

MPP DEPARTMENT OF SOCIAL SERVICES  
NOTICE OF PROPOSED CHANGES IN REGULATIONS

ITEM #5 CalWORKs 60-Month Time Limit Procedures

ORD #1201-23

The 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 a public hearing to be held April 17, 2002, as follows:

April 17, 2002  
Office Building # 9  
744 P Street, Auditorium  
Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The CDSS 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 CDSS 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 April 17, 2002.

The 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 also available on the internet at <http://www.dss.cahwnet.gov/ord>. Additionally, all the information which CDSS 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.

CONTACT: Anthony J. Velasquez, Chief,  
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California Department of Social Services,  
744 P Street, MS 7-192,  
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## CHAPTERS

Manual of Policy and Procedures (MPP), Eligibility and Assistance Standards (EAS), Chapter 40-100 (General), Section 40-107 (County Responsibility); Chapter 42-300 (General Time Limit Requirements), Section 42-301 (General Time Limit Requirements for Adults), Section 42-302 (60-Month Time Limit Requirements for Adults); Chapter 44-100 (Income), Section 44-133 (Treatment of Income – CalWORKs); Chapter 82-800 (Assistance Unit), Section 82-832 (Excluded Persons), and Section 82-833 (Timed-Out Adults).

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Assembly Bill (AB) 1542 (Chapter 270, Statutes of 1997) established the California Work Opportunity and Responsibility to Kids (CalWORKs) program. The statute added sections 11454 and 11454.5 to the Welfare and Institutions Code, which mandate a 60-month time limit on the receipt of CalWORKs cash aid by adults with specific exceptions. Welfare and Institutions Code Section 11454(e) allows adults who meet certain criteria to receive aid beyond the 60-month time limit. Welfare and Institutions Code Section 11454.5(b) allows months of aid to be exempt from the 60-month time limit. These regulations establish the process by which CalWORKs recipients can claim exemptions to the 60-month time limit and require counties to inform recipients of their remaining time on aid at specific intervals and upon request. These regulations ensure that recipients are informed of their rights and responsibilities under time limit requirements, consistent with general informing in Manual of Policy and Procedures (MPP) Section 40-173. These regulations allow time limit requirements to be applied consistently statewide.

Federal welfare reform provides that no person may receive Temporary Assistance for Needy Families (TANF) assistance for more than sixty months. CalWORKs time limits were established to implement federal time-limited aid. The time limit is intended to provide an incentive to cash aid recipients to achieve self-sufficiency through employment before the time limit expires. Although TANF funding is only available after sixty months for hardship cases, California law establishes a “safety net” which provides limited aid beyond the sixty-month TANF time limit. The limited aid provided under California law is aid for only the children of adults whose time limit has expired.

Current regulations do not specify how safety net benefits are calculated. Recipients who have been continuously on aid since the time limits were established will soon reach their sixty-month time limits. These regulations are necessary to specify how safety net aid will be calculated when the sixty-month time limit is reached.

## COST ESTIMATE

1. Costs or Savings to State Agencies: None
2. Costs to Local Agencies or School Districts: None
3. Nondiscretionary Costs or Savings to Local Agencies: None
4. Federal Funding to State Agencies: None

#### LOCAL MANDATE STATEMENT

These regulations impose a mandate upon county welfare departments, but not school districts. There are no state-mandated local costs in these regulations which require reimbursement under Section 17500 et seq. of the Government Code because the CalWORKs program provides for offsetting savings to local agencies that result in no net costs to local agencies, within the meaning of Section 17580 of the Government Code.

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

The 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

The 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

The CDSS has determined that the proposed regulations will not affect small businesses.

#### 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

The 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

The CDSS adopts these regulations under the authority granted in Welfare and Institutions Code Sections 10553, 10554, 10604 and 11369. Subject regulations implement and make specific Sections 10063, 10553, 10554, 10604, 11008.14, 11254, 11450, 11452, 11453, 11486, 18937, 18940, and 11371, Welfare and Institutions Code; 45 CFR 205.50(a)(1)(i)(A); 45 CFR 233.20(a)(1)(i); 45 CFR 233.20(a)(3)(ii)(C), (a)(3)(vi)(B), (a)(3)(xiv), (a)(3)(xiv)(B), and (xviii); 45 CFR 233.50(A)(c); and 45 CFR 233.90(c)(2)(i); Family Support Administration Action Transmittal 91-15 (FSA-AT-91-15), dated April 23, 1991; and Omnibus Budget Reconciliation Act (OBRA) of 1990; U.S. Department of Health and Human Services Federal Action Transmittal No. FSA-AT-91-4 dated February 25, 1991; Simpson v. Hegstrom, 873 F.2d 1294 (1989); Ortega v. Anderson, Case No. 746632-0 (Alameda Superior Court) July 11, 1995; and Federal Register, Vol. 58, No. 182, pages 49218 - 20, dated September 22, 1993; 8 U.S.C. 1631; and 42 U.S.C. 602(a)(39).

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

REGULATION

Contact Person: Anthony J. Velasquez (916) 657-2586  
Backup: Steve Smalley (916) 657-2586

CDSS REPRESENTATIVE REGARDING SUBSTANCE OF THE PROPOSED REGULATION

Program Contact: Charissa Miguelino (916) 657-3665  
Backup: Randy Shiroy (916) 654-1527

EMERGENCY STATEMENT

These regulations are to be adopted on an emergency basis. In order to allow interested persons an opportunity to submit statements or arguments concerning these regulations, they will be considered at public hearing in accordance with Government Code Section 11346.4.

AGENDA ITEMS FOR THIS PUBLIC HEARING - April 17, 2002

- ITEM #1      ORD #0801-17 - Automated External Defibrillation Regulations
  
- ITEM #2      ORD #1201-22 - California Food Assistance Program
  
- ITEM #3      ORD #0801-16 - Incidental Medical Services Clean-up Regulations
  
- ITEM #4      ORD #1201-24    AB 1692 CalWORKs Amendments
  
- ITEM #5      ORD #1201-23 – CalWORKs 60-Month Time Limit Procedures