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Regulation Package # 0209-02

CDSS MANUAL LETTER NO. EAS 10-02

TO: HOLDERS OF THE ELIGIBILITY AND ASSISTANCE STANDARDS MANUAL

**Regulation Package # 0209-02**

**Effective 6/16/10**

**Section 44-211**

This manual letter has been posted on the Office of Regulations Development website at <http://www.cdss.ca.gov/ord/PG2306.htm>.

Assembly Bill (AB) 1808, Sections 31.1 and 31.2 (Chapter 75, Statutes of 2006) amended the CalWORKs Homeless Assistance (HA) Program. Under the new provisions, the total maximum daily rate for the temporary HA is increased from \$40 per day to \$65 per day for families of four or fewer and \$15 per day for each additional family member, up to a maximum of \$125 daily. Homelessness criteria are expanded to include families who receive a notice to pay rent or quit. The rent threshold for permanent HA is changed from 80 percent of the maximum aid payment level to 80 percent of the total monthly household income (TMHI). Permanent HA is available to pay up to two months of rent arrearages to prevent eviction. Each month of the rent arrearage payment shall not exceed 80 percent of the TMHI.

AB 1808 also results in two types of permanent HA payments; one that helps homeless families secure a permanent residence, and a new type of permanent HA payment that would prevent eviction. Receipt of either of these two permanent HA payments would constitute an AU's once-in-a-lifetime payment.

These regulations were considered at the Department's public hearing held on September 19, 2009.

## FILING INSTRUCTIONS

**Revisions to all manuals are indicated by a vertical line in the left margin.** The attached pages are to be entered in your copy of the Manual of Policies and Procedures. The latest prior manual letter containing Eligibility and Assistance Standards Manual changes was EAS-10-01.

### Page(s)

437 through 440  
447 and 448  
448.1 through 448.3  
449 through 452  
456 and 457

### Replace(s)

Pages 437 through 440  
Pages 447 and 448  
Insert after Page 448  
Pages 449 through 452  
Pages 456 and 457

Attachment

RG

<b>44-211</b>	<b>SPECIAL NEEDS IN CALWORKS (Continued)</b>	<b>44-211</b>
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.413 The total amount allowed for the payment for household emergencies shall not exceed \$600 for each incident resulting from the circumstances described in MPP 44-211.41 and .411.

(a) The amount of the payment for each item to be repaired or replaced, or to assist with damage to the home, shall be the actual cost, including sales tax, up to a total maximum not to exceed the amount allowed in MPP 44-211.413.

(b) Payment shall not be made to repair or replace clothing, household items or damage to the home occupied by the AU, unless the clothing, household items or home belonged to a member of the AU.

.42 Clothing and Household Equipment

.421 Within the limit specified in MPP 44-211.413, a payment made to replace clothing may not exceed \$25 for each member of the AU.

.422 Items of household equipment which may be repaired or replaced include, but are not limited to the following:

(a) Bedding, dishes, kitchen utensils - \$12 for each person in the AU

(b) Cook stove - \$142

(c) Refrigerator - \$190

(d) Space heater - \$73

(e) Double bed including mattress - \$143

(f) Other essential furniture - \$50

.43 Damage to the AU's Home

.431 Within the limit specified in MPP 44-211.413, a payment may be made for the costs of essential repair or replacement resulting from damage to the AU's home.

.432 The payment shall be allowed for the following costs:

(a) Moving and/or storage costs necessitated by the damage to the home.

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- (b) Labor and material costs for repair of the home in which the AU lives and which a member of the AU owns.

.44 Interim Shelter

.441 An AU may receive a nonrecurring special need payment for the costs of interim shelter when its home has been destroyed, made uninhabitable or inaccessible.

.442 An AU is not eligible to receive a nonrecurring special need payment for the costs of interim shelter if it is eligible to receive the nonrecurring special need payment for homeless assistance described in MPP 44-211.5.

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- (a) If an AU has received the nonrecurring special need for homeless assistance, and the AU's home is subsequently destroyed, made uninhabitable or inaccessible, the AU may qualify for interim shelter assistance in accordance with MPP 44-211.441.

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.5 Homeless Assistance

.51 General

A homeless AU seeking permanent housing is eligible to receive homeless assistance. Homeless assistance is available to meet the reasonable costs of securing permanent housing, preventing eviction and meeting the costs of temporary shelter while the AU is seeking permanent housing. Any AU applying for homeless assistance shall be informed that these benefits are limited to once-in-a-lifetime, with exceptions (see Sections 44-211.514 and .54). Further, the AU shall be informed that the temporary shelter payment of up to 16 consecutive days is only available during this period and that once this period ends, these benefits are exhausted, even if the AU has not received all 16 days of temporary shelter payments.

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See MPP 44-211.52 for specifics regarding the payment for temporary shelter assistance; see MPP 44-211.53 for specifics regarding the payment for permanent housing assistance.

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.511 An AU is considered homeless when:

- (a) It lacks a fixed and regular nighttime residence: or
- (b) It has a primary nighttime residence that is a supervised publicly or privately operated shelter designed to provide temporary living accommodations; or
- (c) It is residing in a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; or
- (d) It has a need for housing in a commercial establishment, shelter, publicly-funded transitional housing, or from a person in the business of renting properties who has a history of renting properties; or
- (e) It receives a pay rent or quit notice.

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- (1) Example: An otherwise eligible AU, who temporarily resides with another family, requests homeless assistance payments to obtain separate housing. The county determines that the AU is eligible to receive homeless assistance payments because: (1) they have a need for commercial shelter, and (2) they lack a fixed and regular nighttime residence. This is in accordance with the preliminary injunction ordered in Merriman v. McMahan, which remains in full force and effect.

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.512 Although an AU may be considered homeless, in accordance with the definition in MPP 44-211.511, a homeless assistance payment shall not be issued to an AU if the CWD establishes that the AU has shelter at no cost.

.513 An AU is eligible for a once-in-a-lifetime nonrecurring special need payment for homeless assistance unless the exception criteria in Section 44-211.54 or .514 is met. Homeless assistance shall only be granted for a continuous period of homelessness caused by the same specific circumstance and is limited to a maximum of one period of up to 16 consecutive calendar days of temporary assistance and one payment of permanent housing assistance, with exceptions. A homeless assistance payment may be granted for either, or both, temporary shelter or permanent housing. An AU may be granted a 16-consecutive-day period of temporary shelter assistance, if eligibility requirements are met (see Section 44-211.52), after a permanent housing payment has been received. A permanent housing payment may be granted whether or not a payment for temporary shelter has been issued. The initial issuance of temporary shelter and/or permanent housing payments is considered the once-in-a-lifetime homeless assistance benefit regardless of the reason for the homelessness.

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- (a) The AU must complete a separate Statement of Facts for Homeless Assistance (CA 42) to apply for a temporary shelter payment and/or permanent housing assistance. The Statement of Facts for Homeless Assistance is designed to gather information specific to the elements of eligibility for the nonrecurring special need for homeless assistance.
  - (b) The period of homelessness begins:
    - (1) For emergency transfer of deposits in Section 44-211.535, on the date when the first homeless assistance payment is issued for either the once-in-a-lifetime benefit or for homeless assistance under an exception.
    - (2) For those once-in-a-lifetime exceptions limited to once in 12 months, on the date when the first homeless assistance payment is issued under one of these exceptions.
  - (c) The period of homelessness ends when the AU receives the payment for permanent housing, except as specified in Section 44-211.52.
- .514 An otherwise eligible AU that has received a homeless assistance payment at any time on behalf of an eligible child shall not be eligible for further homeless assistance payments, except under the following conditions:
- (a) There is a new caretaker relative who was not living with the AU at the time the original homeless assistance payment was issued, and
  - (b) The new caretaker has not previously received homeless assistance on behalf of or as part of another AU, and
  - (c) The former caretaker relative is no longer living in the home with the AU.

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- (d) For additional exceptions, see Section 44-211.54.

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- .515 In intercounty transfer cases, the CWD where the AU resides shall be responsible for the homeless assistance eligibility determination and issuance of the homeless assistance payment from the date of the request. This is the county in which the AU is physically located and intends to reside.

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- (1) Effective July 12, 2006, the amount is \$65.

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- (b) The fifth and each additional member of an AU shall each receive an amount equal to one-fourth of the amount specified in MPP 44-211.525(a).

- (1) The total amount available to an AU with five or more members shall not exceed a maximum of two times the amount specified in MPP 44-211.525(a).

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- (2) Effective July 12, 2006, the amount for the fifth and each additional member of an AU shall be \$15.00, for a maximum of \$125 a day.

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.526 In order for the homeless assistance program to be available to meet shelter costs, the AU shall use a provider of housing who is a commercial establishment, shelter, publicly funded transitional housing, or person in the business of renting properties who has a history of renting properties.

- (a) When the AU fails to pay a provider in accordance with this requirement, the county shall follow the restricted payment provisions of Section 44-211.517.

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(1) Example:

The AU receives three days of temporary shelter assistance in the amount of \$195. On the fourth day, the AU returns to the CWD for an extension of benefits. The AU provides a receipt that shows payment was made on two nights at XYZ Motel in the amount of \$75. The AU provides a receipt that shows on the third night the AU stayed with a friend who is not in the business of providing shelter and paid the friend \$15. The county determines that the third night the AU failed to pay a provider in accordance with this requirement. The county establishes that mismanagement of funds exists and the subsequent payment is made as a restricted payment.

(2) Example:

The AU receives three nights of temporary shelter in the amount of \$195. The AU returns on the fourth day to request an extension of benefits. The AU provides a receipt that shows the AU stayed in a shelter three nights at a cost of \$15. The AU has met the requirement of staying in a commercial establishment.

(3) Example:

The AU receives \$195 for three nights of shelter. The AU returns on the fourth night for an extension of benefits. The AU provides verification that shows \$205 was spent on two nights of shelter at the XYZ Motel. The third night the AU stayed with a friend at no cost. The AU has met the requirement of staying in a commercial establishment.

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.53 Permanent Housing

The once-in-a-lifetime permanent housing payment, with exceptions (see Section 44-211.541), is available to assist homeless recipient AUs in obtaining or retaining permanent housing.

.531 Permanent housing payments are available to:

- (a) Help homeless families secure a permanent residence; or

## 44-211 SPECIAL NEEDS IN CALWORKS (Continued)

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- (b) Pay up to two months of rent arrearages to prevent eviction. Each month of the rent arrearage payment shall not exceed 80 percent of the Total Monthly Household Income (TMHI), as defined in Section 44-211.534(b) and without special needs.
- .532 A nonrecurring special need payment for permanent housing assistance to secure a permanent residence shall be made only to AUs presenting evidence that the AU has found permanent housing which does not rent for more than 80 percent of the AU's TMHI, without special needs, for an AU of that size.
- (a) If the CWD determines that an AU intends to share housing costs, and the AU's share of the total housing costs does not exceed 80 percent of its TMHI, Section 44-211.532 above shall not apply.
- (b) Shared housing includes, but is not limited to, the following:
- (1) Two or more AUs residing together;
  - (2) SSI/SSP recipient(s) residing with AFDC recipient(s);
  - (3) An AU residing with unaided person(s) providing that the AU's share does not exceed 80 percent of the TMHI.
- .533 A nonrecurring special need payment for Permanent Housing Assistance to prevent eviction shall be made to AU's when payment of arrearages will prevent the AU from being evicted.
- (a) In order to be eligible for Permanent HA arrearage payments, the AU must also meet all of the following conditions:
- (1) The AU must provide proof of a proposed or pending eviction such as "notice to pay rent or quit" or court eviction papers;
  - (2) The AU must provide proof to the CWD that the eviction is a result of financial hardship and not for other lease or rental violations;
  - (3) The financial hardship must have been caused by extraordinary circumstances beyond the AU's control;

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- (4) The financial hardship resulting in the AU's eviction must also render the AU homeless in accordance with MPP Section 44-211.511.
- (b) It is the county's responsibility to determine what constitutes a "financial hardship resulting from extraordinary circumstances beyond the AU's control" and this determination must be made after a careful assessment of the unique facts presented in each case.

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- (1) Examples of expenses that might cause the AU to experience financial hardship include, but are not limited to:
- High hospital bills or medical expenses not covered by Medi-Cal.
  - Car repairs.
  - Funeral expenses.
  - Cost required traveling to visit an ill or dying relative or to attend a funeral.
  - High utility bills resulting from unforeseen circumstances, such as weather extremes or repair problems.
  - Loss of wages due to illness of self or family members or temporary unemployment.
- (2) Examples of reasons that might cause financial hardship for an AU that would not be considered a result of extraordinary circumstances beyond the AU's control include, but are not limited to:
- Loss of income due to purchase of non-essential household goods, gambling debts, parties, or vacations.
  - Failure to budget appropriately such as overspending on items not related to family need or mismanagement of household funds.
  - Normal occurring credit card expenses, not related to unusual or unanticipated expense.

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- (c) The county shall pay up to two months of an AU's rent arrearage, provided each month's arrearage amount does not exceed 80 percent of the AU's TMHI without special needs.
- (d) If the CWD determines that the AU that is being evicted has been sharing housing costs as described in 44-211.532(b), the county shall pay only the eligible AU's share of the rent arrearages.
- (e) The CWD must ensure that payment of the Permanent HA arrearages in a shared housing situation will prevent eviction. If making these arrearage payments would not prevent eviction the CWD shall not approve permanent HA arrearage payments.

## .534 Definitions

- (a) "Income" means income to be counted towards the TMHI which includes gross earned and unearned income, including the CalWORKs computed grant, CalWORKs Special Need payments, or Supplemental Security Income (SSI) and State Supplementary Payment (SSP). An AU's Food Stamp benefits do not count as income and are not included in the TMHI.
- (b) "Total Monthly Household Income" means income that can be used to determine eligibility for Permanent HA. Counties must count the income of the AU members and of any other persons whose income is currently used in calculating the AU's grant, including but not limited to sanctioned and penalized household members and persons who are excluded by law due to their undocumented non-citizen or drug/fleeing felon status.
  - (1) When an AU has asked to add a new person to their AU mid-quarter, any income of that person shall be included in the TMHI used to determine eligibility for and amount of Permanent HA, regardless of when the county will be increasing the AU size as a result of adding the new person.
  - (2) If the AU has reported that an AU member has left the home mid-quarter, and that person's income will no longer be available to help the AU pay rent, that person's income shall not be included as part of the AU's TMHI for Permanent HA.
  - (3) If an SSI/SSP recipient living in the home contributes toward the monthly rent, the family's total monthly rent amount to which the 80 percent standard is applied shall be reduced by the amount contributed by the SSI/SSP recipient.

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.535 An amount not to exceed two months of an AU's rent, as described in MPP Section 44-211.531, is available to pay for the reasonable costs of security deposits when the deposits are a condition of securing a permanent residence.

- (a) Security deposits include last month's rent and any legal payment, fee, deposit or charge that is required by a landlord as a condition of assuming occupancy.
- (b) That portion of the security deposit payment, available for last month's rent shall not exceed 80 percent of the AU's TMHI, without special needs, for an AU of that size.
- (c) In order for the homeless assistance program to be available to meet the cost of security deposits, the recipient must pay the permanent housing assistance to a commercial establishment or a person in the business of renting properties who has a history of renting properties.
- (d) The recipient shall provide verification within 30 calendar days of having received the permanent housing assistance payment of:
  - (1) The amount expended for permanent housing.

## 44-211 SPECIAL NEEDS IN CALWORKS (Continued)

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- (2) The payment of the permanent housing assistance to a commercial establishment or a person in the business of renting properties who has a history of renting properties.
  - (e) Should the recipient fail to provide verification, the county shall make a determination as to whether the payment was used for permanent housing rented from a commercial establishment or a person in the business of renting properties.
    - (1) A determination that the payment was not used for permanent housing or not used to pay a commercial establishment or a person in the business of renting properties shall result in a determination that mismanagement of funds exists for any future security deposit or utility payment associated with the same incident of homelessness.
- .536 The payment for permanent housing costs may include the actual costs of utility deposits in addition to the amount allowable for security deposits described in MPP 44-211.535.
- (a) The payment shall cover deposits (turn-on-fees) required for gas, electricity and/or water.
  - (b) The payment shall not include the costs of overdue utility bills.
- .537 The county has one working day from the time the recipient provides the following information to issue or deny a payment for permanent housing assistance:
- (a) A written rental agreement which demonstrates the landlord's intent to rent to the AU at a cost which does not exceed 80 percent of the AU's TMHI.
    - (1) If the county questions the validity of the rental agreement, or a rental agreement cannot be provided, the county shall verify that a rental agreement has been made by directly contacting the landlord or by some other means.
    - (2) If the county cannot directly contact the landlord, or verify by some other means that a rental agreement has been made, then the recipient must complete and sign a statement under penalty of perjury which includes the following information:
      - (A) A statement of liability for providing false information.

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(B) Name and phone number of landlord.

(C) Location of rental.

(D) Terms of rental.

(E) Dollar amount of deposits and rent.

(b) Information necessary for the CWD to establish eligibility for AFDC.

(c) When applicable, verification of the exception to the once-in-a-lifetime homeless assistance benefit (see Section 44-211.541).

.538 If due to an emergency, an AU must move within the 24-month time limit specified in MPP 44-211.513, the AU shall be allowed to transfer deposits to meet the security deposits for the new residence.

(a) An emergency cannot result from an intentional act on the AU's part.

(b) If the CWD determines that the transfer was within the 24-month time limit, and not an emergency, refunded deposits shall be treated as liquid resources.

.539 The payment for permanent housing costs is not available to assist recipients to return to their most recent former residence unless there are unusual circumstances beyond the recipient's control.

(a) For purposes of this section, a most recent former residence is the house or the same unit in a duplex or apartment complex in which the recipient lived just prior to being determined homeless.

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**EXAMPLE:**

A family left its residence in Shasta County in order to take advantage of a job opportunity in Los Angeles. When they arrived in Los Angeles, the job was no longer available. The family returned to Shasta County and was homeless. Their former residence was available to rent, so they requested a permanent housing payment to move into their former residence. Their request should be granted due to unusual circumstances which prompted their return to Shasta County.

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.54 Once-In-A-Lifetime Homeless Exceptions

.541 Temporary and permanent housing assistance payments are each limited to once-in-a-lifetime with the following exceptions:

- (a) Whenever a state or federally declared natural disaster is the direct and primary cause of homelessness.
- (b) Limited to a maximum of one period of up to 16 consecutive calendar days of temporary shelter and one payment of permanent housing assistance in 12 months (see Section 44-211.513(b)(2)) when homelessness is the result of any of the following exceptions:
  - (1) Domestic violence by a spouse, partner, roommate, or
  - (2) Uninhabitability of the former residence caused by sudden and unusual circumstances beyond the applicant/recipient's control which includes, but is not limited to, fire, natural catastrophe, or condemnation, or
  - (3) A medically verified physical or mental illness, excluding alcoholism, drug addiction or psychological stress.

.542 The AU shall provide verification of the exceptional circumstance(s), described in Section 44-211.541(b), which resulted in the AU's homelessness. These circumstances shall be verified through a third-party governmental or private health and human services agency.

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.65 A pregnancy special need payment is \$47 per month.

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NOTE: Authority cited: Sections 10553, 10554, 10604, 11209, and 11450(g), Welfare and Institutions Code; and Statutes of 1995, Chapter 307, Section 24 (AB 908). Reference: Sections 11056, 11265.1, 11265.2, 11265.3, 11266(a)(2), 11271, 11272, 11273, and 11273(b), 11450(a)(1), (b), and (c), 11450(f)(2)(A)(i), 11450(f)(2)(B), 11450(f)(2)(C), 11450(f)(2)(E)(i), (ii) and (iii), (v), and (vi), 11450.5, 11452.018(a), and 11453.2, Welfare and Institutions Code; 45 CFR 206.10(a)(1)(ii), 45 CFR 206.10(a)(8), 45 CFR 233.10(a)(1)(iv), 45 CFR 233.20(a)(2)(v)(A), 45 CFR 234.11, 45 CFR 234.60, 45 CFR 400.52; and 42 U.S.C.A., Section 606(b).

<b>44-212</b>	<b>MINIMUM BASIC STANDARD OF ADEQUATE CARE</b>	<b>44-212</b>
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.1 Definition -- The Minimum Basic Standard of Adequate Care is set forth in W&I Code Section 11452, as the amount which is necessary to provide an Assistance Unit with the following:

.11 Housing

.12 Clothing

.13 Food

.14 Utilities

.15 Items for household operation, education and incidentals, recreation, personal needs, and insurance.

.16 Essential medical, dental, or other remedial care not otherwise provided at public expense

.17 Has been deleted per Manual Letter No. 77-045.

.2 The Minimum Basic Standard of Adequate Care set forth in Welfare and Institutions Code Section 11452 and previously distributed to the counties for each size AU (see Chapter 82-800 for composition of the AU) is in Section 44-207.212.

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: 45 CFR 233.20(a)(1)(i) and Sections 10553, 10554, and 10604, Welfare and Institutions Code.

<b>44-213</b>	<b>MEDICAL NEEDS - GENERAL</b>	<b>44-213</b>
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Repealed by Manual Letter No. EAS-87-08, effective 8/6/87.

<b>44-215</b>	<b>PERSONS WHO DO NOT MEET REQUIREMENTS FOR INCLUSION IN THE FAMILY BUDGET UNIT</b>	<b>44-215</b>
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Repealed by Manual Letter No. EAS-87-08, effective 8/6/87.

<b>44-217</b>	<b>SUBSTANDARD HOUSING</b>	<b>44-217</b>
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Repealed by Manual Letter No. EAS-87-08, effective 8/6/87.

<b>44-223</b>	<b>A MOTHER IN A MATERNITY HOME</b>	<b>44-223</b>
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Repealed by Manual Letter No. EAS-87-08, effective 8/6/87.

<b>44-267</b>	<b>SPECIAL NEED PAYMENT FOR CHILD'S RETURN HOME FROM FOSTER CARE</b>	<b>44-267</b>
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Repealed by Manual Letter No. EAS-91-14, effective 10/1/91.

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