

INITIAL STATEMENT OF REASONS

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

Section 40-181.1(e)(4)

Specific Purpose:

This section is adopted to specify that parents in a reunification case are subject to a six-month redetermination requirement.

Factual Basis:

This section is necessary to clarify the redetermination requirement for reunification cases established by Welfare and Institutions Code Section 11203 as amended by AB 429, Chapter 111, Statutes of 2001.

Section 40-181.1(e)(5)

Specific Purpose:

This section is adopted to clarify that a reunification redetermination is required to reopen a CalWORKs case if a family reunifies either before or after the initial six-month reunification plan period.

Factual Basis:

This section is necessary to clarify that an eligibility redetermination is required when a family reunifies before or after the initial six-month reunification plan period as established by Welfare and Institutions Code Section 11203 as amended by AB 429, Chapter 111, Statutes of 2001.

Section 40-181.1(e)(6)

Specific Purpose:

This section is adopted to permit reunification cases to suspend monthly eligibility reporting for as long as the court-ordered reunification plan is in place.

Factual Basis:

This section is necessary to clarify the monthly eligibility reporting requirements for reunification cases as established by Welfare and Institutions Code Section 11203 as amended by AB 429, Chapter 111, Statutes of 2001.

Section 42-710.66

Specific Purpose:

This section is adopted to instruct CWDs that participation in welfare-to-work activities or services shall not count toward an individual's 18-or 24-month time limit, if such participation is limited to those welfare-to-work activities that are required pursuant to the terms of a court-ordered child welfare services/family reunification plan and the individual has not already signed a welfare-to-work plan.

Factual Basis:

The adoption of this section is necessary to implement the provisions of Welfare and Institutions Code Section 11203 and reconcile the statutory requirements of the CalWORKs and Child Welfare Services programs. Welfare and Institutions Code Section 11203 as amended by Assembly Bill (AB) 429 provides that a child/children may be considered temporarily absent from the home, if the CalWORKs parent's child/children have been removed from the home and the county has determined that the provision of CalWORKs welfare-to-work services, including mental health and substance abuse treatment, is necessary for family reunification.

Welfare and Institutions Code Section 10532(c)(2), specifies that a CalWORKs recipient's 18- or 24-month time limit begins when an individual signs, or refuses to sign, without good cause a welfare-to-work plan. Additionally, Welfare and Institutions Code Section 11320.1 states that the plan shall be developed by the county and the individual, and Welfare and Institutions Code Section 11325.4 further specifies that upon referral to assessment, a participant shall work with the CWD to develop and agree on a plan, which must be in writing pursuant to Welfare and Institutions Code Section 11325.21. However, child welfare service provisions, in Welfare and Institutions Code Section 16501.1(f)(11), do not require the direct involvement or written agreement of the parent in the development and implementation of a child welfare services/family reunification case plan. In addition, the child welfare services/family reunification case plan is subject to a court review and approval process as provided under Welfare and Institutions Code Section 16501.1(d), which further limits the individual's role in determining their welfare-to-work activities. Consequently, it would be inconsistent with Welfare and Institutions Code Section 10532(c)(2), Welfare and Institutions Code Section 11320.1, and Welfare and Institutions Code Sections 11325.4 and .21 to count a parent's participation in welfare-to-work activities pursuant to a reunification plan against his/her 18- or 24-month time limit.

Section 42-711.512

Specific Purpose:

This section is adopted to inform counties that a sanctioned individual is not precluded from participating in or receiving CalWORKs welfare-to-work activities, which includes mental health and substance abuse treatment, and supportive services when the county has determined that such services are necessary for family reunification.

Factual Basis:

The adoption of this section is necessary to reconcile the statutory requirements of the temporary absence/family reunification provisions under Welfare and Institutions Code Section 11203, as amended by AB 429, and the CalWORKs sanction provisions under Welfare and Institutions Code Section 11327.5. Welfare and Institutions Code Section 11327.5(c) specifies that financial sanctions be imposed on an individual for failing or refusing to comply with program requirements without good cause, which results in the noncomplying family member's portion of the cash grant being removed. Similarly, Welfare and Institutions Code Section 11203(b)(2) specifies that the parent subject to the provisions of Welfare and Institutions Code Section 11203 shall not be eligible for cash aid. However, Welfare and Institutions Code Section 11203(b) also provides that a parent shall be eligible for CalWORKs services if specified conditions are met and the county has determined that the provision of services under Welfare and Institutions Code Section 15204.2, CalWORKs single allocation and/or Welfare and Institutions Code Section 15204.8, mental health and substance abuse treatment, are necessary for family reunification.

Section 42-711.551

Specific Purpose:

This section is amended to add a cross-reference to new Section 42-711.558.

Factual Basis:

The addition of the cross-reference is necessary to refer the reader to Section 42-711.558, which is adopted in this filing.

Section 42-711.558

Specific Purpose:

This section is adopted to inform CWDs that a welfare-to-work assessment shall not be required for those family reunification parents whose assigned welfare-to-work activities and services are limited to those welfare-to-work activities and services that are specified in a court-approved family reunification case plan and the county has elected to utilize the family reunification case plan in lieu of the welfare-to-work plan.

Factual Basis:

The adoption of this section is necessary to implement the provisions of Welfare and Institutions Code Section 11203 and reconcile the statutory requirements of the CalWORKs and Child Welfare Services programs. Welfare and Institutions Code Sections 11320.1(b), 11325.4, and 11325.21, require a CalWORKs recipient to work with the CWD to develop and enter into a written welfare-to-work plan that is based on an assessment of the individual's skills and needs. However, under Welfare and Institutions Code Section 16501.1(f), the involvement or written agreement of the parent is not always required in the development of the Child Welfare Services

family reunification case plan. Furthermore, the family reunification case plan is subject to court review and approval as provided under Welfare and Institutions Code Section 16501.1(d). Conducting an assessment and developing a welfare-to-work plan for family reunification parents would be a duplication of effort for CWDs and for the parents, whose participation in welfare-to-work activities and services would be only provided through a reunification plan that is ultimately subject to court review and approval.

Section 42-711.558(a)

Specific Purpose:

This section is adopted to inform CWDs that a welfare-to-work assessment and welfare-to-work plan shall continue to be required for family reunification parents who are provided with welfare-to-work activities and services that are not specified in a court-ordered family reunification case plan.

Factual Basis:

The adoption of this section is necessary to implement the provisions of Welfare and Institutions Code Section 11203 and to comply with statutory provisions governing the CalWORKs assessment and welfare-to-work plan development process for family reunification parents participating in welfare-to-work activities that are not subject to a court-ordered family reunification plan. Welfare and Institutions Code Section 11320.1(b) requires that, under specified circumstances, a welfare-to-work participant shall be referred to an assessment for the purpose of developing a welfare-to-work plan as specified in Welfare and Institutions Code Sections 11325.4 and 11325.21, respectively.

Section 42-711.61

Specific Purpose:

This section is amended to inform CWDs that the CWD may elect to utilize the family reunification plan in lieu of a welfare-to-work plan for parents whose assigned welfare-to-work activities and services are limited to those specified in a court-ordered family reunification case plan.

Factual Basis:

The adoption of this section is necessary to implement the provisions of Welfare and Institutions Code Section 11203, as amended by AB 429, and reconcile the statutory requirements of the CalWORKs and Child Welfare Services programs. Welfare and Institutions Code Sections 11325.21 and 11325.4 require a CalWORKs recipient to work with the CWD to develop and enter into a written welfare-to-work plan. However, under Welfare and Institutions Code Section 16501.1(f), the involvement or written agreement of the parent is not always required in the development of the family reunification case plan. Furthermore, the family reunification case plan is subject to court review and approval as provided under Welfare and Institutions Code Section 16501.1(d). Conducting an assessment and developing a welfare-to-work plan for

family reunification parents would be a duplication of effort and unnecessary for CWDs and for the parents whose participation in welfare-to-work activities and services would be only provided through a reunification plan that is subject to a court review and approval.

Section 42-711.81

Specific Purpose:

This section is amended to add a cross-reference to an exception to the CalWORKs noncompliance/sanction provisions that was added by the adoption of Section 42-721.13.

Factual Basis:

The addition of this cross-reference is necessary to alert the reader to a new exception to the CalWORKs noncompliance/sanction provisions and refer the reader to a regulation, Section 42-721.13, which is added in this filing.

Sections 42-721.13 and .131

Specific Purpose:

These sections are adopted to exempt, under specified circumstances, a family reunification parent from the CalWORKs noncompliance and sanction provisions, and to allow for the continued provision of CalWORKs activities and services until the family reunification case plan is terminated by the court or the individual reaches CalWORKs 60-month time limit.

Factual Basis:

The adoption of these sections is necessary to implement the provisions of Welfare and Institutions Code Section 11203, as amended by AB 429, and to reconcile the statutory requirements of the CalWORKs and Child Welfare Services programs. CalWORKs provisions in Welfare and Institutions Code Section 11327.5, provide for a noncompliance and sanction process for individuals that fail to comply with CalWORKs program requirements without good cause. However, Welfare and Institutions Code Section 11203(b) provides that a parent shall be considered living with the absent child/children and eligible for CalWORKs services if specified conditions are met and the county has determined that the provision of CalWORKs services, including mental health and substance abuse treatment, is necessary for family reunification. Welfare and Institutions Code Section 16501.1, governing child welfare service case plans, including those for family reunification, also references the role of the court in the review, approval and termination of services in subsections (d), (e), (f), and (g). As a consequence, it is necessary to provide an exception to the CalWORKs noncompliance provisions. The reference to the 60-month time limit is necessary to comply with Welfare and Institutions Code Section 11320.15, which specifies that provision of CalWORKs welfare-to-work activities for individuals who have reached the 60-month time limit is at the option of the county.

Section 42-721.413

Specific Purpose:

This section is adopted to instruct CWDs to count any months in which a sanctioned individual is considered a family reunification parent toward meeting any minimum or mandatory sanction period required under Section 42-721.43.

Factual Basis:

The adoption of this section is necessary to implement the provisions of Welfare and Institutions Code Section 11203, as amended by AB 429, and to reconcile the statutory provisions of Welfare and Institutions Code Section 11203 with the CalWORKs sanction provisions under Welfare and Institutions Code Section 11327.5(c). Welfare and Institutions Code Section 11203(b) provides that a parent shall be eligible for CalWORKs services if specified conditions are met and the county has determined that the provision of CalWORKs services, including mental health and substance abuse treatment, are necessary for family reunification. In addition, Welfare and Institutions Code Section 11203(b)(2) specifies that the parent subject to the provisions of Welfare and Institutions Code Section 11203 shall not be eligible for cash aid. Similarly, CalWORKs sanction provisions under Welfare and Institutions Code Sections 11327.5(c) and (d) provide that aid be denied to a noncomplying family member. Consequently, although a reunification parent continues to be eligible to receive CalWORKs welfare-to-work services pursuant to his/her court-ordered reunification plan, the months during which the individual is considered a reunification parent will count toward any CalWORKs sanction period that has been imposed.

Sections 44-314.143 and 44-314.21

Specific Purpose:

Existing Section 44-314.143 is being relocated and renumbered to Sections 44-314.2 and .21.

Factual Basis:

The renumbering is necessary for restructuring purposes and ease of use.

Section 44-314.2

Specific Purpose:

Additional language is adopted to clarify that certain months will not be counted as receiving aid for maximum family grant (MFG) purposes and the last phrase in former Section 44-314.143 is inserted.

Factual Basis:

This language was reformatted from Section 44-314.143 and amended to clarify that certain specific months are not counted as receiving aid in the ten months prior to the birth of the child.

Section 44-314.22

Specific Purpose:

This section is adopted to specify that a month in which the reunification family does not receive a cash aid payment pursuant to Section 82-812.683 will not be considered as a month in which the assistance unit (AU) did not receive aid.

Factual Basis:

This adoption is necessary to comply with Nickols v. Saenz, San Francisco Superior Court, Case Number 310867, which indicates that a month in which the AU is eligible for a zero basic grant will not be considered as a month in which the AU received aid for MFG purposes. This adoption is consistent with the provisions of Section 82-812.683, which provides that certain reunification families will not receive a cash aid payment in one or more months.

Section 80-301(r)(3)

Specific Purpose:

This section defines reunification parents and the eligibility requirements for reunification services.

Factual Basis:

This section is necessary to define "reunification parent" as established by Welfare and Institutions Code Section 11203 and as amended by AB 429, Chapter 111, Statutes of 2001.

Section 80-301(r)(4)

Specific Purpose:

This section defines reunification cases as those in which children are considered temporarily absent when they have been removed from the home and receiving out-of-home care and their parents are eligible to receive family reunification services.

Factual Basis:

This section is necessary to define "reunification cases" as established by Welfare and Institutions Code Section 11203 and as amended by AB 429, Chapter 111, Statutes of 2001.

Section 80-301(r)(5)

Specific Purpose:

This section defines a reunification plan as one that establishes the services necessary to allow children to return to the home.

Factual Basis:

This section is necessary to clarify that the definition of a "reunification plan" as established by Welfare and Institutions Code Section 11203, and as amended by AB 429, Chapter 111, Statutes of 2001, means the case plan developed by child welfare services pursuant to Welfare and Institutions Code Sections 16501 and 16507.

Section 80-301(r)(6)

Specific Purpose:

This section is adopted to specify that the court will determine what CalWORKs services are necessary for family reunification.

Factual Basis:

This section is necessary to clarify that reunification services will be determined by the court as necessary for family reunification as stipulated in Welfare and Institutions Code Section 11203 as amended by AB 429, Chapter 111, Statutes of 2001.

Sections 82-812.68 (Title) and .681, et seq.

Specific Purpose:

These sections are adopted to provide an appropriate title and to allow children receiving out-of-home care to be considered temporarily absent from the AU for up to 180-consecutive days when: 1) the child has been removed from the parent(s) and placed in out-of-home care, 2) the AU was receiving CalWORKs assistance when the child was removed from the parent(s), and 3) the county has determined that the provision of CalWORKs services is necessary for family reunification.

Factual Basis:

This section is necessary to implement Welfare and Institutions Code Section 11203 as amended by AB 429, Chapter 111, Statutes of 2001. The amendment extends the temporary absence provisions from 30 days, for up to 180-consecutive days for certain children receiving out-of-home care.

Section 82-812.682

Specific Purpose:

This section is adopted to specify that biological or adoptive parents of a child who has been removed from the home may continue to receive CalWORKs family reunification services. It also requires that the parent(s) be otherwise eligible and have a reunification plan in place.

Factual Basis:

This section is necessary to clarify that only biological or adoptive parents may receive CalWORKs reunification services and to comply with the eligibility requirements for continuation of these services as stipulated in Welfare and Institutions Code Section 11203 as amended by AB 429, Chapter 111, Statutes of 2001.

Section 82-812.683

Specific Purpose:

This section is adopted to specify that parent(s) eligible for family reunification services, are not eligible to receive a cash grant.

Factual Basis:

This section is necessary to clarify that when a parent is eligible for family reunification services, they are not eligible to receive any cash payment of aid as stipulated in Welfare and Institutions Code Section 11203 as amended by AB 429, Chapter 111, Statutes of 2001.

Handbook Section 82-812.683(a)

Specific Purpose/Factual Basis:

The provision of this handbook section is to refer the reader to the definitions of "reunification parents," "reunification cases," "reunification plan," and "reunification services" which appear in Section 80-301.

Section 82-812.684

Specific Purpose:

This section is adopted to clarify that welfare-to-work services will be available to eligible reunification parents.

Factual Basis:

This section is necessary to comply with Welfare and Institutions Code Section 11203 as amended by AB 429, Chapter 111, Statutes of 2001.

Section 82-812.685

Specific Purpose:

This section is adopted to clarify that reunification parents continue to be eligible for supportive services.

Factual Basis:

This section is necessary to comply with Welfare and Institutions Code Section 11203 as amended by AB 429, Chapter 111, Statutes of 2001.

Section 82-812.686

Specific Purpose:

This section is added to clarify that reunification parents continue to be subject to supportive services underpayment and overpayment rules.

Factual Basis:

This section is necessary to comply with Welfare and Institutions Code Section 11323 as amended by AB 429, Chapter 111, Statutes of 2001.

Section 82-812.687

Specific Purpose:

This section clarifies that time limit requirements in Section 42-300 apply to reunification parents.

Factual Basis:

This section is necessary to clarify that the time limit requirements established by Welfare and Institutions Code Section 11454 apply to reunification parents.

Section 82-812.687(a)

Specific Purpose/Factual Basis:

This section is added to reference the revised Section 40-181.1(e)(6), which exempts reunification parents from monthly reporting requirements.

Section 82-812.687(b)

Specific Purpose/Factual Basis:

This section is provided to reference Section 40-181.1(e)(5), which adds language to require a six-month redetermination for family reunification parents.

Section 82-812.687(c)

Specific Purpose/Factual Basis:

This section is provided to reference Section 40-181.1(e)(4) that adds language to require a redetermination when a family reunifies before or after the initial 180-day reunification plan period or six-month reunification redetermination period.

Section 82-812.687(d)

Specific Purpose/Factual Basis:

This section is provided to reference Section 42-711.61, which allows the county to utilize the court-approved family reunification plan in lieu of the welfare-to-work plan.

Section 82-812.687(e)

Specific Purpose/Factual Basis:

This section is provided to reference Section 42-711.512 and Section 42-721.413, which permit reunification parents who have been sanctioned, even in a second or third instance, to participate in a family reunification plan and receive services necessary for family reunification. Revisions to this section also permit participation in a family reunification plan to count toward any required sanction period.

Section 82-812.687(f)

Specific Purpose/Factual Basis:

This section is provided to reference Section 44-314.22 to clarify that for MFG purposes, a month in which the reunification parent(s) did not receive a cash aid payment, is considered as a month in which the AU did not receive aid.

Sections 82-812.688 and .688(a) and (b)

Specific Purpose:

This section is adopted to provide good cause extensions to the 180-day temporary absence period in certain situations. A good cause extension may be granted for the number of days between the date of the child's removal and the date that the court orders the reunification plan. A good cause extension may also be granted when the county determines that additional time is needed beyond the 180-days of the reunification plan. The extension may be in effect until the family reunification plan is terminated.

Factual Basis:

This section is necessary to comply with Welfare and Institutions Code Section 11203 as amended by AB 429, Chapter 111, Statutes of 2001. This section directs the California Department of Social Services (CDSS) to develop good cause exception criteria as authorized by 42 USC Section 608.

b) Identification of Documents upon Which the Department is Relying

- Assembly Bill 429 (Chapter 111, Statutes of 2001)

c) Local Mandate Statement

These regulations do impose a mandate upon local agencies but not upon school districts. The mandate is not required to be reimbursed pursuant to part 7 (commencing with Section 17500) of Division 4 of the California Constitution because implementation of the regulations will, if anything, result in no costs or savings.

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 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.

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.