

DEPARTMENT OF SOCIAL SERVICES
744 P Street, Sacramento CA 95814

February 14, 1990

ALL-COUNTY LETTER NO. 90-16

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY GAIN COORDINATORSSUBJECT: NOTICES OF ACTION FOR THE GREATER AVENUES
FOR INDEPENDENCE (GAIN) TRANSITIONAL CHILD CARE

The purpose of this letter is to transmit instructions to Counties regarding the requirements to provide Notices of Action (NOAs) for GAIN Transitional Child Care (TCC). Effective immediately, Counties are required to implement the procedural guidelines contained in this letter.

Counties are required to provide NOAs to GAIN participants when the TCC is approved, denied, increased, decreased or terminated. As specified in this letter, TCC must be paid pending the hearing ("TCC Pending") if the individual files a request for a State hearing timely. The TCC Pending together with any TCC paid will not exceed the three-month period allowed for transitional child care.

In All-County Letter 89-103, the State Department of Social Services (SDSS) provided Counties with instructions on Supportive Services NOAs for Child Care, Transportation, and Ancillary expenses. As a reminder, the County GAIN NOA Workgroup will be developing NOA messages for GAIN supportive services and other GAIN determinations. Below are the NOA requirements for TCC.

I. Transitional Child Care Information

All GAIN registrants must be initially informed of the availability of TCC via the GAIN 1, GAIN Contract, General Agreement, and the GAIN Guidebook provided during the appraisal process. As described in MPP 42-750.22 and 42-750.24, TCC (and the transportation necessary to take the child(ren) between the child's school and child care) is available for GAIN participants who go off aid due to unsubsidized employment. Counties are strongly encouraged to remind participants of the availability of TCC throughout program participation and provide information on how to obtain TCC when the participant leaves aid due to unsubsidized employment.

II. NOA Requirements

In accordance with MPP 22-021 et al., adequate NOAs are required when aid is granted, denied, or increased. In the case of aid reduction, suspension, or termination the NOA must be both adequate and timely. Also, changes in method of payment require adequate and timely notice. Timely notices are not required in specified situations (see MPP 22-022.2) although the County is required to send adequate notice no later than the effective date of the action.

In this context, TCC constitutes "aid," and the NOA requirements are applicable. The TCC Pending the hearing is available for reductions and terminations of TCC when the individual files a request for a fair hearing prior to the effective date of the NOA and has not exceeded the three-month TCC period. Therefore, individuals who meet these conditions can continue to receive TCC up to the level authorized prior to the issuance of the NOA or up to the amount claimed by the participant, whichever is less.

A. Policy Changes

When a County makes a policy change which will adversely affect the level of TCC provided, affected individuals must be provided adequate and timely notice. The TCC Pending is available for reductions and terminations when the individual files a request for a hearing prior to the effective date of the action.

B. Individual Case Actions

To the maximum extent feasible, child care and transportation arrangements should be finalized at the time the NOA is sent. The NOAs must be issued according to the timeframes specified in Section III.

III. Timing of NOA

A. Timely (10 Days)

As mentioned earlier, certain actions require NOAs that are timely. In accordance with MPP 22-021 et al., a timely notice is one sent at least 10 days prior to the effective date of the action. The following actions on TCC authorizations require timely notice:

1. Decreases in the maximum authorization for TCC resulting from either a change in individual circumstances or a change in State or County policy.

2. Termination of TCC resulting from either a change in individual circumstances or a change in State or County policy. However, when the TCC authorization period is one calendar month or less and the end date is provided in the NOA, no termination NOA is required.

B. Concurrent

When the TCC payment is equal to the amount claimed and within the authorized maximum, no NOA is needed. However, there will be instances in which the County issues a TCC payment that is less than the amount claimed for reimbursement but within the authorized maximum. In those situations, a NOA must be issued concurrently with the payment. The TCC Pending is available if the individual files for a hearing within 10 days after the mailing date of the NOA. The TCC Pending payment is the difference between the amount the County issued and the amount the individual claimed up to the authorized maximum.

C. Adequate

The NOAs regarding an approval, denial, or increase of TCC need not be timely. However, Counties are encouraged to issue these NOAs prior to the effective date of the action. Amounts claimed by participants in excess of the authorized maximum are considered requests for an increase in the maximum.

Counties may limit TCC payments to the maximum TCC authorization noted on the NOA when there is insufficient justification to support an increase to the maximum. An action by the County to deny such a request by cutting the claim back to the maximum is considered a denial of the request to increase the maximum. Similarly, when the County does not grant a request for an increase in the amount of the advance, this is considered a denial of the request to increase the maximum.

In all instances Counties are required to issue the NOA and TCC payment as quickly as possible.

The TCC NOA message provided in All County Welfare Directors letter dated 6/27/86 (see attachment), will no longer be used. Instead, Counties must use a blank NA 290 (5/87) or NA 990 (for automated Counties), along with the NA 6 Back to provide the following information:

1. Child Care

- o Effective date of authorization
- o Ending date of authorization
- o Name(s) of children receiving child care
- o Formula used to determine maximum (daily/monthly hours x rate = total)
- o Formula used to determine share of cost
- o Client's share of cost maximum
- o Child care maximum (total dollar amount and total hours authorized)
- o Method of payment (advance, arrears, direct, or vendor payments)
- o Explanation of method to deduct or collect client's share of cost
- o Explanation of rate of reimbursement (actual costs or up to the regional market rate)
- o Type of Provider (licensed, license-exempt, child care center, or family home)

2. Child Care Transportation

- o Effective date of authorization
- o Transportation maximum (total dollar amount, total hours, total mileage)
- o Explanation of rate of reimbursement
- o Formula used to determine maximum (rate x miles, parking rate x days, public transportation rate x days, daily/monthly)
- o Number of bus passes provided
- o Method of payment (advance, arrears, direct, or vendor payment)
- o Limitation of services to transportation of child(ren) between school and child care

Changes in any of these items listed above will require a NOA.

IV. Additional Information to be Included in the TCC NOAs

The notice must specify: (1) what information was used or what calculations were made to justify the change in TCC; (2) reason for a change in TCC; (3) applicable regulatory cites; and (4) that copies of written County policies and procedures regarding TCC services are available for review.

Also, a description of the following rules must be included on the GAIN TCC NOAs for reductions, terminations, and suspensions:

- A. Client's right to receive TCC Pending if they request the hearing timely.

Timely NOAs: When the notice is issued in advance of the effective date of the action, TCC Pending is available if the participant files for a hearing before the effective date of the action.

Concurrent NOAs: When the notice is issued concurrently, TCC Pending is available if the participant files for a hearing within 10 days after the mailing date of the NOA.

- B. The TCC Pending together with any TCC paid is limited to a three-month maximum period beginning from the date cash aid is discontinued due to unsubsidized employment.
- C. If the client's claim is denied or dismissed at the hearing, the TCC Pending amount is an overpayment. (Note: Counties shall take no action to collect these overpayments pending instruction from SDSS.)

Counties shall use these guidelines in processing the TCC NOAs until the State issues new NOA procedures and messages effective April 1, 1990. This is the date the State is required to implement the new Federal TCC requirements under the Family Support Act.

If you have any questions regarding this letter, please contact your County GAIN Operations Bureau Analyst at (916) 324-6962 or ATSS 454-6962.



DENNIS J. BOYLE
Deputy Director

cc: CWDA

Attachment

