

Amend Section 47-260 to read:

47-260	ELIGIBLE PROVIDERS	47-260
.1	Eligible Child Care Provider Requirements	The child care provider shall meet all of the following requirements: (Continued)
.13	Health and Safety Requirement	<u>Meet or be exempt from health and safety requirements, as specified in Chapter Section 47-6030, Trustline—and Health and Safety Requirements for License-Exempt Child Care Providers.</u>
.14	Trustline Requirement	<u>A license-exempt child care provider shall Apply for or be a registered for Trustline child care provider as defined in Health and Safety Code Section 1596.605(b)(1) or be exempt from Trustline Registry, as specified in Chapter Section 47-600260.2. A license-exempt provider required to be a registered Trustline child care provider shall not receive a subsidized payment unless Trustline registration has occurred.</u>
.2	<u>Trustline-Exempt Child Care Providers</u>	<u>The following are exempt from Trustline:</u>
.21	<u>Aunts, uncles, grandparents, of the child(ren) in care by blood, marriage or court decree.</u>	<u>Aunts, uncles, grandparents, of the child(ren) in care by blood, marriage or court decree.</u>
.211	<u>Court Decree</u>	<u>Court decree includes, but is not limited to, adoptions or other court orders impacting family relationships.</u>
.212	<u>Declaration of Relationship</u>	<u>Counties shall obtain a self-certification declaration that substantiates the relationship of the exempt provider to the child(ren).</u>
.22	<u>School or Recreation Program Exempt from Trustline</u>	<u>A public recreation program as defined in Health and Safety Code Section 1596.792 or a public or private school.</u>
.2 3	Parental Choice	(Continued)
.3 4	Eligible Child Care Provider Limitations	(Continued)

- .4 5 License-Exempt Provider Information If the county or a contractor pays for child care services to a license-exempt provider, all of the following information about the license-exempt provider shall be on file with the county or the contractor:
- .451 Name, Address, and Telephone Number (Continued)
 - .452 Where Care is Provided (Continued)
 - .453 Hours of Care and Charges (Continued)
 - .454 Social Security Number (Continued)
 - .455 Character Reference (Continued)
 - .456 Identification (Continued)
 - .457 Required Statement (Continued)
 - .458 Relationship (Continued)

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

Reference: 42 U.S.C. 9858i(a)(2)(A); 42 U.S.C. 9858c(c)(2)(A)(ii) and (c)(2)(H); 42 U.S.C. 9858n; 45 CFR 98.30; Section 76 of the Privacy Act of 1974 (5 U.S.C. Section 552a Note); Sections 8208.1, 8212, 8216, ~~and~~ 8357, and 8358(a), Education Code; Sections 1596.60, 1596.605, 1596.67, 1596.792 and 1596.871, Health and Safety Code; Sections 11320.3 and 11324, Welfare and Institutions Code.

Amend Section 47-301 to read:

47-301 ADMINISTRATION OF CHILD CARE SERVICES

47-301

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Any reference to "future date" in this section refers to the effective date of these proposed regulations. The effective date will be the first of the month following the 30th day after the approval and filing of these regulations with the Secretary of State by the Office of Administrative Law (OAL). Before OAL files these regulations with the Secretary of State, the "future date" will be replaced by the actual effective date of these regulations and this handbook language will disappear.

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| .1 | County Welfare Department Responsibility | Counties shall inform families <u>clients</u> of the availability of child care subsidies. <u>Counties shall and ensure that families have access to child care subsidies whenever the need for child care occurs as a resulting from of employment or participation in any county-approved activities.</u> |
| .2 | Informing Notice Requirement | The county shall provide the applicant/recipient <u>client</u> with an informing notice that informs the individual of the availability of Stage One child care. (Continued) |
| .22 | Informing Notice Content | The informing notice for Stage One child care shall contain the following information: |
| | (a) | <u>A statement that as of (future date), license-exempt child care providers, except those who are Trustline-exempt as specified in Section 47-260.2, must be registered with Trustline before subsidized payment for child care services can be made. Counties or contracted payment agencies shall not be permitted to begin payments until the license-exempt provider is a registered Trustline child care provider;</u> |
| | (b) | <u>A statement that if a client chooses to pay a license-exempt provider for child care services with the client's own monies, the client does so at his/her own risk. There is no requirement that the county or contracted payment agency pay the client for out-of-pocket costs if the license-</u> |

exempt provider is subsequently Trustline registered;

- (c) A statement that a client who selects a license-exempt provider who is required to be registered with Trustline may receive retroactive payment for up to 60 calendar days from the date child care services were requested and services were provided, if the provider becomes registered with Trustline. The client's retroactive payments may be made directly to the child care provider;
- (d) A statement that the client is required, no later than the first day child care services began, to instruct the license-exempt provider of choice to submit a completed Trustline application and a Health and Safety certification within seven days;
- (~~b~~ e) A statement that child care payments in CalWORKs Stage One shall not be made for services provided by a licensed or Trustline-exempt child care provider more than 30 calendar days prior to the ~~applicant's/recipient's~~ client's request for child care and that the ~~applicant/recipient~~ client is responsible for any child care services received prior to this period;
- (a f) A statement that the ~~applicant/recipient~~ client is eligible for CalWORKs Stage One child care while he or she works or participates in approved welfare-to-work activities, including participating as a volunteer, to the extent that he/she meets the eligibility criteria;
- (e g) A statement that in order to receive paid child care, the ~~applicant/recipient~~ client shall request child care from the worker, provide the information specified in Sections 47-320.2 and 47-260 to the worker within 30 calendar days to determine eligibility and be determined eligible. If the ~~applicant/recipient~~ client and/or child care provider do not provide the required information within 30 calendar days, the child care request may be denied;
- (~~d~~ h) A statement that the child care provider has to meet certain requirements and that the

~~applicant/recipient~~ client is responsible for any child care services received if the child care provider is determined ineligible;

(~~e~~ i) A statement that the ~~applicant/recipient~~ client shall be responsible for informing the county of their need for Stage One child care as soon as the need arises and each time they change child care providers;

(~~f~~ j) A statement that the ~~applicant/recipient~~ client may use the informing notice to request child care if they need it at the time they receive the notice. The informing notice shall include a space for the ~~applicant/recipient~~ client to indicate whether or not they need child care;

(~~g~~ k) A statement that the ~~applicant/recipient~~ client may request assistance from the county to find and choose a child care provider. The informing notice shall include the name, address and phone number of the local child care resource and referral agency;

(~~h~~ l) A statement that the ~~applicant/recipient~~ client shall be responsible for informing the county within 30 calendar days from the first and any subsequent child care provider in order to receive payment for the services provided;

(~~i~~ m) A statement that the ~~applicant/recipient~~ client may request assistance from their worker if he or she has any questions or needs additional information. The informing notice shall include the worker's name and telephone number; and

(~~j~~ n) A statement that ~~applicant/recipient~~ client has read and understands the informing notice.

.23 The informing notice shall be provided each time the ~~applicant/recipient~~ client: (Continued)

.24 The county shall provide the recipient with the county's child care request form upon request.

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- .25 To ensure that the ~~applicant/recipient~~ client is reminded of the availability of Stage One child care, the county may provide the informing notice to the ~~applicant/recipient~~ client at any point in time, including the following:
(Continued)
- .253 When a Notice of Action is sent out to the ~~applicant/recipient~~ client, especially one related to an increase in income; or
- .254 Each time the ~~applicant/recipient~~ client has contact with the county welfare office or worker on any other matter.

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- .26 ~~Applicant/Recipient~~ Client Responsibility The ~~applicant/recipient~~ client shall sign and return the informing notice to the county when the informing notice is provided as required by Section 47-301.23.
- .27 County Responsibility When the ~~applicant/recipient~~ client returns the informing notice, the county shall date stamp the notice, retain a copy in the case file, provide a copy to the child care worker, and provide a copy to the ~~applicant/recipient~~ client.
- .271 Refusal to Sign/Return If the ~~applicant/recipient~~ client refuses either verbally or in writing to sign and/or return the informing notice, the county shall document the refusal. A documented refusal shall have the same effect as a signature.
- (a) Failure to sign an informing notice that has been mailed to an ~~applicant/recipient~~ client does not in itself constitute a refusal to sign the notice.
(Continued)

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

Reference: 42 U.S.C. 9801 Note (b)(4); 42 U.S.C. 9858e; 45 CFR 205.50; 45 CFR 98.51(a)(2)(i); Sections 8212, 8350, 8351, 8352, 8354 and 8358.5, Education Code; Sections 10540, 10850, 11323.3, 11323.4(f) and 11323.8, Welfare and Institutions Code; Section 1596.605, Health and Safety Code.

Amend Section 47-430 to read:

47-430 RETROACTIVE PAYMENTS

47-430

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Any reference to "future date" in this section refers to the effective date of these proposed regulations. The effective date will be the first of the month following the 30th day after the approval and filing of these regulations with the Secretary of State by the Office of Administrative Law (OAL). Before OAL files these regulations with the Secretary of State, the "future date" will be replaced by the actual effective date of these regulations and this handbook language will disappear.

.1 Intent

It is the intent of the Legislature that all CalWORKs ~~applicants and recipients~~ clients be aware of their potential liability for child care payment, and that child care providers be promptly paid for their services to eligible families.

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.2 Retroactive Payment Limit

(a) Licensed or Trustline-Exempt Providers.

Payments for child care services shall not be made for services provided more than 30 calendar days prior to the ~~applicant's/recipient's~~ client's request for child care if ~~the applicant/recipient client~~ the case file contains a copy of ~~the~~ the informing notice signed by the ~~applicant/recipient client~~ recipient client within the last year or a notation that the ~~applicant/recipient client~~ recipient client refused to sign and/or return the informing notice within the last year.

(b) License-exempt child care providers who are required to be Trustline registered.

After (future date), clients may be entitled to receive retroactive payment for up to 60 calendar days from the date child care services were requested and services were provided if the provider subsequently becomes Trustline registered. The county may issue retroactive child care payments on behalf of the client directly to the provider.

(c) The retroactive payments may be made by the county or the contracted payment agency to the client, as the employer, if care is provided in the home of the client for up to 60 calendar days from the date child care services were requested and services were provided, if the provider becomes subsequently Trustline registered.

(d) If the provider fails to submit the Trustline application or the Health and Safety certification by the seventh day from the date child care services were requested, the retroactive payment may begin from the date the Trustline application and the Health and Safety certification were returned to the county or contractor.

.21 Payment Limit Application

Each time the ~~applicant/recipient~~ client chooses a new child care provider, the retroactive payment limit shall be applied based on the date the ~~applicant/recipient~~ client notified the county that they changed providers. However, the county is not required to provide the ~~applicant/recipient~~ client with an informing notice each time the ~~applicant/recipient~~ client changes providers.

.22 Payment Limit Exemption

The limit on retroactive payment shall not apply to retroactive payment claims submitted by the ~~applicant/recipient~~ client prior to the date he or she first signed or refused to sign and/or return an informing notice. (Continued)

Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Section 11323.3, Welfare and Institutions Code; Section 1596.605, Health and Safety Code.

Amend Section 47-601 to read:

47-601 INTRODUCTION TO TRUSTLINE REGISTRY AND HEALTH AND SAFETY REQUIREMENTS FOR CALWORKS LICENSE-EXEMPT CHILD CARE PROVIDERS 47-601

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.1 Introduction

The Trustline Registry system, hereafter referred to as "Trustline," ~~provides for is a criminal record clearance and substantiated child abuse report checks for~~ registry of license-exempt child care providers, who are exempt from licensing requirements and including those who care for children eligible for CalWORKs Stage One child care, whose Trustline application, upon completion of a background check, has been approved. Specified license-exempt child care providers, after submission of a completed Trustline application and fingerprints must apply for and be cleared through registered Trustline child care providers as defined in Health and Safety Code Section 1596.605(b)(1) in order to receive subsidized payment for CalWORKs child care services. (Continued)

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Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code; Section 1596.67, Health and Safety Code; Sections 8171(a) and 8181(a), Education Code; and Public Law 104-193, (Personal Responsibility and Work Opportunity Reconciliation Act [PRWORA] of 1996).

Reference: Sections 1596.605 and 1596.67, Health and Safety Code; Sections 8171(a) and 8181(a), Education Code; and 42 U.S.C. 9858c.(c)(2)(F).

Amend Section 47-602 to read:

47-602 DEFINITIONS (Continued)

47-602

r. (1) ~~(Reserved)~~ Registered Trustline Child Care Provider

Upon completion of the searches of the state summary criminal history information and the child abuse index, and, if applicable, the records of the Federal Bureau of Investigations, and if grounds do not exist for denial pursuant to Health and Safety Code Section 1596.607, the provider shall be known as a "registered Trustline child care provider." (Continued)

t. (1) Trustline Registry

Trustline registry – means a computer based registry of license-exempt child care providers, including providers who care for the children of parents eligible for subsidized child care, members of the public who choose to voluntarily apply, employment agency placements, and transport escort services person, who have had a background check to ensure that the child care providers have no disqualifying criminal convictions, or substantiated reports of child abuse, certain arrests that may pose a risk to the health and safety of children in care, a past revocation of a license issued by the Department of Social Services or certificate to be a certified family home, a past exclusion from a licensed facility or a past denial of an application for licensure or certificate of approval to be a certified family home. (Continued)

Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code; Section 1596.67, Health and Safety Code; Sections 8171(a) and 8181(a), Education Code; and Public Law 104-193, (Personal Responsibility and Work Opportunity Reconciliation Act [PRWORA] of 1996).

Reference: Sections 1596.605 and 1596.67, Health and Safety Code; Sections 8171(a) and 8181(a), Education Code; and 42 U.S.C. 9858c.(c)(2)(F).

Repeal Section 47-610 to read:

47-610 TRUSTLINE REGISTRY PAYMENT ELIGIBILITY FOR LICENSE- 47-610
EXEMPT CHILD CARE PROVIDERS

- .1 Eligible Child Care Provider To be eligible for CalWORKs child care payment/reimbursement, all license exempt child care providers shall apply for Trustline. The following are exempt from this requirement:
- .11 Exempt Child Care Providers Aunts, uncles, grandparents, great grandparents, great aunts, and great uncles of the child(ren) in care, by blood, marriage or court decree.

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- .111 Court Decree Court decree includes, but is not limited to, adoptions or other court orders impacting family relationships.
- .112 Declaration of Relationship Counties should obtain a self-certification declaration that substantiates the relationship of the exempt provider to the child(ren).

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- .12 Exempt School or Recreation Programs A public recreation program as defined in Health and Safety Code Section 1596.792 or a public or private school.
- .2 Prior Income Disregard Reimbursement All providers whose fees were reimbursed through income disregard prior to January 1, 1998 are exempted from Trustline unless one of the following apply:
- .21 New Child Care Services Provided The provider begins to provide child care to an eligible family for which he or she has not provided care.
- .22 Lapse in Child Care The provider begins to provide child care to an eligible family subsequent to a lapse in care.

Authority cited: ~~Sections 10553, 10554, 10604, and 11324(e)(1) and (2), Welfare and Institutions Code; Section 1596.67, Health and Safety Code; Sections 8171(a) and 8181(a), Education Code; and Public Law 104-193, (Personal Responsibility and Work Opportunity Reconciliation Act [PRWORA] of 1996).~~

Reference: ~~Sections 1596.66 and 1596.67, Health and Safety Code; Sections 8171(a) and 8181(a), Education Code; and 42 U.S.C. 9858e.(e)(2)(F).~~

Amend Section 47-620 to read:

47-620 TRUSTLINE REGISTRY APPLICATION REQUIREMENTS

47-620

.1 Trustline Registry Application Requirements

All ~~families~~ clients requesting license-exempt child care who are subject to Trustline shall be provided a Trustline Registry application package, which includes a Trustline Registry application, self-disclosure statement, and LiveScan forms and instructions. ~~and two fingerprint cards; one card to check the Criminal History background, and the second to check the FBI background of the provider.~~ The client shall provide the Trustline application package and information to the client's provider of choice.

.11 R & R's Receipt of Completed Application Package

The provider has ~~no more than 28 calendar days from the first day that CalWORKs child care services began in which to return the completed application package~~ shall submit a completed Trustline application package within seven calendar days from the date they began to provide child care services to the California Child Care Resource and Referral Agency (R & R) for processing.

EXCEPTION: Providers in counties that have limited access to LiveScan fingerprinting will be given no more than seven additional calendar days to submit the completed Trustline application to the county or contractor.

~~.111~~ County's Reasonable Shorter Time Period

~~The county may establish a reasonable shorter time period, within county procedures, to complete the Trustline application process.~~

~~.112~~ Discontinuance of Child Care

~~The county shall provide temporary child care and discontinue child care if the county is not notified that the Trustline Registry application was received by the 28th calendar day from the first day that CalWORKs child care services began.~~

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.111 Trustline Application Requirements

It is important that the provider submit a completed Trustline application package as soon as possible after child care services are provided. A client who selects a license-exempt provider who is required to be registered with Trustline may receive retroactive payments for up to 60 calendar days from the date child care services were requested and the services were provided, only if the provider subsequently becomes registered with Trustline. Retroactive payments may be made directly to the child care provider as reimbursement for child care services provided, but in no event would payment exceed 60 days regardless of the number of actual days care was provided.

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.2 Payment Eligibility

The County or contracted payment agency shall issue child care payments only after the license-exempt provider has been granted registration as a registered Trustline child care provider.

.3 Provider Reimbursement Limit

.31 County Responsibility

The county or contracted payment agency may pay the provider, once he/she is registered with Trustline, for child care services provided for up to 60 calendar days from the first day that CalWORKs child care services were requested. Child care payments may be made directly to the client, as the employer, if child care is provided in the home of the client.

.32 Client Responsibility

The client is responsible for any child care costs incurred until such a time as the provider becomes Trustline registered.

.2 4 Denial of Payment

In addition to not issuing a subsidized payment unless the provider is a registered Trustline child care provider, the county or contracted payment agency shall deny payment for child care services which are exempt from licensure if any of the following apply:

.2 <u>41</u> Conviction of a Crime	<u>The county has a certified copy of the Court's judgment of conviction as evidence that the provider has been convicted of a crime specified in subdivision (f)(1)(A) and (B) of Section 1596.871 of the Health and Safety Code.</u>
.3 Continuing Payment Eligibility	Once the Trustline Registry application has been received by the R & R, the county shall issue child care payments for care that is otherwise eligible, unless the county is notified of one of the following:
.31 Application Denied	The Trustline Registry application is denied.
.32 <u>42</u> Case File Closed	(Continued)
.33 <u>43</u> Registration Revoked	(Continued)
.5 <u>Discontinuance of Payment</u>	<u>Upon notification that a provider has subsequently been convicted of a crime as specified in subdivision (f)(1) of Section 1596.871 of the Health and Safety Code, the county shall, within two business days, cease payment.</u>
.4 <u>6</u> Immediate Notification to the Recipient	Upon receipt that the Trustline Registry application has been denied, the case file closed, or registration is revoked, <u>or registration is approved</u> , the county <u>or contractor</u> shall immediately notify the recipient <u>client</u> .
.5 <u>7</u> Timely Notice of Action	(Continued)

Authority cited: Sections 10553, 10554, 10604, and 11324, Welfare and Institutions Code; Section 1596.67, Health and Safety Code; Sections 8171(a) and 8181(a), Education Code; and Public Law 104-193, (Personal Responsibility and Work Opportunity Reconciliation Act [PRWORA] of 1996).

Reference: Section 11324, Welfare and Institutions Code; Sections 1596.605, 1596.67 ~~and 1596.607, and 1596.871~~, Health and Safety Code; Sections 8171(a) ~~and 8181(a)~~, and 8357(e), Education Code; and 42 U.S.C. 9858c.(c)(2)(F).

Amend Section 47-630 to read:

47-630 HEALTH AND SAFETY REQUIREMENTS FOR LICENSE-EXEMPT CHILD CARE PROVIDERS 47-630

.1 Health and Safety Requirements for License-Exempt Child Care Providers To be eligible for CalWORKs child care, all license-exempt child care providers in a private residence shall complete a Health and Safety Self-Certification with the parent of the child(ren) to be placed in care. This document shall be returned to the county within ~~28~~ seven calendar days from the first day that CalWORKs child care services began. The following are exempt from this requirement:

.11 Exemptions Aunts, uncles, and grandparents, ~~great-grandparents, great-aunts, and great-uncles~~ of the child(ren) in care, by blood, marriage or court decree.
(Continued)

Authority cited: Sections 10553, 10554, 10604, and 11324, Welfare and Institutions Code; Sections 1596.66 and 1596.67, Health and Safety Code; Sections 8179.5, 8181(a) and 8182.5, Education Code; and Public Law 104-193, (Personal Responsibility and Work Opportunity Reconciliation Act [PRWORA] of 1996).

Reference: Section 11324, Welfare and Institutions Code; Sections 1596.66 and 1596.67, Health and Safety Code; Sections 8179.5, 8181(a), 8182.5, and 8358(a), Education Code; 42 U.S.C. 9858c.(c)(2)(F); and Assembly Bill 1542, Chapter 270, Statutes of 1997.