

Manual of Policies and Procedures

ELIGIBILITY AND ASSISTANCE STANDARDS



STATE OF CALIFORNIA
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HEALTH AND WELFARE AGENCY
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INTRODUCTION

This Users' Manual is used as an operational tool.

This manual contains

- a) Regulations adopted by the Department of Social Services (DSS) for the governance of its agents, licensees, and/or beneficiaries
- b) Regulations adopted by other state departments affecting DSS programs
- c) Statutes from appropriate codes which govern DSS programs
- d) Court decisions and
- e) Operational standards by which DSS staff will evaluate performance within DSS programs.

Regulations of DSS are printed in gothic type as is this sentence.

Handbook material, which includes reprinted statutory material, other departments' regulations and examples, is separated from the regulations by double lines and the phrases "**HANDBOOK BEGINS HERE**", "**HANDBOOK CONTINUES**", AND "**HANDBOOK ENDS HERE**" in bold print. Please note that both other **departments' regulations** and statutes are mandatory, not optional.

In addition, please note that as a result of the changes to a new computer system revised language in this manual letter and subsequent Eligibility and Assistance Standards Manual Letters will now be identified by a vertical line in the left margin.

Questions relative to this Users' Manual should be directed to your usual program policy office.

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CHAPTER 40-000 IMPLEMENTATION SCHEDULE

40-001 IMPLEMENTATION OF NONRECURRING SPECIAL NEEDS 40-001

Repealed by SDSS Manual Letter No. EAS-88-10.

40-002 IMPLEMENTATION OF EXEMPT STUDENT LOANS 40-002

The repeal of MPP Section 44-111.435 is effective January 22, 1988, and that regulation has been invalid since January 1, 1988 because it conflicts with Welfare and Institutions Code Section 11250.8 (see Handbook Section 44-111.435). Counties shall identify cases which receive educational loans/grants on or after January 1, 1988 and shall redetermine the grant, as necessary.

**40-003 IMPLEMENTATION OF EXCLUSION FROM ASSISTANCE UNIT
OF CHILD OF MINOR PARENT RECEIVING AFDC-FC 40-003**

- .1 This regulatory action consisting of the amendment of MPP Section 44-206.1 shall be effective February 28, 1989 in order to comply with Welfare and Institutions Code Section 11263.5 (Chapter 1066, Statutes of 1988).
- .2 With respect to this regulatory action, all required Notices of Action (NOAs) may be issued as early as filing with the Secretary of State, but no later than as required in MPP Section 22-022.1 (Timely Notice).

**40-004 IMPLEMENTATION OF THE FAMILY SUPPORT ACT OF 1988
REGARDING INCOME DISREGARDS AND THE EARNED
INCOME CREDIT 40-004**

This regulatory action which consists of amending and repealing the following sections shall be effective October 1, 1989 in order to comply with the provisions of the Federal Family Support Act of 1988 (Public Law 100-485) dealing with changes in earned income disregards and the disregard of advance payments or refund of earned income credit (EIC). Amend Sections: 42-213.2(r), 44-111.3(q), 44-113.211, 44-113.214, 44-113.215, 44-113.217, 44-113.22, 44-133.333, 44-133.631(a)(1), 44-133.632, 44-133.752(a), 44-133.93. Repealed Sections: 44-101.32 through .326, 44-101.527, 44-113.6 through .624, and 44-340.7.

40-005	IMPLEMENTATION OF THE AFDC INFORMING AND COUNTY RECEIPTS REQUIREMENTS	40-005
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- .1 This regulatory action consists of amending Sections 40-107.1 and 40-131.1, in order to comply with the provisions of the Hunger Prevention Act of 1988 (Public Law 100-435).
- .2 In addition, this regulatory action amends Section 40-125.1 to comply with the provisions of SB 1141, Chapter 1036, Statutes of 1987, which adds Section 11023.5 to the Welfare and Institutions Code.
- .3 The effective date of these regulations shall be July 1, 1990.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 10554, Welfare and Institutions Code.

40-006	IMPLEMENTATION OF THE AFDC/GAIN (JOBS) CONFORMING REGULATIONS	40-006
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- .1 This regulatory action consists of adopting, amending or repealing language in the following sections in order to bring Aid to Families with Dependent Children (AFDC) regulations into conformity with the Job Opportunities and Basic Skills Training (JOBS) provisions of the Family Support Act of 1988 (Public Law 100-485) and to implement federal regulation [45 CFR 250.40] which requires that AFDC applicants and recipients are informed about the Greater Avenues for Independence (GAIN) Program. Amend Sections: 40-107.1, 40-131.3, 40-169, 44-111.3(f), 44-205.4; and renumber and amend Section 44-206.22 to 44-206.1(d)(5).
- .2 The effective date of these regulations shall be October 1, 1990.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 204(a), Public Law 100-485; 45 CFR 250.20(a)(1); and Section 15, AB 312, Chapter 1568, Statutes of 1990.

40-007	IMPLEMENTATION OF THE TRANSITIONAL CHILD CARE PROGRAM	40-007
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- .1 The adoption of Division 47 and amendment of Sections 22-001(a)(3)(A), 22-022.6, 40-107.1, 40-131.3, 40-173, and 42-750 which implement the Transitional Child Care (TCC) program shall be effective April 1, 1990. Counties are required to meet the TCC and Transitional Medi-Cal informational requirements at application, redetermination and discontinuance beginning April 1, 1990.

40-007	IMPLEMENTATION OF THE TRANSITIONAL CHILD CARE PROGRAM (Continued)	40-007
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- .2 Division 47 is being adopted to implement the Transitional Child Care (TCC) program in compliance with the Family Support Act of 1988 and Part 256 of the final Federal Rules published October 13, 1989 (45 CFR 256). These provisions require that certain former AFDC recipients will be eligible to receive funding of their child care expenses under certain conditions up to a year following their last month of AFDC eligibility.
- .3 Sections 22-001(a)(3)(A) and 22-022.6 are being amended to comply with the notice and hearing requirements in the Family Support Act of 1988 which pertain to the TCC program.
- .4 Sections 40-107.1 and 40-131.3 are being amended to require that all AFDC applicants and recipients are informed about the TCC program at the time of AFDC application and redetermination.
- .5 Section 40-173 is being amended to require that certain AFDC recipients are informed about their potential eligibility for TCC at the time of AFDC termination.
- .6 Section 42-750 pertaining to a GAIN TCC program is being repealed as the program is being superseded by Division 47.

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: Sections 10613, 11209, and 11511(a), Welfare and Institutions Code; 45 CFR 250.20(a)(3); 45 CFR 255.1; and 45 CFR 256.1(b).

40-008	EARLY CA 7 SIGNOFF	40-008
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- .1 This regulatory action consists of amending Section 40-181.241 to allow for early CA 7 (Rev. 7/87) signoff consistent with 45 CFR 233.28 and Welfare and Institutions Code Section 11265.1.
- .2 The effective date of these regulations shall be August 1, 1991.

NOTE: Authority cited: Sections 11265.1, 10554, and 18904, Welfare and Institutions Code. Reference: 45 CFR 233.28.

40-009	IMPLEMENTATION OF THE HOMELESS ASSISTANCE PROGRAM AS OF JULY 22, 1999	40-009
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The revisions in the Manual of Policies and Procedures Section 44-211.5 are effective July 22, 1999.

As counties identify cases which have received Homeless Assistance payments on or after July 22, 1999, they shall re-compute the temporary shelter allowance, as necessary.

NOTE: Authority cited: Sections 10553, 10554, and 11450(g), Welfare and Institutions Code. Reference: Section 11450, Welfare and Institutions Code.

40-010	IMPLEMENTATION OF REGULATIONS FOR THE TREATMENT OF INELIGIBLE ALIEN PARENT INCOME	40-010
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- .1 Sections 42-213.2e., r., and .5, et seq.; 44-111.3b., et seq., d., e., g., h., i., p. and .6, et seq. as amended herein, shall become effective August 1, 1991.
- .2 Sections 44-113.14, .141, and .142; 44-133.33, .336, .6, .61, .611, .612, .62, .631, et seq. and .633 as amended herein, shall become effective August 1, 1991, and shall be implemented as follows:
 - .21 Beginning August 1, 1991, the CWDs shall implement the amended or adopted provisions for all new AFDC cases.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10553 and 10554, Welfare and Institutions Code; 45 CFR 233.20(a)(3)(ii)(C); 45 CFR 233.20(a)(3)(vi)(B) and (xiv); 45 CFR 233.20(a)(4)(ii); and Darces v. Woods, 35 Cal. 3d 871.

40-011	IMPLEMENTATION OF MAXIMUM AID PAYMENT (MAP) ROLL BACK REGULATIONS	40-011
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- .1 Effective Date
This regulatory action shall be effective September 1, 1991 for applicant and continuing cases.
- .11 Budgeting
The change in grant computation shall be effective with the July 1991 budget month affecting the September payment month.
- .2 Sections Affected
The following sections are adopted with this regulatory filing.
 - 44-115.311
 - 44-133.332 and .334 (Handbook)
 - 44-133.632 (Handbook)
 - 44-133.754 (Handbook)
 - 44-133.92 and .931 (Handbook)
 - 44-315.1 through .9
 - 44-352.125 (Handbook Example)

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40-011	IMPLEMENTATION OF MAXIMUM AID PAYMENT (MAP) ROLL BACK REGULATIONS (Continued)	40-011
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.3 Changes

.31 Treatment of Income Section 44-133 is amended to be consistent with the changes in the grant computation in Section 44-315.

.32 MAP Roll Back --
Grant Computation Section 44-315 is amended to roll back the MAP amounts and to change the grant computation so that income is counted against the Minimum Basic Standard of Adequate Care (MBSAC) rather than the MAP. Section 44-115 is amended so that the in-kind income is counted against the MBSAC rather than the MAP.

.33 Overpayment
Recoupment Section 44-352.125 is amended to have the example be consistent with the changes in the grant computation in Section 44-315.

.4 Reason for Change These changes implement Welfare and Institutions Code Sections 11450, 11452 and 11453 as amended by Chapter 97, Statutes of 1991.

NOTE: Authority cited: Welfare and Institutions Code Sections 10553 and 10554. Reference: Welfare and Institutions Code Sections 10553 and 10554.

40-012	IMPLEMENTATION OF AMENDMENTS TO THE HOMELESS ASSISTANCE SPECIAL NEED	40-012
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.1 This regulatory action which consists of adopting, amending and repealing language in Section 44-211.5 shall begin with requests for Homeless Assistance received on or after August 1, 1991 in order to comply with Welfare and Institutions Code Sections 11271, 11272, and 11450 (Chapter 97, Statutes of 1991).

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10850, 11271, 11272, and 11450(f)(2), Welfare and Institutions Code; and 45 CFR 205.50, 45 CFR 206.10(a)(1)(ii), and 45 CFR 206.10(a)(8).

40-013	IMPLEMENTATION OF REGULATIONS FOR THE TREATMENT OF EARNED INCOME DISREGARDS FOR SANCTIONED INDIVIDUALS	40-013
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- .1 This regulatory action consists of amending Section 44-133.32 in order to provide consistency with the Federal Action Transmittal FSA-AT-91-4 resulting from the Simpson v. Hegstrom court decision. These regulations as amended herein shall become effective March 1, 1992.

- .2 Corrective underpayments to eligible recipients resulting from the application of Section 44-133.32 shall be provided back to the date of application or March 1, 1991, whichever occurred later.
 - .21 Appropriate corrective underpayments shall be paid upon request of the recipient, or at redetermination, or when the CWD becomes aware that a review is needed, whichever comes first.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10850, 11272 and 11450(f)(2), Welfare and Institutions Code; 45 CFR 205.50, 45 CFR 206.10(a)(1)(ii), and 45 CFR 206.10(a)(8); U.S. Department of Health and Human Services Federal Action Transmittal No. FSA-AT-91-4 dated February 25, 1991; and Simpson v. Hegstrom, 873 F.2d 1294 (1989).

40-014	IMPLEMENTATION OF REGULATIONS TO COMPLY WITH PROVISIONS OF GONZALES COURT ORDER	40-014
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- .1 This regulatory action consists of adopting or repealing the following sections in order to comply with the provisions of the Gonzales v. McMahon court order and to implement federal regulations at 45 CFR 302.51(a)(4) which require that the Title IV-D agency establish the date on which child support payments are withheld in wage assignment and other income withholding cases to represent the date of collection for distribution purposes. Adopt Section: 43-201.321. Repeal Section: 43-203.11 handbook. Relocate and readopt handbook Section: 43-203.11 at 43-201.321.

- .2 The effective date of these regulations shall be June 30, 1992.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10553 and 10554, Welfare and Institutions Code; and Gonzales v. McMahon (Super. Ct. San Diego County, 1991, No. 628600).

40-015 IMPLEMENTATION OF REGULATIONS PURSUANT TO SENATE BILL 485, CHAPTER 722, STATUTES OF 1992 AND WELFARE AND INSTITUTIONS CODE SECTION 11201.5, STATUTES OF 1991, CHAPTER 97 40-015

- .1 Sections Implemented
- The following amendments and adoptions comply with the provisions of Senate Bill 485, Chapter 722, Statutes of 1992 and Welfare and Institutions Code Section 11201.5, Statutes of 1991, Chapter 97. This regulatory action consists of:
- Changes to reduce the Maximum Aid Payment (MAP);
- Adoption of a requirement which will limit the amount of aid a family may receive when they have not lived in California for 12 months or more; and
- Elimination of the 100-hour limit for AFDC-U recipients who work.
- .11 Sections Adopted
- | | |
|--------|--|
| 89-100 | Assistance Payments Demonstration Project (APDP) and California Work Pays Demonstration Project (CWDPDP) |
| 89-101 | Federal Demonstration Projects - Introduction |
| 89-105 | Elimination of Time Limitations for 30 and 1/3 Earned Income Disregard and Elimination of the 100-Hour Limit |
| 89-110 | Maximum Aid Payment (MAP) Level and MAP Restriction |
- .12 Sections Amended
- | | |
|--------|--|
| 41-440 | Federal AFDC-U Unemployed Parent Program |
| 44-315 | Amount of Aid |
- .2 Effective Dates
- Unless otherwise specified in Section 40 015.21, all regulatory action herein implementing the provisions of Senate Bill 485, Chapter 722, Statutes of 1992 and Welfare and Institutions Code Section 11201.5, Statutes of 1991, Chapter 97, shall be effective December 1, 1992 for both applicants and recipients.

40-015 IMPLEMENTATION OF REGULATIONS PURSUANT TO SENATE BILL 485, CHAPTER 722, STATUTES OF 1992 AND WELFARE AND INSTITUTIONS CODE SECTION 11201.5, STATUTES OF 1991, CHAPTER 97 (Continued) 40-015

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| .21 | Section | The specified effective date is: |
| .211 | Relocation
Family
Grant | Section 89-110.4 pertaining to the Relocation Family Grant (RFG) shall only apply to all applicants as of December 1, 1992. However, in accordance with the <u>Green v. Anderson</u> court order, this provision shall not be implemented until a determination by a court of appropriate jurisdiction allows such implementation. |

NOTE: Authority Cited: Sections 10553, 10554, 11201.5, 11209, and 11450(g), Welfare and Institutions Code. Reference: Sections 11201.5, 11450.01, and 11450.03, Welfare and Institutions Code; Federal Terms and Conditions for the California Assistance Payments Demonstration Project as approved by the United States Department of Health and Human Services on October 30, 1992; and Memorandum of Decision and Order in Green v. Anderson, (Civ. S-92-2118) dated January 28, 1993.

40-016	IMPLEMENTATION OF MONTHLY AFDC PAYMENT SYSTEM (MAP) REGULATIONS	40-016
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| .1 | Effective Date | This regulatory action shall be effective January 1, 1993. |
| .2 | Sections Adopted | 44-304 Aid Payment Schedules |
| .3 | Sections Amended | 44-305.2 Time of Delivery
44-305.3 Alternate Payment Systems |
| .4 | Changes | <p>Section 44-304 is being adopted to provide counties the option of issuing AFDC warrants monthly rather than semimonthly and to relocate language in part from Section 44-305.2.</p> <p>Sections 44-305.2 through .29 are being repealed to relocate these provisions to newly adopted Section 44-304.</p> <p>Section 44-305.3 is being renumbered to Section 44-305.2 to conform to the numbering sequence within this section.</p> <p>Sections 44-305.23, .231 and .232 are being relocated from Sections 44-305.222a. and b. and amended for consistency and clarity.</p> |

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 10554, Welfare and Institutions Code.

40-017	IMPLEMENTATION OF <u>WELFARE RECIPIENT'S LEAGUE</u> (WRL) V. <u>MCMAHON</u> CLEANUP REGULATIONS (Continued)	40-017
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HANDBOOK CONTINUES

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| .32 | Potentially Available
Income | The regulations requiring cooperation in seeking and obtaining potentially available income are relocated in part as Sections 82-610 through 82-614. The regulations are amended to require that the entire family be ineligible when a mandatorily included member of the AU fails to seek/obtain potentially available income. |
| .33 | Temporary Shelter | Potentially eligible AUs applying for temporary shelter payments must meet "technical conditions of eligibility" rather than "procedural requirements." |
| .34 | BDA for New Applications | The BDA for persons whose eligibility remains pending after aid is granted to the AU or a child who is converting from Foster Care to AFDC is established as the date of application or date of eligibility, whichever is later. |
| .35 | BDA for Adding to AU | The BDA for adding different persons to the AU are specified. |
| .36 | Immediate Need/Overpayment | An immediate need payment is clarified to be an aid payment that shall be collected as overpayment when the family receives the payment and is ineligible. |
| .37 | Mandatory Inclusion -
Overpayment/Underpayment | Regulations specify how an overpayment or underpayment is treated when a mandatorily included person returns to the home but is not reported. |

HANDBOOK CONTINUES

40-017	IMPLEMENTATION OF WELFARE RECIPIENT'S LEAGUE (WRL) V. <u>MCMAHON</u> CLEANUP REGULATIONS (Continued)	40-017
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HANDBOOK CONTINUES

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| .38 | Definitions | Definitions have been provided for "Aid Payment," "BDA," "Collect," "Date of Application," "Immediate Need Payment," "Recoup" and "Recover." Definitions have been amended for "Alternatively Sentenced Parent (ASP)" and "Senior Parent." |
| .39 | Definitions - Forms | Definitions of forms have been provided for CA 7 SAWS 1 and SAWS 7. |

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 10553, 10554, and 11056, Welfare and Institutions Code. Reference: Section 10554, Welfare and Institutions Code and SSA-AT-86-01.

40-018	IMPLEMENTATION OF ASSEMBLY BILL (AB) 2184 (CHAPTER 1205, STATUTES OF 1991)	40-018
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This regulatory action, which consists of adopting and amending the following sections, shall be effective August 2, 1993 in order to comply with AB 2184 (Chapter 1205, Statutes of 1991). AB 2184 added Section 11008.19 to the Welfare and Institutions Code, which requires the California Department of Social Services (CDSS) and the California Department of Education (CDE) to establish a system for documenting child care usage by Aid to Families with Dependent Children (AFDC) recipients in CDE's subsidized child care system. Adopt: Chapter 42-1100, Sections 42-1101 and 42-1102. Amend: Section 44-113.217.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10553 and 10554, Welfare and Institutions Code.

40-019 IMPLEMENTATION OF REGULATIONS PURSUANT TO SENATE BILL 35, CHAPTER 69, STATUTES OF 1993 FOR THE ASSISTANCE PAYMENTS DEMONSTRATION PROJECT 40-019

.1 General

The following amendments comply with the provisions of Senate Bill 35, Chapter 69, Statutes of 1993. This regulatory action consists of:

Elimination of the 4-month limit on receipt of the \$30 and 1/3 earned income disregards and elimination of the additional 8-month limit on receipt of the \$30 earned income disregard; and

Changes to reduce the Maximum Aid Payment (MAP) and the Reduced Income Supplemental Payment.

.11 Sections Modified

44-111 Payments Excluded or Exempt from Consideration As Income

44-115.3 Evaluation of Income In-Kind

44-207.113(a) Income Eligibility

44-207.322 Financial Eligibility

44-315.3 Amount of Grant

44-402.1 Computation of a Reduced Income Supplemental Payment

80-301r.(1)(A) Definition of "Recipient"

89-105.1 30 and 1/3

89-110.1 MAP Amount

40-019	IMPLEMENTATION OF REGULATIONS PURSUANT TO SENATE BILL 35, CHAPTER 69, STATUTES OF 1993 FOR THE ASSISTANCE PAYMENTS DEMONSTRATION PROJECT (Continued)	40-019
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| .2 | Effective Date | As specified in Sections 40-019.21 and .22 below, all regulatory action herein implementing the provisions of Senate Bill 35, Chapter 69, Statutes of 1993, shall be effective September 1, 1993. |
| .21 | \$30 and 1/3 Earned
Income Disregards | This provision is effective with all earned income received on or after September 1, 1993. |
| .22 | MAP Reduction | This provision is effective for payment months beginning September 1993. |

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 11255 and 11450.015, Welfare and Institutions Code; and Federal Terms and Conditions for the California Assistance Payments Demonstration Project as approved by the United States Department of Health and Human Services on October 30, 1992.

40-020	IMPLEMENTATION OF CALIFORNIA ALTERNATIVE ASSISTANCE PROGRAM (CAAP)	40-020
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- .1 The adoption of Chapter 89-700 and the amendment of Sections 40-131.3, 40-181.2, 44-111.3, 44-207.322, and 89-101, which implement the California Alternative Assistance Program (CAAP) shall be effective May 1, 1994. Counties are required to meet the CAAP informing requirements at application and redetermination of eligibility for applicants and recipients subject to the California Work Pays Demonstration Project (CWDP) beginning May 1, 1994.
- .2 Chapter 89-700, for applicants and recipients subject to the CWDP, is adopted to implement the CAAP to comply with the provisions of Welfare and Institutions Code Section 11280 (Chapter 69, Statutes of 1993).
- .3 Section 40-131 is amended to require that AFDC applicants be informed about CAAP at the time of AFDC application.
- .4 Section 40-181 is amended to require that AFDC recipients be informed about CAAP at the time of AFDC redetermination.

Regulations	RECEPTION AND APPLICATION IMPLEMENTATION SCHEDULE	40-021
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40-020	IMPLEMENTATION OF CALIFORNIA ALTERNATIVE ASSISTANCE PROGRAM (CAAP) (Continued)	40-020
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- .5 Section 44-111 is amended to exempt CAAP payments from consideration as income for AFDC.
- .6 Section 44-207 is amended to require that an individual be considered to have received an AFDC payment when the assistance unit (AU) has received benefits under the CAAP.
- .7 Section 89-101 is amended to require that CAAP be included in the CWPDP provisions of Chapter 89-700 et seq. The county shall apply these provisions to those applicants and recipients who are designated as members of the Project's control and experimental groups.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 11280, Welfare and Institutions Code; and the Federal Terms and Conditions for the California Work Pays Demonstration Project as approved by the United States Department of Health and Human Services on March 9, 1994.

40-021	IMPLEMENTATION OF SUPPLEMENTAL CHILD CARE PROGRAM	40-021
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- .1 The adoption of Chapter 44-500 and the amendment of Sections 40-131.3, 40-181.1, and 44-111.3 which implement the Supplemental Child Care (SCC) Program shall be effective November 4, 1993. Counties are required to meet the SCC informing requirements at application and redetermination beginning November 4, 1993.

HANDBOOK BEGINS HERE

- .2 Chapter 44-500 is being adopted to implement the Supplemental Child Care (SCC) Program to comply with the provisions of Welfare and Institutions Code Section 11451.7 (Chapter 69, Statutes of 1993).
- .3 Section 40-131 is being amended to require all AFDC applicants be informed about the SCC Program at the time of AFDC application.
- .4 Section 40-181 is being amended to require that AFDC recipients are informed about their eligibility for SCC when they become employed.
- .5 Section 44-111 is being amended to exempt SCC payments from consideration of income for AFDC.

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 11451.7, Welfare and Institutions Code.

40-022	IMPLEMENTATION OF REGULATIONS FOR THE INCREASED PROPERTY LIMITS AND RESTRICTED ACCOUNTS PURSUANT TO SENATE BILL 35, CHAPTER 69, STATUTES OF 1993 AND SENATE BILL 1078, CHAPTER 1252, STATUTES OF 1993 FOR THE CALIFORNIA WORK PAYS DEMONSTRATION PROJECT	40-022
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| .1 | Sections Implemented | <p>The following amendments and adoptions comply with the provisions of Senate Bill 35, Chapter 69, Statutes of 1993 and Senate Bill 1078, Chapter 1252, Statutes of 1993. This regulatory action applies to recipients who are subject to the California Work Pays Demonstration Project and consists of:</p> <p>Changes to increase the real and personal property limit from \$1,000 to \$2,000;</p> <p>Changes to increase the exemption for one motor vehicle from \$1,500 to \$4,500; and</p> <p>Allows the AU to retain funds up to \$5,000 in a restricted account for specified purposes.</p> |
| .11 | Sections Adopted | <p>89-115 Increased Property Limits for Recipients</p> <p>89-120 \$2,000 Property Limit for Recipients</p> <p>89-125 Increased Motor Vehicle Limit for Recipients</p> <p>89-130 Restricted Accounts for Recipients</p> |
| .12 | Sections Amended | <p>42-207 Property Which May Be Retained by An Applicant or Recipient</p> <p>42-213 Property Items to Be Excluded in Evaluating Property Which May Be Retained</p> <p>44-352 Overpayment Recoupment</p> <p>80-301 Definitions</p> <p>89-101 Federal Demonstration Projects - Introduction</p> |

40-022	IMPLEMENTATION OF REGULATIONS FOR THE INCREASED PROPERTY LIMITS AND RESTRICTED ACCOUNTS PURSUANT TO SENATE BILL 35, CHAPTER 69, STATUTES OF 1993 AND SENATE BILL 1078, CHAPTER 1252, STATUTES OF 1993 FOR THE CALIFORNIA WORK PAYS DEMONSTRATION PROJECT (Continued)	40-022
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.2	Effective Date	All regulatory action implementing the provisions of Senate Bill 35, Chapter 69, Statutes of 1993 and Senate Bill 1078, Chapter 1252, Statutes of 1993 shall become effective April 1, 1994, for recipients who are subject to the California Work Pays Demonstration Project.
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NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 11155.1 and 11155.2, Welfare and Institutions Code; 45 CFR 233.20(a)(3)(i)(B); and the Federal Terms and Conditions for the California Work Pays Demonstration Project as approved by the United States Department of Health and Human Services on March 9, 1994.

40-024 IMPLEMENTATION OF CHILD SUPPORT DATES
AND INSURANCE REGULATIONS

40-024

- .1 Effective Date This regulatory action is effective July 1, 1997.
- .2 Sections Repealed The sections listed below are repealed by this regulations filing:
- | | |
|-----------------------------------|---|
| 43-106 | Assignment of Support Rights |
| 43-107.1 | Establishing Paternity and Securing Child and Spousal Support |
| 43-107.2 | Specific Actions Relating to Cooperation |
| 43-107.3 | No Interruption in Aid |
| 43-107.4 | Determination of Good Cause |
| 43-200 | Child Support Enforcement Program |
| 43-201 | Child and Spousal Support and Paternity |
| 43-203.1-
.117,
.131 & .152 | Distribution of Child and Spousal Support Payments |
| 43-205 | Treatment of Undeliverable and Uncashed Warrants |
- .3 Sections Amended The sections listed below are amended by this regulations filing:
- | | |
|--|---|
| 40-105.1 | Assuming Responsibility Within His/Her Capabilities |
| 40-131.3 | Content of Application Interview |
| 40-173.7 | Notification of Child/Spousal Disregard Payment |
| 40-181.2 | Periodic Determination of Eligibility |
| 43-203.12,
.13, .14
.15, .161,
.2, & .3 | Distribution of Child and Spousal Support Payments |
| 44-111.4 | Child/Spousal Support Disregard |
| 44-113.7 | Child/Spousal Support |
| 80-310 | Definitions - Forms |

40-024	IMPLEMENTATION OF CHILD SUPPORT DATES AND INSURANCE REGULATIONS (Continued)	40-024
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.7 Changes

.71 Medical Insurance

Section 82-510.2 provides that applicants for, and recipients of, AFDC must identify all third parties who may be liable for medical care or services for the applicant/recipient or any family member.

.72 Date of Collection

Section 82-518.4 provides that, for purposes of determining entitlement to payments to families in wage assignment cases, the date of collection is the date the payment is withheld from the absent parent's wages. This date is provided by the employer.

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10553 and 10554, Welfare and Institutions Code.

40-026	IMPLEMENTATION OF THE STATEWIDE FINGERPRINT IMAGING SYSTEM (SFIS) REGULATIONS	40-026
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.1 Effective Date

This regulatory action shall be effective January 1, 1998 or any time after that date when the SFIS becomes operational in each county. The regulations will be applied to the continuing caseload within six months of the date the SFIS becomes operational in each county. With the exception of the photo imaging provisions contained herein, these regulations also apply in a county with an operational state-approved finger imaging system in place as of January 1, 1998 until such time as SFIS is implemented in that county.

.2 Sections Amended

40-105 Applicant and Recipient Responsibility.

40-171 Actions on Applications, Interprogram Transfers, and Interprogram Status Changes.

80-301 Definitions.

40-026	IMPLEMENTATION OF THE STATEWIDE FINGERPRINT IMAGING SYSTEM (SFIS) REGULATIONS (Continued)	40-026
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.3 Changes

Section 40-105.31 is added to specify that providing fingerprint and photo images is a condition of eligibility for certain applicants for and recipients of CalWORKs.

Section 40-105.32 is added to specify which persons are required to provide fingerprint and photo images.

Section 40-105.33 is added to specify those individuals who are exempt from SFIS requirements.

Section 40-105.34 is added to specify that all persons required to provide fingerprint and photo images will be informed that the images are confidential and may not be used for any purpose other than the prevention or prosecution of fraud.

Section 40-105.35 is added to specify that an otherwise eligible AU shall not be ineligible due to a technical problem in the SFIS system.

Section 40-171.221k. is added to specify that the county will deny aid if any person required to provide fingerprint and/or photo images refuses or fails to do so.

Section 80-301f.(2) is added to provide a definition of "fingerprint imaging."

Section 80-301p.(4) is added to provide a definition of "photo imaging."

Section 80-301s.(8) is added to provide a definition of "Statewide Fingerprint Imaging System (SFIS)."

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 10830, Welfare and Institutions Code.

40-027 IMPLEMENTATION OF THE ORTEGA V. ANDERSON COURT ORDER 40-027

- .1 Effective Date This regulatory action shall be effective only for the payment month of December 1, 1997, for applicant and continuing cases. Commencing January 1, 1998, counties are to follow CalWORKs grant structure implementation instructions provided in CDSS All-County Letter 97-59, dated October 14, 1997.
- .11 Retroactivity Pursuant to the Stipulation filed with the Court, continuing cases containing an ineligible alien live-in spouse of an aided parent with income shall be evaluated for retroactive payments. The period of retroactivity shall go back no further than the payment month of September 1995.
- .2 Sections Amended
- | | |
|-----------|--|
| 44-113.14 | Deduction for an Ineligible Alien Child(ren) Living in the Home of an Aided Parent |
| 44-133.5 | Income in Cases Where an Ineligible Alien Parent(s) Resides in the Home |
| 44-207 | Income Eligibility |
| 44-352.4 | Overpayment Recoupment - Methods of Recovery |

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Ortega v. Anderson, Case No. 746632-0 (Alameda Superior Court) July 11, 1995; and Assembly Bill (AB) 1542, Chapter 270, Statutes of 1997, Sections 41 and 185.

40-028	IMPLEMENTATION OF THE STATE IMMUNIZATION AND SCHOOL ATTENDANCE REQUIREMENTS PURSUANT TO ASSEMBLY BILL 1542, CHAPTER 270, STATUTES OF 1997	40-028
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.1 General - State Immunization Requirement

Section 40-105.4 is adopted to comply with the provisions of Assembly Bill (AB) 1542, Chapter 270, Statutes of 1997. These sections implement the CalWORKs Immunization Requirements. This regulatory action consists of:

Adoption of a requirement that all children in the Assistance Unit (AU) under the age of six have age-appropriate immunizations and a penalty imposed on the parent(s)/caretaker relative in the AU for failure to comply by eliminating their needs in the grant computation.

.11 Sections Adopted

The following sections are adopted with this regulatory filing:

- 11-501.3 County Policies and Procedures
- 40-105.4 Immunization Requirements
- 40-105.4(b) Age-Appropriate Immunizations
- 40-105.4(c) Informing Requirements
- 40-105.4(d) Verification
- 40-105.4(e) Time Frames (for submission of verification)
- 40-105.4(f) Exemptions
- 40-105.4(g) Failure to Cooperate
- 40-105.4(h) Restoration of Aid
- 40-105.4(i) Good Cause
- 40-105.4(j) Documentation

40-028 IMPLEMENTATION OF THE STATE IMMUNIZATION AND SCHOOL ATTENDANCE REQUIREMENTS PURSUANT TO ASSEMBLY BILL 1542, CHAPTER 270, STATUTES OF 1997 **40-028**
(Continued)

	40-131.3(x)	Content of Application Interview (county informing instructions for applicants)
	40-181.1(m)	General County Responsibility (county informing instructions for recipients)
.2	General - State School Attendance	Section 40-105.5 is adopted and Sections 40-131, 40-181, and 42-101 are amended to comply with the provisions of AB 1542, Chapter 270, Statutes of 1997. These sections implement the CalWORKs School Attendance Requirements. This regulatory action consists of: Adoption of a requirement that all children for whom school attendance is compulsory, (children ages 6 through 17) must regularly attend school. Failure to regularly attend school will result in a reduction in the grant amount to the AU.
.21	Sections Adopted	40-105.5 School Attendance Requirements 40-131(y) Content of Application Interview 40-181.1(n) General County Responsibility
.22	Section Amended	42-101 Age Requirement
.3	Effective Date	All regulatory action herein implementing the provision of the AB 1542, Chapter 270, Statutes of 1997, shall be effective June 1, 1998.

NOTE: Authority cited: Sections 10553, 10554, 11253.5, and 11265.8, Welfare and Institutions Code.
Reference: Sections 10063(a), 11253.5, and 11265.8, Welfare and Institutions Code.

40-029	IMPLEMENTATION OF RESTRICTED ACCOUNTS REGULATIONS IN THE CALWORKS PROGRAM	40-029
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| .1 | Effective Date | This regulatory action is effective July 1, 1998. |
| .2 | Sections Repealed | None. |
| .3 | Sections Adopted | None. |
| .4 | Sections Amended | 89-130(d)(2) Education
89-130(g)(2) Child's Education |

NOTE: Authority cited: Sections 10553, 10554, 10604, and 11155.2 (Ch. 270, Stats. 1997), Welfare and Institutions Code. Reference: Section 11155.2 (Ch. 270, Stats. 1997), Welfare and Institutions Code.

40-030	IMPLEMENTATION OF OVERPAYMENT RECOUPMENT REGULATIONS	40-030
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| .1 | General | This regulation package implements the provisions of Welfare and Institutions Code Section 11004 (Section 37 of Assembly Bill 1542, Chapter 270, Statutes of 1997). This law specifies that for purposes of recouping overpayments, counties may reduce aid payments by 5% of the MAP amount for the AU for agency caused overpayments and 10% of the MAP amount for the AU for all other overpayments without regard to income or resources. |
| .2 | Effective Date | This regulatory action shall be effective July 1, 1998. |
| .3 | Sections Repealed | Section 44-350.162
Section 44-350.2h
Handbook Section 44-352.125
Handbook Section 44-352.115(a) |
| .4 | Sections Adopted | Handbook Section 44-352.125 |
| .5 | Sections Amended | Handbook Section 44-352.115(b)
Section 44-352.121
Section 44-352.41 |

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10553, 10554, and 11004 (Ch. 270, Stats. 1997), Welfare and Institutions Code.

40-031	IMPLEMENTATION OF REGULATIONS TO ELIMINATE LATE MONTHLY REPORTING PENALTIES IN THE CALWORKS PROGRAM	40-031
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| .1 | Effective Date | This regulatory action is effective July 1, 1998. |
| .2 | Sections Repealed | Section 40-125.922
Section 40-125.94c.
Section 40-181.222a.(3)
Section 40-181.223, et seq.
Section 40-113.218
Sections 44-402.211 and .212 |
| .3 | Sections Adopted | None. |
| .4 | Sections Amended | Section 40-181.234
Section 40-181.244 |

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 11008, 11450.12, and 11451.5, Welfare and Institutions Code.

40-032	IMPLEMENTATION OF DEPRIVATION AND DIVERSION ASSISTANCE	40-032
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| .1 | Effective Date | This regulatory action is effective July 1, 1998. |
| .2 | Sections Repealed | Section 40-169
Section 41-441
Section 41-442
Section 89-105 |
| .3 | Sections Adopted | The following section is adopted with this regulatory filing.

Section 81-215 |
| .4 | Sections Amended | Section 40-109.2
Section 40-115.2
Section 40-161
Section 40-171.2
Section 41-400
Section 41-401
Section 41-440 |

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: Sections 11201, 11266.5, and 11454.5, Welfare and Institutions Code (Ch. 270, Stats. 1997).

**40-033 IMPLEMENTATION OF VOUCHER/VENDOR PAYMENT REGULATIONS 40-033
IN THE CALWORKS PROGRAM**

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| .1 | Effective Date | This regulatory action is effective July 1, 1998. |
| .2 | Sections Repealed | None. |
| .3 | Sections Adopted | 44-307 et seq. |
| .4 | Sections Amended | 44-303.3
44-304.6 |

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 11251.3, 11320.15, 11450.13, 11453.2, and 17012.5, Welfare and Institutions Code; and AB 1542 (Ch. 270, Stats. 1997), Section 185(b).

40-034	IMPLEMENTATION OF CALWORKS DRUG AND FLEEING FELON PROVISIONS	40-034
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| .1 | General | Assembly Bill (AB) 1542, Chapter 270, Statutes of 1997, and AB 1260, Chapter 284, Statutes of 1997, enacted provisions which impact the Aid to Families with Dependent Children (AFDC) program. AB 1542 renames the AFDC program to the California Work Opportunity and Responsibility to Kids (CalWORKs) program. These proposed regulations implement and make specific the requirements of AB 1542 which adds Section 11486, and AB 1260 which adds Section 11251.3 to the Welfare and Institutions Code.

Section 11486.5 provides that persons fleeing to avoid felony prosecution, custody or confinement, or violating a condition of parole or probation are ineligible for aid under CalWORKs. Section 11251.3 provides that persons convicted of a felony related to the possession, use, or distribution of a controlled substance after December 31, 1997, are ineligible for aid under CalWORKs. |
| .2 | Effective Date | This regulatory action is effective July 1, 1998. |
| .3 | Sections Repealed | 82-832.14 and 82-832.26 |
| .4 | Sections Adopted | 40-034, 82-832.19, .191 and .20 |
| .5 | Sections Amended | 82-832, 82-832.21, .23 and .231 |

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 11251.3 and 11486.5, Welfare and Institutions Code (Ch. 270, Stats. of 1997).

40-035 IMPLEMENTATION OF REGULATIONS PURSUANT TO WELFARE AND INSTITUTIONS CODE SECTIONS 11454, 11454.5 AND 11495.1, ENACTED BY ASSEMBLY BILL (AB) 1542, (CHAPTER 270, STATUTES OF 1997) AND WELFARE AND INSTITUTIONS CODE SECTION 11454.5, AMENDED BY ASSEMBLY BILL (AB) 2772, CHAPTER 902, STATUTES OF 1998 **40-035**

.1 Sections Implemented

The following sections have been adopted or amended to comply with the new 60-month time limit provisions as set forth in Welfare and Institutions Code Sections 11454, 11454.5 and 11495.1 and 42 U.S.C. 608(a)(7)(A) and (B). These provisions were enacted by AB 1542, Chapter 270, Statutes of 1997. Welfare and Institutions Code Section 11454.5 is amended by AB 2772, Chapter 902, Statutes of 1998. The regulatory action will:

Establish a 60-month limit for the receipt of aid for adults and the exceptions under which adults may receive aid beyond 60 months.

Specify how and when months of aid are counted toward the 60-month time limit, and identify the criteria for excluding months from the count.

Define what aid counts toward the 60-month time limit.

.11 Sections Adopted

- 40-107.14 County Responsibility
- 42-300 General Time Limit Requirements
- 42-301 General Time Limit Requirements for Adults
- 42-302 60-Month Time Limit Requirements for Adults

.12 Sections Amended

- 42-302.2 Counting the 60-Month Limit
- 42-302.21 Exempt Months
- 42-302.22 Diversion Count

40-035 **IMPLEMENTATION OF REGULATIONS PURSUANT TO WELFARE AND INSTITUTIONS CODE SECTIONS 11454, 11454.5 AND 11495.1, ENACTED BY ASSEMBLY BILL (AB) 1542, (CHAPTER 270, STATUTES OF 1997) AND WELFARE AND INSTITUTIONS CODE SECTION 11454.5, AMENDED BY ASSEMBLY BILL (AB) 2772, CHAPTER 902, STATUTES OF 1998 (Continued)** **40-035**

82-832 Excluded Persons - Adds Persons who are Ineligible for Aid on the Basis of Exceeding the Time Limit Requirements

.2 Effective Date All regulatory action implementing the provisions of AB 1542, Chapter 270, Statutes of 1997 shall become effective July 1, 1998.

See Section 42-301.1 for the effective date of the time limit requirements.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 11454, 11454.5, 11454.5(b)(4) and (5) and 11495.1, Welfare and Institutions Code.

40-036	IMPLEMENTATION OF QUARTERLY REPORTING PROSPECTIVE BUDGETING FOR CalWORKs RECIPIENTS	40-036
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- .1 Effective Date All regulatory action implementing the provisions of Quarterly Reporting/Prospective Budgeting (QR/PB) as authorized by Assembly Bill (AB) 444 (Chapter 1022, Statutes of 2002), AB 692 (Chapter 1024, Statutes of 2002), and AB 1402 (Chapter 398, Statutes of 2003) shall become effective for recipient cases upon Quarterly Reporting becoming operative in the county in which they reside pursuant to the Director's QR/PB Declaration. Quarterly Reporting regulations include a unique regulation design which include a tandem format for the operation of both monthly and quarterly reporting systems to account for the staggered implementation dates. Regulations that become obsolete under Quarterly Reporting, are labeled as (MR). Regulations that are operative under Quarterly Reporting are labeled (QR). Regulations not labeled are applicable to both reporting systems and therefore remain unchanged. In addition, each regulation impacted by QR includes a disclaimer stating QR regulations will replace the MR regulations once QR is implemented by the county.
- .2 Divisions Impacted by Quarterly Reporting Division 22, 40, 42, 44, 47, 48, 80, 82, and 89.

Note: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; and Section 71, Assembly Bill (AB) 444 (Chapter 1022, Statutes of 2002), as amended by Section 3, AB 1402 (Chapter 398, Statutes of 2003). Reference: Sections 11265.1, 11265.2, and 11265.3, Welfare and Institutions Code; Section 70, AB 444 (Chapter 1022, Statutes of 2002); and Section 71, AB 444 (Chapter 1022, Statutes of 2002), as amended by Section 3, AB 1402 (Chapter 398, Statutes of 2003).

40-037 IMPLEMENTATION OF BENEFITS AND SERVICES TO NONCITIZEN VICTIMS OF HUMAN TRAFFICKING, DOMESTIC VIOLENCE, OR OTHER SERIOUS CRIMES 40-037

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| .1 | General | These regulations extend eligibility for certain public social services, including state-funded CalWORKS, to certain noncitizen victims of trafficking, domestic violence or other serious crimes, as defined, who can demonstrate their eligibility for these programs, and to trafficking victims who are taking steps to meet eligibility conditions for federal benefits. |
| .2 | Effective Date | All regulatory action implementing the provisions authorized by the federal Trafficking Victims Protection Reauthorization Act of 2003 (Public Law 108-193) as Senate Bill (SB) 1569 (Chapter 672, Statutes of 2006) shall become effective for applicants and recipients July 2008. (Welfare Institutions Code Sections 13283, 14005 and 18945) |
| .3 | Sections Adopted | 40-105.26, Social Security Number Exception 42-431.23 et seq., Eligibility Requirements 42-431.3 through .5 Determining Eligibility |

Note: Authorized cited: Sections 10553 and 10554, Welfare and Institutions Code; and SB 1569 (Chapter 672, Statutes of 2006). Reference: Sections 13283, 14005.2, and 18945, Welfare and Institutions Code; 8 United States Code 1182(d)(5)(B), 45 Code of Federal Regulations 400.43; The Trafficking Victims Protection Act of 2000 (P.L. 106-386), Sections 107(b)(1)(A), (B), and (C); The Trafficking Victims Protection Reauthorization Act of 2003 (Public Law 108-193).