment, a copy of any demands for repayment such as Notices of Actions (NOA) must be on file
 - The facts regarding the determination of the debtor's ability to repay
- The worker's evaluation of the applicant's/recipient's ability or inability to understand their program rights and responsibilities
- Evidence supporting an eligibility decision and the grant amount

Note: The case record must only contain objective facts relevant to the case.

CASE REVIEW

When an applicant/recipient requests access to their records, a Response to Request to Inspect Case Record CW, CF, TCVAP, and Refugee Programs – CW 2213 form must be completed by the Eligibility Worker for each record(s) access request.

- The CW 2213 must indicate which records will be provided and indicate any information that has been redacted (if applicable)
- The Eligibility Worker and their supervisor must ensure the CW 2213 reflects the details of the case inspection

Note: Before the information is removed or obscured from an applicant/recipient, the Eligibility Worker must first seek assistance/approval from their supervisor. If the supervisor needs additional guidance related to the redaction of information based on confidentiality, they may consult with FSS Operations and Policy Team (OPT) following current business process.

Once the assessment of the request has been completed and a decision is made regarding the information, the applicant/recipient may inspect and the following should occur:

- An appointment must be made for the applicant/recipient to review their records, and
- The CW 2213 must be provided to the applicant/recipient at the time of the case records inspection
- A copy of the completed CW 2213 must be virtually printed and imaged into Hyland Perceptive Experience (HPE) within the case record

The Eligibility Worker will contact the recipient to arrange an appointment. Inspection of a case record is to be conducted promptly following the request, taking place during normal business hours, and provide sufficient time for thorough review.

During the scheduled appointment, the document inspection may be met through any combination of options including:

- Hard copies
- Read-only access to electronic records in California Statewide Automated Welfare System (CalSAWS)/HPE
- PDF copy of scanned documents

A case record inspection must take place in a private area to protect confidentiality. The Eligibility Worker or Supervisor must be present to assist with system navigation, document review, and to ensure the applicant/recipient does not inspect information that does not pertain to them or has been determined to be privileged or confidential.

Bilingual staff or other translation services must be arranged for the scheduled appointment if applicable. The Eligibility Worker must adhere to the Americans with Disabilities Act (ADA) and provide reasonable accommodation (i.e., enlarged print) to those who are unable to inspect requested documents from their case record in its original form.

Reference the How to Accommodate Clients with Disabilities chart for further information on reasonable accommodations.

Regardless of the method used to facilitate the document inspection, hard copies of non-privileged or non-confidential information must be provided if requested.

Copying fees are applicable for hard copy duplication of documents requested by an applicant/recipient in cases of extremely large request. In determining whether an extremely large document request would incur a fee, Eligibility Workers are to seek supervisor assistance to contact FSS OPT.

Note: Case review requests that include sensitive or private information [i.e., Confidential, Mutual Client, Administrative Hearing (AH) or Domestic Abuse Services Unit (DASU) cases or cases with this type of privileged information requested] are to be requested via email to the FSS-AS Public Inquiry Liaison_Inbox by a supervisor for OPT review.

CLIENT ACCESS TO INSPECT THEIR OWN CASE RECORD

In general, an applicant's/recipient's case record is confidential and not open to inspection for any purpose outside of the administration of the program. Exceptions to this are limited and specific, to ensure confidential and privileged information is not disclosed.

Eligibility information that was provided solely by the applicant/recipient and notices to them are open to inspection. This can include applications, journal entries, notices generated or kept in connection with the administration of the CalWORKs program.

The Eligibility Worker must comply with a client's request to inspect their case record, subject to the Eligibility Worker's assessment and determination of whether documents requested by a client are privileged or otherwise confidential under applicable laws.

Clients are not required to state their reason for requesting to inspect their case record. Questions regarding a client's request to inspect their case record is be limited to those necessary to assist the client in identifying the case record information they want to inspect.

A parent or guardian of a minor is generally authorized to inspect documents in a case record that pertains to a minor, with some exceptions, such as when a health care provider determines that inspection of a document retained would have detrimental effect on the provider's professional relationship with the minor patient, or the minor's physical safety or psychological well-being.

Note: Those with legal authority may inspect the same non-privileged and non-confidential documents that the applicant /recipient has authorization to inspect. An AR is limited under CalWORKs to the information the applicant/recipient or those with legal authorization have agreed to per the release of information form.

ABCDM 228

The ABCDM 228 written authorization can be used to inspect documents. The form must include the first and last name of the individual or organization, and be signed and dated by the applicant/recipient.

Benefit information requested is to be provided from the date of signature forward unless the months prior to signature are specifically included in writing on the ABCDM 228. If the months are not requested on the form, the information is not to be released, as it is prior to the signature date on the ABCDM 228.

Written authorization shall expire one (1) year from the date on which the document is signed, unless the authorization expressly limits the expiration to a shorter period or is requested (verbally or in writing) to be revoked.

Telephone authorization may be accepted in lieu of a written authorization when the client has adequately identified themselves. Telephone authorizations are provisional and are to be followed by written authorization.

For telephone authorization, the Eligibility Worker can adequately verify the identity of the applicant/recipient by asking case clarifying questions regarding identify, current address, etc.

Note: An applicant/recipient is not required to provide a written authorization to allow inspection of a case record by another person when the applicant /recipient is physically present, accompanied by the person, and verbally authorizes the person to inspect documents in their case record. The Eligibility Worker must document the interaction, the name of the individual

the applicant/recipient provided permission to access case information/ documents, and the items reviewed in a CalSAWS journal entry.

LIMITATIONS ON ACCESS TO CASE RECORDS

An assessment of the case records request must be performed to determine if an applicant/recipient has authorization to inspect all aspects of the requested information/document, or if certain information must be redacted prior to release.

A member of a household or Assistance Unit (AU) will generally not have access to a document that pertains to another member of the AU or household without written authorization.

Information received from one adult in an AU must be assessed to determine if another adult in the AU has authorization to inspect the document.

Examples of privileged information and documents an applicant/recipient may not have access to include, but are not limited to:

- The whereabouts of an absent parent
- Information regarding the status of children being removed from the home by Child Welfare Services
- Domestic abuse
- Criminal background
- Mental health and substance abuse treatment
- Learning disabilities
- Information pertaining to minors authorized by law to consent to medical treatment
- Information from a third party that was not obtained through authorization by the applicant/recipient
- Medical records (excluding the applicants/recipients own medical records)

If an applicant/recipient requests to inspect a document in their record that contains a mixture of privileged and non-privileged information, the document could be provided to the applicant/recipient with privileged information redacted.

There may be circumstances in which it has been determined that an applicant/recipient may have authorization to inspect a document that does not pertain specifically to an applicant/recipient.

Example:

Appropriate redactions of the name and address of the other member on a notice or income verification that resulted in an overpayment.

DISPUTE OF RECORDS

If a dispute arises between the Eligibility Worker and the applicant/recipient regarding the requested inspection of all or portions of the case record, the dispute must be reviewed and assessed by the first-line supervisor of the

Eligibility Worker who assisted in preparing the information or documents for inspection. If the dispute cannot be resolved at this level, the dispute is to be escalated to FSS OPT. The recipient must be informed of a resolution within ten (10) calendar days; however, the Eligibility Worker is to make every effort to provide a resolution sooner when possible. The applicant/recipient is to be informed in writing of the decision regarding the dispute.

**FRAUD
INVESTIGATIVE
FILES AND
ADMINISTRATIVE
DISQUALIFICATION
HEARING**

Investigative files created and maintained by the Special Investigations Unit (SIU) are separate and distinct from the case records created and maintained by the Eligibility Workers.

SIU investigative files and documents are confidential and not available for general inspection. The fact of, or information concerning, a referral to the SIU must not be disclosed to anyone (including the applicant/recipient). An exception to disclosure of such documents is limited to actions connected with the administration of the program.

**RELEASE OF
INFORMATION
WITHIN
BENEFITSCAL**

The applicant/recipient has the option to provide limited case access to an approved CBO by completing the ABCDM 229, allowing the CBO to:

- Submit applications
- Upload documents
- Check application statuses

Note: A primary applicant/recipient does not need a BenefitsCal account for the CBO to utilize the Release of Information (ROI) feature.

ABCDM 229

The ABCDM 229 is used by the primary applicant/recipient to authorize an approved CBO to access specified case information in BenefitsCal. Access is limited to case information/data elements authorized on the ABCDM 229. The CBO cannot view unauthorized information in BenefitsCal.

The ABCDM 229 does not replace the ABCDM 228. All required fields of the ABCDM 229 must be completed, signed, and dated before case information can be released to a CBO via BenefitsCal.

The applicant/recipient must provide the following information on the ABCDM 229:

- Name of the county the information is being requested from
- Primary applicant's name
- Date of birth
- Mailing address (if available)
- Phone number (if available)
- The program(s) that specific information is to be released for, or select the reason for sharing the information with the CBO
- The name of the CBO

- Applicant's/recipients' signature and signature date

The ABCDM 229 form can be submitted electronically, in person, by mail, or fax. The form must then be imaged in HPE, and a detailed CalSAWS journal entry must be added outlining the details provided on the form.

A separate ABCDM 229 is required for each CBO and county combination. If the primary applicant or designated signer authorizes access for multiple CBOs, a separate ABCDM 229 must be completed for each CBO. If the primary applicant moves to another county and wishes to continue CBO access, a new ABCDM 229 must be completed for the new county.

The ABCDM 229 is effective from the date of signature for up to 365 days, unless it is revoked earlier by the primary applicant/recipient. The primary applicant/recipient may authorize a shorter period by specifying the number of days (less than 365) on the form.

As indicated on the ABCDM 229, the release of sixty (60) days of case history applies only to the following data elements in BenefitsCal:

- Benefit award
- Program status
- Termination reason(s)
- Upcoming SAR 7 and RE Due Dates

Historical NOAs and verification requests cannot be released through the sixty (60)-day case history. The primary applicant/recipient may also choose not to authorize any case history. When this occurs, the CBO may view only current, point-in-time data authorized on the ABCDM 229.

Note: For both CalWORKs and CalFresh, individuals with power of attorney, guardians, conservators, and other individuals with legal authority to do so may sign a ROI form (ABCDM 229 or ABCDM 228) on behalf of CalFresh and/or CalWORKs. For CalFresh, an authorized representative may sign the ABCDM 229 when the AR designation includes authority to release information on behalf of the household. For CalWORKs, an authorized representative is not authorized to sign an ROI solely by virtue of the AR designation.

SIGNATURE REQUIREMENTS FOR ROI FORMS

AU signature requirements are as follows:

- In one-parent households, the primary applicant/recipient would sign the ROI form
 - In two-parent households in which one parent is the primary applicant for all programs, that primary applicant would sign the ROI form
 - In two-parent households in which both parents are primary applicants on different programs, each parent would need to complete and sign a ROI for each identified program specifying information to be released
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**STATEMENT OF
AID/PUBLIC
ASSISTANCE
VERIFICATION**

Eligibility Workers are to complete the [Statement of Aid – F063-02-744](#) or the public assistance verification requests for both active and closed cases. A CW 2213 is not needed for these requests, and no appointment is required.

Refer to WT 78 - Public Assistance Inquiries for further guidance.

**THIRD-PARTY
REQUEST FOR
INFORMATION**

When a request to release information is received from different agencies and/or partners, refer to WT 01 – Release of Information Guidelines for further guidance.

ATTACHMENTS

- How to Accommodate Clients with Disabilities
- Statement of Aid – F063-02-744

CalSAWS Repository Forms:

- Applicant/Recipient's Authorization for Release of Information to Community-Based Organization (CBO) in BenefitsCal – ABCDM 229
 - Applicant's Authorization for Release of Information – ABCDM 228
 - Response To Request To Inspect Case Record CalWORKs, CalFresh, TCVAP, and Refugee Programs – CW 2213
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REFERENCES

All County Letter: 24-91, 23-37, 16-02, 09-50, 07-29
All County Welfare Director Letter: 23-10
Manual of Policies and Procedures 19-004
WT 01 - Release of Information Guidelines
WT 78 - Public Assistance Inquiries