

NOTICE OF PROPOSED CHANGES IN REGULATIONS OF THE  
CALIFORNIA DEPARTMENT OF SOCIAL SERVICES (CDSS)

ITEM # 1      Implementation of Assembly Bill 1695

CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at public hearings to be held August 12, 13, and 14, 2002 as follows:

<u>August 12, 2002</u>	<u>August 13, 2002</u>	<u>August 14, 2002</u>
Community Care Licensing 1000 Corporate Center, Suite 505 Monterey Park, California	1515 Clay Street 2 <sup>nd</sup> Floor, Room #9 Oakland, California	Office Building # 9 744 P St. Auditorium Sacramento, California

The public hearings will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The Department will adjourn the hearing immediately following the completion of testimony presentations. The above-referenced facility is accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify the Department at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by telefax to the address/number listed below. All comments must be received by 5:00 p.m. on August 14, 2002.

CDSS, upon its own motion or at the instance of any interested party, may adopt the proposals substantially as described or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at <http://www.dss.cahwnet.gov/ord>. Additionally, all the information which the Department considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading/perusal at the address listed below.

Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below.

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California Department of Social Services  
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## CHAPTERS

MPP, Division 45 [AFDC-FC (Foster Care)], Chapter 45-100 (AFDC-Foster Care (FC) Program Purpose, Section 45-101 (Definitions); Chapter 45-200 (AFDC-FC Eligibility), Sections 45-201 (General AFDC-FC Requirements), 45-202 (Federal AFDC-FC Program), 45-203 (State AFDC-FC Program); Chapter 45-300 (AFDC-FC Payee, Payment and Delivery), Sections 45-302 (Payment), 45-304 (AFDC-FC Overpayment for Foster Family Homes, Relative Homes, and Non-Related Legal Guardians – General); and Division 80 (Implementation Schedule), Chapter 80-300 (Definitions and Forms), Section 80-310 (Definitions – Forms).

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001) amended certain provisions of the Aid to Families with Dependent Children – Foster Care (AFDC-FC) Program in order to bring the program in line with federal law changes (Adoptions and Safe Families Act of 1997 – Public Law 105-89).

Among other things, the Adoptions and Safe Families Act mandated that approved foster care homes must meet the same standards as licensed foster care homes. Welfare and Institutions Code, Sections 309, 361.3(a)(8) and 362.7 implement this mandate in California.

AB 1695 also repealed “certified, license pending” foster homes as an eligible facility for AFDC-FC benefits.

42 United States Code (U.S.C.) 672(a) increased the property limit for recipients of AFDC-FC.

This regulations package implements the above requirements and also makes various clean-up revisions.

## COST ESTIMATE

1. Costs or Savings to State Agencies: No fiscal impact exists because this regulation does not affect any State agency or program.
2. Costs to Local Agencies or School Districts: No additional costs or savings because this regulation makes only technical, non-substantive or clarifying changes to current law and regulations.
3. Nondiscretionary Costs or Savings to Local Agencies: None.
4. Federal Funding to State Agencies: No fiscal impact exists because this regulation does not affect any federally funded State agency or program.

## LOCAL MANDATE STATEMENT

These regulations do constitute a mandate on local agencies, but not on local school districts. There are no reimbursable state-mandated costs because these regulations only make technical and clarifying changes.

#### STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

#### STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

CDSS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

#### SMALL BUSINESS IMPACT STATEMENT

CDSS has determined that there is no impact on small businesses as a result of filing these regulations because these regulations are only applicable to state and county agencies.

#### ASSESSMENT OF JOB CREATION OR ELIMINATION

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

#### STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

#### STATEMENT OF ALTERNATIVES CONSIDERED

CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

#### AUTHORITY AND REFERENCE CITATIONS

CDSS adopts these regulations under the authority granted in Sections 10553 and 10554 of the Welfare and Institutions Code. Subject regulations implement and make specific Sections 309, 361.21, 361.3(a)(8), 362.7, 727.1, 11400(m) and (r), and 11402 of the Welfare and Institutions Code; 42 U.S.C. 671; and 42 U.S.C. 672(a)(2).

#### CDSS REPRESENTATIVE REGARDING RULEMAKING PROCESS OF THE PROPOSED REGULATION

Contact Person: Anthony J. Velasquez (916) 657-2586  
Backup: John Flores (916) 657-2586

#### CDSS REPRESENTATIVE REGARDING SUBSTANCE OF THE PROPOSED REGULATION

Program Contact: Ty Starks (909) 782-6600  
Backup: Jack Stroppini (916) 322-5949

AGENDA ITEM(S) FOR THESE PUBLIC HEARINGS - August 12, 13, and 14, 2002

ITEM #1      ORD #0102-03    Implementation of Assembly Bill 1695

ITEM #2      ORD #0302-08    Foster Family Homes Emergency Regulations