

INITIAL STATEMENT OF REASONS

a) Specific Purpose of the Regulations and Factual Basis for Determination that Regulations Are Necessary

The proposed regulations implement changes consistent with the objectives of Assembly Bill (AB) 1808, Sections 27.3 and 29.3, Chapter 75, Statutes of 2006, and reorganize the legal and regulatory requirements under which the program is operated. In some instances, renumbering of sections and amending of cross-references is also necessary.

Section 42-721.232(j)Specific Purpose:

This section is amended to delete a reference to the end of minimum sanction periods.

Factual Basis:

AB 1808 eliminated the minimum Welfare-to-Work sanction periods of three or six months for second, third, and subsequent financial sanctions for California Work Opportunity and Responsibility to Kids (CalWORKs) recipients who do not comply with program requirements. Instead, individuals may cure their sanction at any time they perform the activity they previously refused to perform, or another appropriate activity, regardless of the number of times they have been sanctioned. The initial activity may no longer be appropriate for the individual or it may no longer be available. Minimum sanction periods were made obsolete by AB 1808, Section 29.3. This amendment is necessary to comply with Welfare and Institutions Code Section 11327.5(d), as amended by AB 1808, Chapter 75, Statutes of 2006.

Section 42-721.412Specific Purpose:

This section is repealed to delete language that refers to minimum sanction periods, which were repealed by AB 1808, for reunification parents and renumbers Section 42-721.413 to .412 for numerical sequencing.

Factual Basis:

This amendment is necessary to comply with Welfare and Institutions Code Section 11327.5(d), as amended by AB 1808, Chapter 75, Statutes of 2006. An individual may contact the county and request to cure his or her sanction without having to wait a minimum sanction period. Minimum sanction periods were made obsolete by AB 1808.

Section 42-721.43

Specific Purpose:

This section is amended to remove language that refers to increases in the period of time individuals must remain in sanction and establish what individuals must do to end a financial sanction for not complying with program requirements.

Factual Basis:

This amendment is necessary to comply with Welfare and Institutions Code Section 11327.5(d), as amended by AB 1808, Chapter 75, Statutes of 2006. Further, the amendment's provision that requires counties to specify another appropriate activity for an individual to perform to end his or her sanction, when the original activity is no longer available or appropriate, is necessary to allow all individuals to end a financial sanction. This provision is developed under provisions of Welfare and Institutions Code Section 10553, which provides the Director of the California Department of Social Services with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs program.

Sections 42-721.431, .432, and .433

Specific Purpose:

These sections are repealed to eliminate the requirement that specifies that individuals in their second, third, or subsequent instance of noncompliance wait a minimum period of time before being allowed to cure their sanction.

Factual Basis:

Any instance of noncompliance without good cause shall result in a financial sanction until the noncomplying participant performs the activity(ies) he or she previously refused to perform, or another appropriate activity. The initial activity may no longer be appropriate for the individual or it may no longer be available. An individual may contact the county and request to cure his or her sanction without having to wait a minimum sanction period. This change is necessary to comply with Welfare and Institutions Code Section 11327.5(d), as amended by AB 1808, Chapter 75, Statutes of 2006.

Section 42-721.454

Specific Purpose:

This section is amended to delete language that refers to minimum sanction periods.

Factual Basis:

A sanctioned participant will be removed from the assistance unit until his or her curing plan is completed and is not removed from the assistance unit for any specified period of time. This change is necessary to comply with Welfare and Institutions Code Section 11327.5(d), as amended by AB 1808, Chapter 75, Statutes of 2006.

Section 42-721.481 and Handbook Section 42-721.483(QR)

Specific Purpose:

Section 42-721.481 is amended to delete language that refers to minimum sanction periods and clarify when aid shall be restored after a sanction is cured. Handbook Sections 42-721.483(QR) (a) and (b) are added to provide clarity to when aid shall be restored after a sanction is cured.

Factual Basis:

Aid shall be restored to a CalWORKs participant when an individual decides to perform the activity(ies) that he or she previously refused to perform or another appropriate activity, completes his or her compliance plan, and is otherwise eligible. The initial activity may no longer be appropriate for the individual or it may no longer be available. An individual does not have to wait until a minimum sanction period expires because minimum sanction periods were made obsolete by AB 1808. Aid is restored the first day of the month following the request to cure the sanction, once the cure plan has been completed. This change is necessary to comply with Welfare and Institutions Code Section 11327.5(d), as amended by AB 1808, Chapter 75, Statutes of 2006.

Sections 42-721.49 through Handbook Section 42-721.491(a)

Specific Purpose:

These sections are added to clarify that an individual who leaves aid must cure his sanction before aid can be granted. Handbook Section 42-721.491(a) is added to provide clarity that an individual who leaves aid must cure his or her sanction before aid can be granted.

Factual Basis:

For a person who has left aid with his or her family and has subsequently reapplied, aid shall be granted to the CalWORKs applicant when the individual decides to perform the activity(ies) that he or she previously refused to perform or another appropriate activity, completes his or her compliance plan, and is otherwise eligible. The initial activity may no longer be appropriate for the individual or it may no longer be available. An individual does not have to wait until a minimum sanction period expires because minimum sanction periods were made obsolete by AB 1808. Aid shall be restored back to the first of the month following the request to cure the sanction, once the cure plan has been completed. Aid shall be granted as a county-initiated mid-quarter change.

Section 42-780.6

Specific Purpose:

This section adopts new requirements regarding a county plan addendum.

Factual Basis:

AB 1808, Section 27.3, requires counties to submit a county plan addendum every three years. This change is necessary to comply with Welfare and Institutions Code Section 10534, as added by AB 1808, Chapter 75, Statutes of 2006.

Section 44-303.34

Specific Purpose:

This section is amended to delete language that refers to minimum sanction periods and to clarify when vouchers or vendor payments must be issued to an individual who is sanctioned for failing to comply with program requirements.

Factual Basis:

Minimum sanction periods were made obsolete by AB 1808, Section 29.3. Since an individual can now cure his or her sanction at any time, it is not known how long a sanction will last. Therefore, vouchers or vendor payments may begin after a CalWORKs recipient has been on sanction status for at least three months. A county shall establish when to begin to issue vouchers or vendor payments after this three month period in sanction status. This timeframe shall be included in a county's written policies and procedures. This section is also developed under the provisions of Welfare and Institutions Code Section 10553, which provides the Director of the California Department of Social Services (CDSS) with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program. Thus, this change is necessary to comply with Welfare and Institutions Code Section 11327.5(d), as amended by AB 1808, Chapter 75, Statutes of 2006.

Section 44-307.12

Specific Purpose:

This section is amended to delete language that refers to minimum sanction periods and clarify when voucher or vendor payments must be issued to an individual who is sanctioned for failing to comply with program requirements.

Factual Basis:

Durational sanctions were made obsolete by AB 1808. Since an individual can now cure his or her sanction at any time, it is not known how long a sanction will last. Therefore,

vouchers or vendor payments may begin after a CalWORKs recipient has been on sanction status for at least three months. A county shall establish when to begin to issue vouchers or vendor payments after this three month period in sanction status. This timeframe shall be included in a county's written policies and procedures. This section is also developed under the provisions of Welfare and Institutions Code Section 10553, which provides the Director of the California Department of Social Services (CDSS) with the authority to adopt regulations to ensure consistency in the administration of the CalWORKs Program. Thus, this change is necessary to comply with Welfare and Institutions Code Section 11327.5(d), as amended by AB 1808, Chapter 75, Statutes of 2006.

Section 44-318.13 (QR)

Specific Purpose:

This section is amended to delete language that refers to minimum sanction periods.

Factual Basis:

Aid shall be restored on the first of the month following the date the person completes their curing plan. There are no minimum sanction periods, as minimum sanction periods were made obsolete by AB 1808. This change is necessary to comply with Welfare and Institutions Code Section 11327.5(d), as amended by AB 1808, Chapter 75, Statutes of 2006.

Section 82-812.687(e)

Specific Purpose:

This section is amended to delete language that refers to minimum sanction periods, which were repealed by AB 1808, for reunification parents.

Factual Basis:

Reunification parents who are sanctioned may still receive CalWORKs reunification services. There are no required minimum sanction periods. This change is necessary to comply with Welfare and Institutions Code Section 11327.5(d), as amended by AB 1808, Chapter 75, Statutes of 2006.

b) Identification of Documents Upon Which Department Is Relying

Assembly Bill No. 1808, Sections 27.3 and 29.3, Chapter 75, Statutes of 2006.

c) Local Mandate Statement

These regulations do impose a mandate upon local agencies, but not on school districts. If the Commission on State Mandates determines that these regulations contain reimbursable costs mandated by the state, reimbursement to local agencies for those costs shall be made

pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government code.

d) 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 lessen any adverse impact on small business.

e) 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.