

INITIAL STATEMENT OF REASONS

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

Section 42-711.512

Specific Purpose/Factual Basis:

This section is amended to update a cross reference to the renumbered Section 82-812.67 (from Section 82-812.68) of this temporary absence regulation package. No regulatory changes have been made to this section except for the cross reference update for clarity and consistency.

Section 42-711.61

Specific Purpose/Factual Basis:

This section is amended to update a cross reference to the renumbered Section 82-812.67 (from Section 82-812.68) of this temporary absence regulation package. No regulatory changes have been made to this section except for the cross reference update for clarity and consistency.

Section 82-812.52

Specific Purpose:

This section is added to introduce what actions are taken under Semi-Annual Report (SAR) and Annual Reporting/Child-Only (AR/CO) rules when an individual is determined to be permanently absent.

Factual Basis:

This amendment is necessary to align with the Welfare Institutions Code sections 11265.1(c), 11265.3(h) and 11265.45 as amended by Assembly Bill (AB) 6 (Chapter 501, Section 11, Statutes of 2011), which made the SAR system operative no later than October 1, 2013, and Senate Bill (SB) 1041 (Chapter 47, Sections 7-10, Statutes of 2012), which implemented the AR/CO program effective October 1, 2012. Both AB 6 and SB 1041 specify the requirements under the SAR and AR/CO reporting systems as to what is required to be reported mid-period and when counties may take action based on these specific changes, such as when an individual is determined to be permanently absent.

Section 82-812.52(a)(SAR)

Specific Purpose:

This section is added to clarify the reporting requirements recipients have under SAR when an assistance unit (AU) member is considered permanently absent and what actions the county must take based on these reports. Specifically, this section is added to clarify that the absence of an AU member is not a mandatory mid-period report under SAR and will not have any mid-period effect on the grant or the AU's eligibility. If an AU member is still absent after reporting the absence on their next Semi-Annual Eligibility Report or annual redetermination of eligibility, this will result in that individual being removed from the AU at the end of the SAR payment period.

Factual Basis:

This amendment is necessary to comply with the provisions of the Welfare Institutions Code sections 11265.1(c) and 11265.3(h) as amended by AB 6, which specifies what is required to be reported mid-period and when counties may take action based on these specific changes under the SAR reporting system. Under the SAR rules, recipients are required to submit one Semi-Annual Eligibility Report form (SAR 7) once a year (in the sixth month of the first semi-annual period) followed by the annual redetermination of eligibility (in the sixth month of the second semi-annual period) and is only required to report household composition changes on the SAR 7 or the Redetermination/Recertification (RD/RC) forms. AB 6 provided the specific requirements under the SAR reporting systems as to what is required to be reported mid-period and when counties may take action based on these specific changes, such as when an individual is determined to be permanently absent.

Section 82-812.52(b)(AR/CO)

Specific Purpose:

This section is added to clarify the reporting requirements recipients have under AR/CO when an AU member is considered permanently absent and what actions the county must take based on these reports. Specifically, this section clarifies that the absence of an AU member is a mandatory mid-period report under AR/CO, must be reported within 10 days of occurrence and will result in that individual being removed from the AU at the end of the month with timely notice.

Factual Basis:

This amendment is necessary to comply with Welfare Institutions Code section 11265.47(c)(2) and mid-period reporting requirements under the AR/CO reporting system as provided in SB 1041 (Chapter 47, Sections 7-10, Statutes of 2012), which specify what is required to be reported mid-period and when counties may take action based on these specific changes. Under the AR/CO rules, child-only cases are required to report once a year during the annual RD/RC period, but are required to report all household composition changes within 10 days. The counties will remove the absent household member at the end of the month with 10-day notice.

Section 82-812.52(c)

Specific Purpose:

This section is added to clarify the instances in which the county becomes aware that an individual is permanently absent due to being confined in a correctional facility on the first of any month and expected to remain for one full calendar month or more, the county shall take mid-period action to remove that individual from the AU at the end of the month with timely notice.

Factual Basis:

This amendment is necessary to comply with Welfare and Institutions Code sections 11265.2(d) and 11265.45(b) and county-initiated actions under the SAR and AR/CO reporting systems. These statutory sections list certain county-initiated mid-period actions and give the department the authority to establish others by regulations. The CDSS established Section 44-316.331(s), which states that counties must take mid-period action to remove an individual who is known to be confined in a correctional facility for a full calendar month or more. This rule applies to both, SAR cases, that are not required to report the absence, as well as to AR/CO cases, that must report any changes in household composition (including absence due to incarceration) within 10 days.

Handbook Section 82-812.53 Renumbered from Handbook Section 82-812.52

Specific Purpose/Factual Basis:

The handbook section is renumbered from existing Handbook Section 82-812.52 to Handbook Section 82-812.53 to maintain proper sequencing for clarity, but has no regulatory affect.

Handbook Section 82-812.53(b)(AR/CO)

Specific Purpose/Factual Basis:

This handbook example is amended to add the AR/CO provision that more accurately demonstrates what action can be taken based on temporary or permanent absences under the AR/CO reporting system. Specifically, this section clarifies that the absence of an AU member for more than one full calendar month is a mandatory mid-period report under AR/CO, must be reported within 10 days after the AU member is considered permanently absent from the AU, and will result in that individual being removed from the AU at the end of the month with timely notice, but has no regulatory affect.

Handbook Section 82-812.53(d)(SAR)

Specific Purpose/Factual Basis:

This handbook example is amended to add the SAR provision that more accurately demonstrates what action can be taken based on permanent absence under the SAR reporting system. Specifically, the section demonstrates that because the absence of an AU member is not a mandatory mid-period report, as long as an AU member is back in the home before the next semi-annual report is due, the absence never has to be reported and will not have any effect on the individual's eligibility. This handbook section is for guidance and has no regulatory affect.

Repealed Section 82-812.62

Specific Purpose:

This section is repealed to remove the requirement that a child in a public hospital is considered temporarily absent for up to two months. This change in the state statute AB 419 (Chapter 293, Statutes of 2013) allows any member in the AU to be considered temporarily absent for the duration of the hospital stay without affecting their CalWORKs eligibility.

Factual Basis:

This section is repealed to comply with Welfare and Institutions Code section 11269, which was amended by AB 419 to provide that a child who is hospitalized in a public hospital is considered temporarily absent and still eligible for the CalWORKs program for the duration of the hospital stay.

Section 82-812.62 Renumbered from Section 82-812.63

Specific Purpose:

The section is renumbered from Section 82-812.63 to Section 82-812.62 due to repealing current Section 82-812.62. This section is also amended to specify that any member of an AU who is hospitalized shall be considered temporarily absent for the duration of the hospital stay.

Factual Basis:

This revision is necessary to comply with current Welfare and Institutions Code section 11269, which was amended by AB 419 to repeal the restriction that a child in a public hospital is eligible for aid for only up to two months. This regulation clarifies that a child or an adult member of an AU who is hospitalized in a public hospital is considered temporarily absent for the duration of the hospital stay.

Section 82-812.621 Renumbered from Section 82-812.631

Specific Purpose/Factual Basis:

The section is renumbered from Section 82-812.631 to Section 82-812.621 to maintain sequencing for clarity. The regulation text remains unchanged.

Sections 82-812.63 - 82.678(c) Renumbered from Sections 82-812.64 – 82-812.688(c)

Specific Purpose/Factual Basis:

These sections are renumbered from Sections 82-812.64 through 82-812.688(c) to Sections 82-812.63 through 82-812.678(c), respectively, to maintain sequencing for clarity. The regulation text remains unchanged.

b) Identification of Documents Upon Which Department Is Relying

AB 419 (Chapter 293, Statutes of 2013)
AB 6 (Chapter 501, Statutes of 2011)
SB 1041 (Chapter 47, Sections 7-10, Statutes of 2012)

c) Local Mandate Statement

These CalWORKs regulations do impose a state mandate on local agencies. There are "state-mandated local costs" in these regulations which require state reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

d) Statement of Alternatives Considered

In developing the regulatory action, CDSS did not consider any other alternatives, as there were no alternatives proposed.

The CDSS has determined that no other reasonable alternative was identified and brought to the attention of CDSS, that would be more effective in carrying out the purpose for which the regulations are proposed or would be less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

e) Statement of Significant Adverse Economic Impact On Business

The CDSS has determined 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, based on the results of the Economic Impact Assessment below.

f) Economic Impact Assessment

In accordance with the Government Code section 11346.3(b), CDSS has made an initial determination that there is no impact on California businesses as a result of filing these regulations because these regulations are only applicable to state and county agencies. The CDSS is updating the regulations sections of the temporary absence rules to be consistent with current state statute.

Creation or Elimination of Jobs Within the State of California

The proposed regulations include changes to the temporary absence rule to allow a child to stay in the hospital for the length of the medical treatment without affecting the child's CalWORKs eligibility. The amendment will change from the two-month calendar to the duration of the hospital stay for a child who is in a public hospital. Thus, the proposed changes will provide consistency in this regulation where any member in the AU hospitalized for the medical treatment is considered temporarily absent and still eligible for aid for the duration of the hospital stay. In addition, the proposed regulations make technical, conforming changes, such as adding and renumbering of sections and amending cross references as necessary.

The proposed regulations modify the current temporary absence rule for the benefits of all members in the AU in the CalWORKs program. The proposed regulations only pertain to current CalWORKs participants and are mandated by the State of California. Therefore, CDSS has determined that this regulatory proposal will not result in the creation or elimination of existing jobs in the State of California.

Creation of New or Elimination of Existing Businesses Within the State of California

The proposed regulations include changes to the temporary absence rule to allow a child to stay in the hospital for the length of the medical treatment without affecting the child's CalWORKs eligibility. The amendment will change from the two-month calendar to the duration of the hospital stay for a child who is in a public hospital. Thus, the proposed changes will provide consistency in this regulation where any member in the AU hospitalized for the medical treatment is considered temporarily absent and still eligible for aid for the duration of the hospital stay. In addition, the proposed regulations make technical, conforming changes, such as adding and renumbering of sections and amending cross references as necessary.

The proposed regulations modify the current temporary absence rule for the benefits of all members in the AU in the CalWORKs program. The proposed regulations only pertain to current CalWORKs participants and are mandated by the State of California. Therefore, CDSS has determined that this regulatory proposal will not result in the creation or elimination of existing businesses in the State of California.

Expansion of Businesses or Elimination of Existing Businesses Within the State of California

The proposed regulations modify the current temporary absence rule for the benefits of all members in the AU in the CalWORKs program. The proposed regulations only pertain to current CalWORKs participants and are mandated by the State of California. Therefore, CDSS has determined that this regulatory proposal will not result in the expansion or elimination of existing businesses in the State of California.

Benefits of the Regulations

The proposed regulation will improve the health and welfare of California's CalWORKs participants by helping protect the well-being of vulnerable children through extended CalWORKs benefits. There are no additional benefits for worker safety or the state's environment, as the regulations only affect individuals participating in the CalWORKs program.

Documents Relied Upon

The documents relied upon in proposing this regulatory action are AB 419 (Chapter 293, Statutes of 2013), AB 6 (Chapter 501, Statutes of 2011) and SB 1041 (Chapter 47, Sections 7-10, Statutes of 2012).

g) Benefits Anticipated from Regulatory Action

The amendments to the CalWORKs regulations as required by AB 419 will benefit CalWORKs families by extending CalWORKs eligibility beyond the imposed two-month limit for children who are temporarily absent from home to continue receiving aid for the duration of the hospital stay in a public hospital for medical or surgical care. The amendments as required by AB 6 and SB 1041 will also establish what actions to take under SAR and AR/CO rules when an individual is determined to be permanently absent and what is required to report mid-period and when counties may take action based on these specific changes. These regulations are intended to provide extended CalWORKs benefits to the CalWORKs population to strengthen and preserve needy families.

h) Statement of Specific Technology or Equipment

This regulatory action will not mandate the use of new specific technologies or equipment.