

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



July 31, 2003

Regulation Package #0403-10

CDSS MANUAL LETTER NO. EAS-03-07

TO: HOLDERS OF THE EAS MANUAL

Regulations Package #0403-10**Effective 7/1/03****Sections 40-107, 40-131, 40-181, 42-711, 47-120, 47-301, and 47-430**

This manual letter has been posted on the Office of Regulations Development website at <http://www.dss.cahwnet.gov/ord/Eligibilit 617.htm>.

The attached regulations implement the retroactive payment limit provisions of Assembly Bill (AB) 444 (Chapter 1022, Statutes of 2002), which added Section 11323.3 to the Welfare and Institutions Code. Section 11323.3 limited retroactive child care payments in the California Work Opportunity and Responsibility to Kids (CalWORKs) Stage One Child Care Program to 30 days. These provisions require that CalWORKs applicants and recipients be provided with a written notice that informs them of the availability of subsidized child care both at the time of application and when an original or amended welfare-to-work plan is signed. When this notice is provided, child care payment would be limited to services provided no more than 30 days prior to the applicant's/recipient's request for child care. The proposed regulations will ensure that CalWORKs applicants and recipients are informed of the availability of subsidized child care and the conditions under which they can claim reimbursement for child care services.

These regulations were adopted on an emergency basis effective July 1, 2003 and will be considered at the Department's public hearing held on August 20, 2003.

FILING INSTRUCTIONS

Revisions to all manuals are shown in graphic screen. The attached pages are to be entered in your copy of the Manual of Policies and Procedures. The latest prior manual letter containing EAS changes was EAS-03-06.

<u>Page(s)</u>	<u>Replace(s)</u>
58.2 and 59	Pages 58.2 and 59
98 through 101	Pages 98 through 101
108 and 109	Pages 108 and 109
118 and 119	Pages 118 and 119
228.1 and 229	Pages 228.1 and 229
236 and 237	Pages 236 and 237
239.1 and 239.2	Pages 239.1 and 239.2
625	Page 625
630 and 630.1	Pages 630 and 630.1
638 through 640	Pages 638 through 640
642	Page 642
647.1 and 648	Pages 647.1 and 648

Attachments

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40-107	COUNTY RESPONSIBILITY (Continued)	40-107
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- .16 Applicants shall be informed:
 - .161 that they may apply for food stamps at the same time as they apply for AFDC.
 - .162 that, if they apply for food stamps at the same time as they apply for AFDC, they have the right to file a joint application and shall have a single interview for both programs.
 - .163 in written form, and orally as appropriate, of the AFDC and Food Stamp programs, explaining the rules regarding eligibility and benefits available from both programs, and that the application interview for AFDC is sufficient for applying for food stamps.
 - .164 of the availability of paid child care and be given an informing notice (see Section 47-301.2).
- .17 Applicants/recipients shall receive written information at the time of application or at their first redetermination after implementation of GAIN regarding the GAIN Program as to the following:
 - .171 A description of the program;
 - .172 The availability of job training, employment, education and supportive services, including the types and locations of child care services and the assistance available to select and obtain such services, and Transitional Child Care (TCC) Program benefits;
 - .173 The individual's rights and responsibilities;
 - .174 The consequences of failure or refusal to participate in the GAIN Program;
 - .175 The grounds for exemption from participation in the GAIN Program; and
 - .176 The obligations of the county welfare department (CWD) in providing GAIN services.

40-107	COUNTY RESPONSIBILITY (Continued)	40-107
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- .18 Applicants/recipients shall be informed by the CWD orally, as needed, to clarify written information regarding the GAIN Program and/or the requirement for cooperation in establishing paternity and securing support rights.
- .19 The CWD shall provide written notification of the opportunity to express a desire to participate in the GAIN Program and provide a clear description of how to enter the GAIN Program to:
 - .191 Applicants, upon application, but not later than 30 days from the determination of eligibility for aid; and
 - .192 Recipients, at redetermination, but not later than 30 days after being informed in accordance with Section 40-107.16.

.2 Arrangement for Substitute Payee, Guardian or Conservator

When there is a need for a person to act as a substitute payee on behalf of a recipient or when there is need for protection in the form of a guardian or conservator for the recipient, the county is responsible for assisting in the development of a satisfactory plan.

In planning for selection and appointment of someone to act in behalf of a recipient as a substitute payee, guardian or conservator, every effort must be made to protect the interests of the recipient and to avoid any possible conflict of interest. The recipient has the right to select the substitute payee, guardian or conservator to the extent of his/her capability.

Aid may be paid on behalf of the recipient to such substitute payee, guardian or conservator subject to the requirements and limitations specified below and in Sections 44-303, 44-309, and 44-310.

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: Sections 10613, 11209, 11268, 11323.3, 11324.8(a) and (f)(1), AB 312, Chapter 1568, Statutes of 1990, 11454(b) and (e), 11495.1, 11500(b), 11502(b), and 11511(a), Welfare and Institutions Code; 42 USC Sections 608(a)(7), 682(c)(2), (3), (4) and (5); 45 CFR 205.42(d)(2)(v)(A) and (B) as printed in Federal Register, Vol. 57, No. 198, Tuesday, October 13, 1992, page 46808; 45 CFR 205.52(a)(1) and (2); 45 CFR 205.55; 45 CFR 250.20; 45 CFR 250.40(a), (b), (c)(1) and (2); 45 CFR 255.1; 45 CFR 256.1(b), and California Department of Health Services Manual Letter 77-1.

40-131	INTERVIEW REQUIREMENT (Continued)	40-131
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- i. The availability of assistance or service under some other program either public or private if the needed assistance or service cannot be met by the county department.
- j. The right to request a state hearing in relation to any action or inaction of the county, including a verbal explanation, in a manner and language which the applicant understands, of the nature of the state hearing process.
- k. The purpose, provision, and availability of early and periodic screening, diagnosis and treatment services for children under the Child Health Disability Prevention (CHDP) program.
- l. The responsibility of a parent to support his or her children and the right of the parent or caretaker relative living with the child for whom aid is requested to claim exemption from the cooperation requirements as provided in Section 82-512. The law requires as conditions of eligibility:
 - (1) the assignment of accrued spousal and child support rights for himself or herself and for all children required to be in the AU, and that the receipt of public assistance operates as an automatic assignment unless there is a written refusal to assign such rights; and
 - (2) cooperation in the identification and location of the absent parent, establishment of paternity, and establishment and enforcement of the support obligation unless exempted in accordance with the provisions of Section 82-512.
- m. The furnishing of the Social Security Number (SSN) is a condition of eligibility required by Section 402(a)(25) of the Social Security Act, and that the SSN will be utilized in the administration of the AFDC Program.
- n. The fact that information regarding his/her eligibility will be requested through the automated Income and Eligibility Verification System (IEVS) and will be used to aid in determining their eligibility for assistance.
- o. The applicant's responsibility to apply for and take all appropriate steps to obtain specific benefits for which he/she appears to be potentially eligible.
- p. The availability of a reduced income supplemental payment and the necessity that an assistance unit request the payment in order for it to be provided.

HANDBOOK BEGINS HERE

(See Section 44-400 regarding reduced income supplemental payments.)

HANDBOOK ENDS HERE

- q. The applicant's responsibility to cooperate in a quality control review.
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HANDBOOK BEGINS HERE

See Chapter 40-200, Quality Control Cooperation Requirements.

HANDBOOK ENDS HERE

- r. The availability of transitional child care benefits and transitional Medi-Cal benefits for recipients who are discontinued from AFDC due to certain employment-related circumstances.
 - (1) The county shall be permitted to discuss this information either at application or at time of approval.
 - s. The availability of program activities and supportive services of the GAIN Program for which applicants and recipients may be eligible. (See Sections 40-107.16 and .17.)
 - t. The actions which constitute an IPV and the penalties to be applied to an individual who committed an IPV.
 - u. At application and each annual redetermination, applicants/recipients shall receive an informing notice (see Section 47-301.2).
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HANDBOOK BEGINS HERE

- v. See Section 89-730 for the additional informing requirements for applicants subject to the California Work Pays Demonstration Project as specified in Division 89.
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HANDBOOK ENDS HERE

- w. The applicant's responsibility for identifying and providing information about third parties who may be liable for medical care and services.
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40-131 INTERVIEW REQUIREMENT (Continued) 40-131

- x. The applicant's responsibility, as specified in Section 40-105.4(c), to secure age-appropriate immunizations for all children in the AU under the age of six. Applicants shall also be informed of any county-specific immunization requirements. This informing shall include but is not limited to the criteria for what constitutes good cause.
- y. The requirement that all school-age children in the AU must regularly attend school as specified in Section 40-105.5(a). Applicants shall also be informed of any county-specific school attendance requirements. This informing shall include but is not limited to: what constitutes irregular school attendance, the criteria for what constitutes good cause, time frames for complying, and the penalties for not complying.
- z. See Section 42-715 for instructions in handling the discussion of domestic abuse in the application interview process.

NOTE: Authority cited: Sections 10553, 10554, 10604, and 18904, Welfare and Institutions Code. Reference: Sections 10613, 11209, 11253.5, 11265.8, 11280, 11323.3, 11324.8(a), AB 312, Chapter 1568, Statutes of 1990, 11495.1, 11500(b), and 11511(a), Welfare and Institutions Code; 7 U.S.C. 2020(i), 7 CFR 273.2(j), 42 U.S.C. 616(f), 682(c)(2), (3) and (4), 45 CFR 250.20, 45 CFR 250.40(a) and (b); 45 CFR 255.1; 45 CFR 256.1(b), and Section 301(a)(1)(A) and (B) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193); California's Temporary Assistance for Needy Families State Plan dated October 9, 1996 and effective November 26, 1996.

40-157 PRINCIPLES AND METHODS OF DETERMINING ELIGIBILITY 40-157

- .1 Principles of Gathering Evidence
 - .11 All information secured in the process of determining eligibility shall be evaluated in light of its internal consistency.
 - .12 Each piece of evidence shall be evaluated in light of the motives and adequacy of knowledge of the person completing the record or document or making the statement.
 - .13 Evidence shall be evaluated qualitatively rather than quantitatively.
 - .14 When evidence is conflicting, inconsistent or incomplete, the investigation shall be pursued to the point that the preponderance of evidence supports the determination regarding the applicant's eligibility.

40-157	PRINCIPLES AND METHODS OF DETERMINING ELIGIBILITY (Continued)	40-157
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.2 Methods of Gathering Evidence

.21 The gathering of evidence necessary to make an eligibility determination of an applicant is a joint responsibility of the applicant and the county.

.211 The county shall inform the applicant what evidence is desired, why it is needed and how it will be used.

.212 The applicant shall cooperate with the county in the evidence gathering process to the fullest extent possible.

.213 When it is not possible for the applicant to obtain necessary evidence, the county shall obtain it for him.

.22 When needed in the evidence gathering process, and as evidence of the applicant's consent thereto, a specific consent form, signed by the applicant and, if necessary, by the spouse (by both parents in AFDC when this is possible) shall be obtained for each such contact. The consent form should cover the purpose of the specific contact as well as the individual or agency to be consulted. Form 228, Applicant's Authorization for Release of Information, may be used for this purpose. A signed consent form is not required when public records are used or for the purposes of verifying information obtained through IEVS in accordance with Section 20-006.5.

.3 Participation by the Applicant

If the applicant is able to assist in resolving incomplete, unclear or inconsistent statements on the Form CA 2 or is able to assist in the evidence gathering process but refuses to do either or both, the application shall be denied.

40-159	SPECIAL PROVISIONS FOR DETERMINING ELIGIBILITY	40-159
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.1 Aid Received Previously in Another County

When aid was received previously in another county, the county to which the recipient has moved will be responsible for determining the recipient's continued eligibility for payment of aid.

HANDBOOK BEGINS HERE

For Medi-Cal eligibility, see Medi-Cal Eligibility Manual Section 50136.

HANDBOOK ENDS HERE

40-181 CONTINUING ACTIVITIES AND DETERMINATION OF ELIGIBILITY 40-181
(Continued)

.2 Aid Received Previously in Another Program

When aid was received previously under another public social services program, or as medically needy only, the determination of eligibility made under such other program is to be used, to the maximum extent possible, in determining eligibility under this program. (See Section 40-185 and Beginning Date of Aid sections.)

- (h) The county is responsible for continuing identification of service needs of the recipient, including medical assistance, and to provide prompt referral for these services.
- (i) Referrals for child abuse and neglect are mandatory and may be made without the knowledge or consent of the relative or other person with whom the child is residing.
 - (1) Income Maintenance staff shall refer to protective services whenever they suspect a child is being abused, neglected or exploited or that the home in which the child is living is unsuitable.
 - (2) Income Maintenance staff shall cooperate with protective services, the court, or other agency in planning or implementing action in the best interest of the child.
- (j) Index and file controls shall be established and maintained to ensure appropriate and timely action on items which could affect the recipients' eligibility or the amount of aid. This includes, but is not limited to, maintaining a "tickler file" informing eligibility workers when annual redeterminations are due.
- (k) Documents and/or evidence required of the applicant/recipient to support the initial and/or continuing determination of eligibility must be received by the county on or before the appropriate deadline established by the county and/or in conjunction with each Eligibility Chapter or these regulations. However, when the deadline falls on a Saturday, Sunday or holiday, the documents and/or evidence received on the first business day following the weekend or holiday shall have the same effect as if it had been received on the appointed day.
- (l) At each annual redetermination, recipients shall receive an informing notice (see Section 47-301.2).
- (m) The county shall inform recipients in writing as specified in Section 40-105.4(c) of the requirement to obtain age-appropriate immunizations for all children in the AU under the age of six. Recipients shall also be informed of any county-specific immunization requirements. This informing shall include but is not limited to the criteria for what constitutes good cause, as defined by the county.

40-181 CONTINUING ACTIVITIES AND DETERMINATION OF ELIGIBILITY 40-181
(Continued)

- (n) The county shall inform recipients in writing of the requirement that all school-age children in the AU must regularly attend school, as specified in Section 40-105.5(a). Recipients shall also be informed of any county-specific school attendance requirements. This informing shall include but is not limited to: what constitutes irregular school attendance, the criteria for what constitutes good cause, time frames for complying, and the penalties for not complying.
- (o) See Section 42-715 for general county responsibilities for addressing domestic abuse as part of continuing activities and eligibility determination.

.2 Periodic Determination of Eligibility

.21 A redetermination of all circumstances of the recipient subject to change shall be completed at least once every twelve (12) months. The applicant/recipient shall complete the appropriate Statement of Facts at the time of application and at least once every 12 months after determination of eligibility. At the time of the annual redetermination and completion of the appropriate Statement of Facts, each recipient shall be either given or mailed informational material required by SDSS.

.211 For AFDC-FG/U brochures describing benefits available under the Child Health and Disability Prevention (CHDP) program and how and where the benefits are provided within the county shall be given to the recipient during the redetermination interview specified in .311 below. Provisions of CHDP informational material shall be documented by notation upon the CA 2 form.

.212 Recipients of AFDC-FG/U shall be informed of the availability of reduced income supplemental payments and of the necessity that an assistance unit request the payment in order for it to be provided.

.213 The determination shall be considered completed as soon as the appropriate Statement of Facts has been reviewed and a decision made and recorded by the Eligibility Worker as to whether eligibility continues or ineligibility exists. The next due date for completion of the Statement of Facts shall be established in relationship to this decision. In no event shall the decision on the completed Statement of Facts be delayed solely for the purpose of avoiding a change in the periodic due date of determination of eligibility.

40-181	CONTINUING ACTIVITIES AND DETERMINATION OF ELIGIBILITY	40-181
	(Continued)	

- .214 If a recipient's circumstances change in such a way that it is necessary to review certain aspects of eligibility before the next Statement of Facts is due, the county shall decide whether a new Statement of Facts shall be completed. If the county decides it is necessary that the Statement of Facts be completed before the scheduled redetermination date, the next due date shall be adjusted accordingly.

- .51 A recipient who leaves the state, county, or country is responsible for informing the county paying aid immediately of his/her departure and of changes in his/her living plan, income, and needs. If absent from the state, he/she is also required to inform the county of his/her residence intent. If in the state but absent from the county paying aid, he/she is required to give information from which the county can determine if an intercounty transfer is in order (see Section 40-187). If the recipient leaves the state, the county shall immediately determine his/her residence intent and take appropriate action as provided in Chapter 42-400.

- .52 Except for children receiving Kin-GAP, when a periodic determination of eligibility is due during a recipient's temporary absence from the state or county, the Statement of Facts (CA 2) shall be sent to a welfare agency in the locality. Such agency shall be requested to interview the recipient, secure the signed CA 2 and return it with a report on the recipient's plan regarding his/her living arrangements, current needs and income, if he/she is out of state.

- .53 If it is not possible to secure the signed form and report through the agency within a reasonable time, direct request shall be made to the recipient to submit a completed form with a statement of his/her living arrangements, income and needs, and his/her intent as to residence out of state.

- .54 If a periodic determination of eligibility is due within the transfer period (see Section 40-185) the county currently paying aid requests the county to which the case is being transferred to make the periodic determination.

NOTE: Authority cited: Sections 10553, 10554, 10604, 11203, 11265.1, 11369, and 18904, Welfare and Institutions Code. Reference: 42 U.S.C. 616(b) and (f); 45 CFR 233.28 and 233.29(c); and 45 CFR 235.112(b); 7 CFR 273.16(b); Sections 10063, 10553, 10554, 10604, 11008, 11203, 11253.5, 11254, 11265.8, 11280, 11323.3, 11450.12, 11451.5, 11486, and 11495.1, Welfare and Institutions Code; and Section 301(a)(1)(A) and (B) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193); California's Temporary Assistance for Needy Families State Plan dated October 9, 1996 and effective November 26, 1996.

40-183	INTRAPROGRAM STATUS CHANGE	40-183
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Each assistance program has the following integral parts:

- (a) cash grants for maintenance with medical assistance, and
- (b) medical assistance for the medically needy.

.1 Intraprogram Status Change -- Defined

An intraprogram status change means change in status from one part of the same program to the other, i.e., from cash grant to medically needy and vice versa within the same program and changes between CalWORKs and AFDC-FC, or AFDC-FC and Kin-GAP, or CalWORKs and Kin-GAP. (See Sections 40-183.5 and 44-317.6.)

.2 Using Same Case Number and Record

It is recommended that the same case number and the same case record be utilized for aid and/or medical assistance certifications under either part of the program. The case is then designated by program as cash grant or medically needy, according to which ever is appropriate at the time.

.3 Circumstances in Which Status Change is Appropriate

An intraprogram status change is appropriate under the following circumstances:

- .31 The recipient becomes ineligible for a continuing cash grant but is eligible for certification for medical assistance as a medically needy person within the same program or
- .32 Circumstances of the person who has been certified as medically needy change so that upon application for AFDC or request for restoration as specified in Section 40-121 he/she is eligible for cash assistance for his/her maintenance needs within the same program.

.4 Change From a Cash Grant Recipient to Medically Needy

When the recipient becomes ineligible to a continuing cash grant but remains eligible for medical assistance as a medically needy person, the cash grant shall be discontinued. The discontinuance notice shall indicate that only the cash grant is terminated and that the recipient continues eligible as medically needy. Any necessary change in his certification for medical assistance to reflect his change in status from recipient to a medically needy person, shall be made.

42-711 WELFARE-TO-WORK PARTICIPATION REQUIREMENTS **42-711**
(Continued)

- (b) A general description of the welfare-to-work program, including available activity components and supportive services, including child care that is available under Section 42-750.111.
 - (1) Information regarding child care shall include the following:
 - (A) For an individual to receive child care, he or she must request, and be determined eligible for, the services:
 - (B) Payments for child care services cannot be made for care provided more than 30 calendar days prior to the applicant's or recipient's request for child care, pursuant to Section 47-430.2; and
 - (C) The individual is responsible for any child care services received prior to the 30-calendar-day period in Section 42-711.522(b)(1)(B).
- (c) A general description of the rights, duties, and responsibilities of the participants, including the following:
 - (1) A list of the exemptions from the required participation, pursuant to Section 42-712;
 - (2) The consequences of a failure or refusal to take part in the program activity(ies), pursuant to Section 42-721, and the criteria for successful completion of the program;
 - (3) A description of good cause criteria for noncooperation, pursuant to Sections 42-713 and 42-721.3;
 - (4) The right to request a state hearing or file a formal grievance, pursuant to Section 42-721.5;
 - (5) The right to a third-party assessment, pursuant to Section 42-711.556.

42-711	WELFARE-TO-WORK PARTICIPATION REQUIREMENTS (Continued)	42-711
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- (d) A statement that the participant has the following grace periods:
 - (1) Three (3) working days after the completion of the welfare-to-work plan or subsequent amendments to the plan to evaluate, and request changes to, the terms of the plan, pursuant to Section 42-711.636.
 - (2) Thirty (30) days from the beginning of the initial training or education assignment activity to request a change or reassignment to another activity, pursuant to Section 42-711.637.
 - (e) School attendance requirements for children in the assistance unit.
- .523 During the appraisal, the individual shall provide information about their employment history and skills, the need for supportive services, and any other relevant information the CWD requires in order to assign welfare-to-work activities appropriately.
- .524 If the CWD denies an individual's request to continue in a SIP, pursuant to Sections 42-711.541 and/or .542, the CWD shall notify the participant in writing that the SIP was denied, the reason(s) for the denial, and the right to appeal the denial.
- .53 Job Search
- .531 Recipients are required to participate in job search activities. At the option of the CWD, applicants may voluntarily participate. Exceptions to the requirement that all recipients must participate in job search activities are as follows:
- (a) Participation in job search has been determined not to be beneficial pursuant to Section 42-711.533.
 - (b) Participation in job search shall not be required if the job search schedule will interfere with unsubsidized employment or participation in an approved SIP as specified in Section 42-711.54.
 - (c) The individual is required to participate in, is participating in, or is exempt from Cal-Learn or is 19 years old and has not yet earned a high school diploma or equivalent certificate.
 - (1) Upon earning a high school diploma or its equivalent, the above individuals shall not be required, but may be permitted, to participate in job search activities as their first program assignments following an appraisal.

42-711	WELFARE-TO-WORK PARTICIPATION REQUIREMENTS	42-711
	(Continued)	

.58 Evaluation

A participant with a suspected learning or medical problem, as determined by information received during appraisal or assessment or by lack of satisfactory progress in an assigned activity component, shall be referred to an evaluation. This evaluation shall be performed by a professional whose training qualifies them to determine whether the participant is unable to successfully complete or benefit from a current or proposed activity assignment. As part of the evaluation, the CWD may require the participant to undergo the appropriate examinations to obtain information regarding the participant's learning and physical abilities.

.581 Based upon the results of the evaluation, the CWD may refer the participant, as appropriate, to any of the following:

- (a) Any of the welfare-to-work activities described in Section 42-716.111 including referrals to the participant's previous activities.
- (b) Existing special programs that meet specific needs of the participant.
- (c) Job search services if the CWD determines the participant has the skills needed to find a job in the local labor market.
- (d) Assessment or reappraisal in accordance with Sections 42-711.55 and .7, respectively.
- (e) Rehabilitation assessment and subsequent training.

.582 The participant shall be involved in the decisions made during the evaluation and will have the same right to appeal through the state hearing process, specified in Section 42-721.5, as other program participants.

.6 Welfare-to-Work Plan

.61 After assessment, or a determination by the county that CalWORKs services are necessary for family reunification, any recipient of aid or reunification parent pursuant to Section 82-812.68 who is required or who volunteers to participate in welfare-to-work activities shall enter into a written welfare-to-work plan with the CWD as soon as administratively feasible, except the county may elect to utilize a court-approved reunification plan in lieu of the welfare-to-work plan when all of an individual's welfare-to-work activities and services are provided as a component of a court-approved reunification plan under the temporary absence/family reunification provisions of Section 82-812.68.

42-711	WELFARE-TO-WORK PARTICIPATION REQUIREMENTS	42-711
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(Continued)

- .611 The plan shall include the activities and services that will move the participant into employment and toward self-sufficiency.
- .612 A copy of the complete, signed plan shall be provided to the participant.
- .62 A participant shall take part in one or more welfare-to-work activities, as defined in Section 42-716, for the required minimum hours provided in the welfare-to-work plan until he or she has reached the 18- or 24-month time limit.
- .63 The plan shall be written in clear and understandable language and have a simple, easy-to-read format.
 - .631 The plan shall contain at least, but is not limited to, the information provided to the individual pursuant to Sections 42-711.522(b), (c)(1) and (2), and (d)(2).
- .64 A participant shall be provided written notice of the availability of paid child care, pursuant to Section 47-301.2, when he or she signs an original or amended welfare-to-work plan.
 - .632 The plan shall specify, and shall be amended to reflect changes in, the participant's welfare-to-work activities, a description of needed supportive services to be provided, and specific requirements for successful completion of assigned activities including required hours of participation.
 - (a) The plan shall also address school attendance of all children in the assistance unit for whom school attendance is compulsory, as specified in Section 40-105.5, and identify any participation required of the parent by the school to ensure the child's attendance. Such hours by the parent shall count toward the required hours of participation as defined in Section 42-711.4.
 - .633 Participation in activities assigned under the welfare-to-work plan may be sequential or concurrent. The CWD may require concurrent participation in the assigned activities if it is appropriate to the participant's abilities, consistent with the participant's welfare-to-work plan, and the activities can be concurrently scheduled.
 - .634 If the CWD determines it to be appropriate and necessary for the removal of the participant's barriers to employment, an individual who lacks basic literacy or mathematics skills, a high school diploma or general educational development certificate, or English language skills, shall be assigned to participate in adult basic education as specified in Section 42-716.111(k).
 - .635 The participant shall maintain satisfactory progress in the activities to which the participant is assigned, and the CWD shall provide the necessary supportive services as set forth in the plan.

42-711 WELFARE-TO-WORK PARTICIPATION REQUIREMENTS **42-711**
(Continued)

- .913 The CWD has certified that no job is currently available for the participant, in accordance with Section 42-710.5.
- .92 For participants who have reached the 18- or 24-month time limits, the CWD shall provide community service activities and provide supportive services as described in Section 42-716.4. The changes to the activities and supportive services shall be reflected in an amended welfare-to-work plan.
- .921 A participant may take part in community service activities until he or she has received aid for a total of 60 months.
- .93 Participants whose assistance units include food stamp recipients shall participate in unpaid community service activities for the number of hours each month that is the lesser of the two following equations:
- .931 The number of hours required by Section 42-711.4, less the number of hours spent in unsubsidized employment, grant-based OJT community service, WtW Grant program paid community service, and/or WtW Grant program paid work experience; or,
- .932 The number of hours, determined collectively for the assistance unit, equal to the CalWORKs assistance unit's grant plus the assistance unit's portion of the food stamp allotment divided by the higher of the state or federal minimum wage. If all or a portion of the CalWORKs assistance unit's grant has been diverted to an employer pursuant to Section 42-701.2(g)(2) and Section 42-716.111(f), only that portion, if any, received as a grant and the assistance unit's portion of the food stamp allotment shall be used in this calculation.
- .94 Participants whose assistance units do not include food stamp recipients shall participate in unpaid community service activities for the number of hours each month that is the lesser of the two following equations:
- .941 The number of hours required by Section 42-711.4, less the number of hours spent in unsubsidized employment, grant-based OJT community service, WtW Grant program paid community service, and/or WtW Grant program paid work experience; or,
- .942 The number of hours, determined collectively for the assistance unit, equal to the grant received by the CalWORKs assistance unit divided by the higher of the state or federal minimum wage. If all or a portion of the CalWORKs assistance unit's grant has been diverted to an employer pursuant to Section 42-701.2(g)(2) and Section 42-716.111(f), only that portion, if any, received as a grant shall be used in this calculation.

42-711	WELFARE-TO-WORK PARTICIPATION REQUIREMENTS	42-711
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(Continued)

- .95 The monthly amount in Sections 42-711.93 and .94 shall be considered to have been met by participation in an average weekly number of hours determined by dividing the monthly amount by 4.33 (average number of weeks per month).

- .96 Participants whose hours of participation in unpaid community service activities are determined pursuant to Section 42-711.932 or .942 and do not meet the participation requirement specified in Section 42-711.4 shall participate in other welfare-to-work activities for the additional number of hours necessary to satisfy the participation requirement.

- .97 Any individual required to participate in a community service activity who fails to comply with program requirements without good cause shall be sanctioned in accordance with Section 42-721.4.

- .98 See Section 42-710.31 for circumstances under which the CWD may require the individual to participate in welfare-to-work activities other than community service.

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: Sections 11203, 11253.5(b), 11320.1, 11320.15, 11320.3, 11322.6, 11322.8, 11322.9, 11323.3, 11324.8(a) and (b), 11325.2, 11325.21, 11325.22, 11325.23(a), (b), (c), (e), and (f), 11325.25, 11325.4, 11325.5, 11325.6, 11325.7, 11325.8, 11326, 11327.4 and .5, 11454(a), 15204.2 and .8, and 16501.1(d) and (f), Welfare and Institutions Code; 42 U.S.C. 607(c)(1)(A), (c)(1)(B)(ii), and (c)(2)(A)(i); 7 U.S.C. 2029(a)(1); 7 U.S.C. 2035; U.S. Department of Labor guidance on FLSA, with attached U.S.D.A., Food and Nutrition Service (FNS) guidance on an SFSP, dated May 22, 1997; and Simplified Food Stamp Program approval letters from FNS to implement the provisions of an SFSP, dated May 5, 2000 and August 3, 2000.

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| | (2) Resource and Referral Program | "Resource and Referral Program (R & R)" means a program that provides information and referrals for child care, information and referrals for community services, and coordination of community resources. |
| | (s) (Reserved) | |
| | (t) (Reserved) | |
| | (u) (1) Underpayment | "Underpayment" means payments for child care services that are less than the amount which either the client or the child care provider is eligible to receive. |

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: 42 U.S.C. 9858 et seq.; 42 U.S.C. 9801 Note (b)(4); 42 U.S.C. 9858c(c)(2)(H); 42 U.S.C. 9858c(c)(2)(A) and (c)(5); 42 U.S.C 9858e; 42 U.S.C. 9858n; 45 CFR 98.15(a)(3); 45 CFR 98.20(b)(3); 45 CFR 98.30; 45 CFR 98.42; Sections 8208, 8208.1, 8263, 8264, 8354 and 8357, Education Code; Section 1596.792, Health and Safety Code; Sections 11320.3, 11323.2, 11323.4, and 11324, Welfare and Institutions Code; Budget Act: AB 107, Chapter 282, Statutes of 1997, Item 6110-196-0001, Provision 9, and Item 6870-101-001, Provision 16(c).

47-120	CHILD CARE REQUEST PROCESS	47-120
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| | .1 Child Care Request Method | The client may request Stage One child care either verbally or in writing. |
| | .11 Verbal Request | When a client makes a verbal request for child care, the county shall document the request on the informing notice (as specified in Section 47-301.2) on the same day the request is made, keep a copy in the case file, provide a copy to the child care worker, and provide or mail a copy to the client. |
| | .111 Date of Request | The date of the request is the date the county receives the client's verbal request. |
| | .12 Written Request | A written request may include, but is not limited to, the county's child care request form, a notation on the informing notice, SAWS 7, or CW 7, or a letter from a client. |
| | .121 Client Responsibility | The client shall deliver or mail the written request to the county. |

47-120 CHILD CARE REQUEST PROCESS (Continued) 47-120

.122	County Responsibility	Upon the receipt of a written request, the county shall date stamp the request, retain a copy in the case file, provide a copy to the child care worker, and provide or mail a copy to the client.
.123	Date of Request	The date of request shall be determined as follows:
(a)		If the client hand delivers the written request, the date of the request shall be the date the request is received in the county welfare office.
(b)		If the client mails the request, the date of the request shall be the date postmarked on the envelope. The county shall retain a copy of the envelope in the case file. If the request date cannot be determined by the postmark, the date of the request shall be three days prior to the date the request was received by the county.
.2	Approval Process	
.21	Processing Time Frame	The county shall process the child care request and determine the eligibility of the client and child care provider within five working days if the following information is received by the county:
.211	Client Information	Client information as specified in Section 47-320.2; and
.212	Provider Information	Provider information as specified in Section 47-260.
.22	County Responsibility	The county shall assist the client as needed in obtaining the necessary information to determine eligibility.
.23	Denial of Request	If the county has not received the required information from the client and/or the child care provider within 30 calendar days, the county may deny the child care request.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 11323.3, Welfare and Institutions Code.

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CHAPTER 47-300 RESPONSIBILITIES OF THE COUNTY

47-301 ADMINISTRATION OF CHILD CARE SERVICES 47-301

- .1 County Welfare Department Responsibility Counties shall inform families of the availability of child care subsidies and ensure that families have access to child care subsidies whenever the need for child care occurs resulting from employment or participation in any county-approved activities.
- .2 Informing Notice Requirement The county shall provide the applicant/recipient with an informing notice that informs the individual of the availability of Stage One child care.
- .21 Informing Notice Content The informing notice for Stage One child care shall contain the following information:
- (a) A statement that the applicant/recipient is eligible for CalWORKs Stage One child care while he or she works or participates in welfare-to-work activities:
- (b) A statement that child care payments in CalWORKs Stage One shall not be made for services provided more than 30 calendar days prior to the applicant's/recipient's request for child care and that the applicant/recipient is responsible for any child care services received prior to this period;
- (c) A statement that in order to receive paid child care, the applicant/recipient 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 and/or child care provider do not provide the required information within 30 calendar days, the child care request may be denied;

47-301 ADMINISTRATION OF CHILD CARE SERVICES (Continued) 47-301

- (d) A statement that the child care provider has to meet certain requirements and that the applicant/recipient is responsible for any child care services received if the child care provider is determined ineligible;
- (e) A statement that the applicant/recipient 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) A statement that the applicant/recipient 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 to indicate whether or not they need child care;
- (g) A statement that the applicant/recipient 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) A statement that the applicant/recipient 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) A statement that the applicant/recipient 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) A statement that applicant/recipient has read and understands the informing notice.

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| .22 | The informing notice shall be provided each time the applicant/recipient: |
| .221 | Applies for CalWORKs cash assistance and at annual redetermination; |
| .222 | Signs an original welfare-to-work plan; and |
| .223 | Signs an amended welfare-to-work plan. |
| .23 | The county shall have copies of the informing notice available to applicants/recipients at public counters in each county welfare office. |
| .24 | To ensure that the applicant/recipient is reminded of the availability of Stage One child care, the county may provide the informing notice to the applicant/recipient at any point in time, including the following: |
| .241 | Along with the mailing of the SAWS 7/CW 7 form; |
| .242 | When the county issues a warrant; |
| .243 | When a Notice of Action is sent out to the applicant/recipient, especially one related to an increase in income; or |
| .244 | Each time the applicant/recipient has contact with the county welfare office or worker on any other matter. |

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| .25 | Applicant/Recipient Responsibility | The applicant/recipient shall sign and return the informing notice to the county when the informing notice is provided as required by Section 47-301.22. |
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47-301 **ADMINISTRATION OF CHILD CARE SERVICES** (Continued) **47-301**

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| .26 | County Responsibility | When the applicant/recipient 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. |
| .261 | Refusal to Sign/Return | If the applicant/recipient refuses either verbally or in writing to sign and /or return the informing notice, the county shall document the refusal in the case file. 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 does not in itself constitute a refusal to sign the notice. | |
| .27 | Former CalWORKs Clients | Former CalWORKs clients who receive child care services in Stage One shall receive and sign the informing notice upon re-entry into Stage One child care and at least annually thereafter. |
| .3 | Referral for Child Care Services | The county shall refer clients needing child care services to the local child care resource and referral program. |

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| .31 | Local Resource and Referral Responsibility | The local resource and referral program assists families in establishing stable child care arrangements as soon as possible. These include licensed and license-exempt care. |
| .32 | Colocation of Local Resource and Referral Staff | Local Resource and Referral staff are required to colocate with the county's case management offices or arrange other means of swift communication with parents and case managers. |

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47-301 ADMINISTRATION OF CHILD CARE SERVICES (Continued) 47-301

| .4 Information Sharing

The county shall provide information about the client to the agency administering Stage Two or Three child care to establish eligibility for child care services and to allow the agency to provide child care to the family. This information may be shared with other entities not administering the program when the client has consented in writing that the information may be released.

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| .41 Confidentiality

AB 1542, Chapter 270, Statutes of 1997, did not change the confidentiality provisions in Welfare and Institutions Code Section 10850. All client information is kept confidential and is not open to examination except for purposes directly connected with the administration of public social services, or as otherwise authorized. Alternative Payment Programs (APP), Resource and Referral Programs and child care providers are an integral part of Stage One child care service delivery. Client confidentiality would not be violated as long as the communication with any of these entities is directly related to providing Stage One child care services, or transition to Stage Two or Stage Three. In exchanging client information for purposes of administering the seamless child care program, each of these agencies are bound by the same confidentiality requirements.

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| .5 Transitioning Clients

The counties shall manage a client's transition from Stage One to Stage Two or Stage Three when the county determines that the family's situation is stable. The client's child care shall continue in Stage One until child care is provided in Stages Two or Three, unless the family is otherwise ineligible.

47-301 ADMINISTRATION OF CHILD CARE SERVICES **47-301**
(Continued)

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| | .51 Stage One Time Limit | A client shall be served in Stage One for a maximum of six months unless the family's situation is not stable, or child care is not available in Stage Two or Three. |
| | .52 Extension of Six-Month Time Limit | The county shall extend the six- month time limit if the county has not determined stability or if child care is not available in Stage Two or Stage Three. |

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| | .6 Placement on Eligibility Lists for Subsidized Child Care | Stage One clients should be referred for placement on eligibility lists for CDE subsidized child care as soon as possible. |
| | .7 Referral Priority for Stages Two and Three | Former CalWORKs clients should be referred for transition to Stage Two and Stage Three eligibility lists before the county refers other Stage Two or Three eligible clients. |

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| | .8 Contracts to Provide Stage One Child Care | The county shall have the option to contract with public or private child care agencies to provide any or all of the Stage One services. |
| | .81 Compliance with Regulations | Public or private child care agencies, including those that contract with the county to provide Stage One child care services shall comply with Division 47. |

NOTE: 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.

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47-430 RETROACTIVE PAYMENTS **47-430**

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.1 Intent It is the intent of the Legislature that all CalWORKs applicants and recipients 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 Payments for child care services shall not be made for services provided more than 30 calendar days prior to the applicant's/recipient's request for child care if the applicant/recipient case file contains a copy of the informing notice signed by the applicant/recipient within the last year or a notation that the applicant/recipient refused to sign and/or return the informing notice within the last year.

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

.22 Payment Limit Exemption The limit on retroactive payment shall not apply to retroactive payment claims submitted by the applicant/recipient prior to the date he or she first signed or refused to sign and/or return an informing notice.

.3 Former CalWORKs Clients Section 47-430 shall apply to former CalWORKs clients who receive child care services in Stage One.

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.
Reference: Section 11323.3, Welfare and Institutions Code.

47-440 **OVERPAYMENTS AND UNDERPAYMENTS** **47-440**

- .1 Overpayments and Underpayments The county shall take steps to promptly correct any overpayment or underpayment for child care services.

- .11 Collection of Overpayments The county shall collect overpayments if it determines that it is administratively cost effective.

- .12 Offset of Overpayments The county shall not offset the child care overpayment against the CalWORKs grant unless the recipient agrees or volunteers to submit to such an offset.

- .13 Services Provided During Periods of Ineligibility If payments are made to a child care provider for child care during a period when the client was not eligible for child care because the client was not participating in county-required activities, the client is responsible for the erroneous payment.

- .14 Overpayments to Providers In those cases in which the child care provider is paid for child care services that were not provided, the child care provider is responsible for the overpayment.

- .15 Deferring Overpayment Collection The county shall have the option to defer the collection and recovery of an overpayment if the collection and recovery would result in the disruption of child care arrangements, preclude participation in county-approved activities, or prevent employment.

- .16 Tracking and Collection of Overpayments The county shall identify and track any overpayments involving clients or child care providers.

- .17 Overpayments Resulting From Fraud Overpayments resulting from suspected fraud on the part of the client or the child care provider shall be referred for investigation, subject to the county's criteria for fraud referrals.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 11320.3, 11323.2, 11323.4 and 11324, Welfare and Institutions Code.