

FINDING OF EMERGENCY

These regulations are being implemented on an emergency basis for the immediate preservation of the public peace, health and safety, or general welfare, within the meaning of Government Code Section 11346.1.

DESCRIPTION OF SPECIFIC FACTS WHICH CONSTITUTE THE EMERGENCY

1. The Governor of California approved Assembly Bill (AB) 444 (Ch. 1022, Statutes of 2002) containing a change to Welfare and Institution Code Section 11254 eliminating the CalWORKs provision regarding the treatment of a senior parent's income when considering the needs and resources available to their minor parent and that minor's child(ren).
2. AB 444 specifies that the Department of Social Services (CDSS) may implement the provisions of Welfare and Institutions Code Section 11254 through an All County Letter.
3. CDSS used this authority to issue an All County Letter (ACL 02-94) implementing this new rule effective October 1, 2002 for the CalWORKs program.
4. AB 444 specifies that "Emergency regulations adopted for implementation of those provisions may be adopted by the director in accordance with the Administrative Procedures Act. The initial regulations...shall be deemed to be an emergency and necessary for immediate preservation of the public peace, health and safety, or general welfare. Initial emergency regulations and the first readoption of those emergency regulations shall be exempt from review by the Office of Administrative Law...and each shall remain in effect for no more than 180 days."
5. The non-emergency rulemaking process set forth in the Administrative Procedure Act is sufficiently lengthy to preclude timely implementation of these regulations given the legislative mandate.

INFORMATIVE DIGEST

This proposed regulation implements and makes specific changes to the CalWORKs program and the treatment of senior parent(s) income in senior parent/minor parent cases. The new rule eliminates the provision wherein a senior parent(s) income is not available to their minor parent's child(ren). Under the new rule, the senior parent(s) income will be considered available to meet the needs of the minor parent's child(ren) in accordance with regular CalWORKs budgeting and income rules.

Under the authority provided in AB 444, CDSS issued an All County Letter (ACL 02-94), effective October 1, 2002 implementing this new rule. Counties were directed to take the following steps to implement the change:

1. Identify all cases affected by this change,

2. Recalculate the grant amount, and
3. Send notices of action to reduce or discontinue the grants of the affected families.
 - a. The families will have 10 days prior to the effective date of the grant reduction or discontinuance to request a hearing. If the family appeals timely, the grant will continue at the same level pending the hearing decision, unless the family opts not to receive a grant in order to avoid a potential overpayment.

The current senior parent deeming rules were changed as a result of the enactment of AB 908 in 1995, also known as the Teen Pregnancy Disincentive policy. Under that law and policy, effective March 1, 1997, CDSS began to require minor parents, with some exceptions, to live with a parent or adult relative (or in an adult-supervised group setting) as a condition of aid. Under that law, the CalWORKs program allowed an exception to “guarantee” at least a grant for one person (the minor parent’s child) if the family’s income would otherwise make the case ineligible for aid. This has been known as the senior parent deeming rule.

AB 444 (Ch. 1022, Stats. 2002) requires that treatment of income in senior parent/minor parent cases be consistent with other CalWORKs budgeting and income considerations by eliminating the requirement that a senior parent’s income cannot be deemed to the minor parent’s child(ren).

COST ESTIMATE

1. Costs or Savings to State Agencies: Savings of approximately \$0 in the current State Fiscal Year.
2. Costs to Local Agencies or School Districts: None.
3. Nondiscretionary Costs or Savings to Local Agencies: Savings of approximately \$159,000 in the current State Fiscal Year.
4. Federal Funding to State Agencies: Savings of approximately \$7,026,000 (TANF) in the current State Fiscal Year.

LOCAL MANDATE STATEMENT

These regulations do not impose a mandate on local agencies or school districts. There are no state-mandated local costs in these regulations which require state reimbursement under Section 17500, et seq. of the Government Code.

AUTHORITY AND REFERENCE CITATIONS

CDSS adopts these regulations under the authority granted in Sections 10553 and 10554, Welfare and Institutions Code. Subject regulations implement and make specific Section 11254, Welfare and Institutions Code, as amended by AB 444, Ch. 1022, Stats. 2002.