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May 14, 2012

Regulation Package # 0711-05

CDSS MANUAL LETTER NO. EAS- 12-01

TO: HOLDERS OF THE ELIGIBILITY AND ASSISTANCE STANDARDS (EAS)
MANUAL, DIVISION 47

Regulations Package # 0711-05

Effective 5/11/12

Sections 47-230, 47-240, and 47-401

This manual letter has been posted on the Office of Regulations Development website at <http://www.dss.cahwnet.gov/ord/PG607.htm>.

These regulation changes are the result of the Fiscal Year 2011-12 Budget Trailer Bill Senate Bill (SB) 70. SB 70 added language to the Education Code that limits income eligibility for subsidized child care to 70 percent of the State Median Income (SMI). SB 70 continues language eliminating the family fee for current California Work Opportunity and Responsibility to Kids (CalWORKs) recipients.

These regulations were considered as Item #1 at the public hearing held on December 14, 2011, in Sacramento, California. No testimony was received during the 45-day comment period from October 21, 2011, to 5:00 p.m. December 14, 2011.

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-11-02.

<u>Page(s)</u>	<u>Replace(s)</u>
635 and 635.1	Pages 635 and 635.1
636 and 637	Pages 636 and 637
645 and 646	Pages 645 and 646

Attachments

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47-230 ELIGIBLE FORMER CALWORKS CLIENTS **47-230**

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| .1 | Child Care Services for Former CalWORKs Clients | Former CalWORKs clients shall receive Stage One child care if: |
| .11 | Availability of Child Care | Child care services are not available in Stages Two or Three, and |
| .12 | Eligibility | The client meets the requirements of Sections 47-220.2 through 47-220.213, and |
| .13 | Income and Family Size | The family meets the requirements of Education Code Sections 8263 and 8263.1, and |
| .14 | Time Limits | Not more than 24 months have elapsed since the client left cash aid. |
| .141 | Application of Time Limit | The 24-month limit applies to each instance of leaving cash aid. |
| .142 | Applicability to Stage One and Stage Two | Child care services in Stage One and Stage Two combined shall not exceed 24 months after leaving cash aid. |
| .143 | Applicability to Other Eligibility Requirements | The 24-month limit shall apply unless the client becomes otherwise ineligible within the 24-month period. |
| .144 | Applicability to Stage Three | This 24-month limit shall not limit eligibility for child care services in Stage Three. |
| .2 | Income Eligibility | Former CalWORKs clients shall be eligible for Stage One child care services if monthly income, adjusted for family size, does not exceed 70 percent of the State Median Income, as specified in Education Code Section 8263.1(a). |

47-230 ELIGIBLE FORMER CALWORKS CLIENTS (Continued) 47-230

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: 42 U.S.C. 9858c(c)(5); 42 U.S.C. 9858n(4)(B); 45 CFR 98.20(a)(2); 45 CFR 98.42; Sections 8351, 8263, and 8263.1, Education Code; Sections 11323.2 and 11450.12, Welfare and Institutions Code; Budget Act: AB 107, Chapter 282, Statutes of 1997, Item 6110-196-0001, Provisions 13 and 14.

47-240 CALCULATION OF FAMILY FEE FOR STAGE ONE CLIENTS 47-240

- .1 Calculation of Family Fee for Stage One Clients For purposes of calculating the amount of the family fee, family size and income shall be determined pursuant to the requirements of Education Code Section 8263. The requirements for determining family income are summarized in Sections 47-230.21 through 47-230.211(c)(5) above. The requirements for determining family size are summarized in Sections 47-230.22 through 47-230.232 above.
- .2 Calculation of Family Fees for Stage One Clients Receiving CalWORKs Cash Aid Families receiving CalWORKs cash aid shall not be required to pay a family fee.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 8263, 8263.1, and 8447(g), Education Code.

47-260 ELIGIBLE PROVIDERS 47-260

- .1 Eligible Child Care Provider Requirements
 - .11 18 years or Older Be 18 years old or older.
 - .12 Licensing Requirement Have a child care license or be exempt from child care licensing requirements, as specified in the California Code of Regulations, Title 22, Division 12, Chapter 1.
 - .13 Health and Safety Requirement Meet or be exempt from health and safety requirements, as specified in Section 47-630, Health and Safety Requirements for License-Exempt Child Care Providers.

47-260	ELIGIBLE PROVIDERS (Continued)	47-260
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.14	Trustline Requirement	<p>A license-exempt child care provider shall be a registered Trustline child care provider as defined in Health and Safety Code Section 1596.605(b)(1) or be exempt from Trustline Registry, as specified in Section 47-260.2. A license-exempt provider required to be a registered Trustline child care provider shall not receive a subsidized payment until Trustline registration has occurred.</p> <p>A license-exempt provider, who has a Trustline application pending February 1, 2008, may continue to receive a subsidized payment for providing child care services until such time as their Trustline application is denied or their Trustline case file is closed.</p>
.2	Trustline-Exempt Child Care Provider	The following are exempt from Trustline:
.21		Aunts, uncles, grandparents, of the child(ren) in care by blood, marriage or court decree.
.211	Court Decree	Court decree includes, but is not limited to, adoptions or other court orders impacting family relationships.
.212	Declaration of Relationship	Counties shall obtain a self-certification declaration that substantiates the relationship of the exempt provider to the child(ren).
.22	School or Recreation Program Exempt from Trustline	A public recreation program as defined in Health and Safety Code Section 1596.792 or a public or private school.
.3	Parental Choice	Clients shall have choice in selecting child care providers. Licensed child care and child care exempt from licensure are valid parental choices of care for all clients of the Stage One child care program.
.4	Eligible Child Care Provider Limitations	Payment shall not be made for child care services when care is provided by parents, legal guardians, or members of the assistance unit.

47-401 CHILD CARE PAYMENT LIMITS (Continued) 47-401

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| .5 | Exceptions to Hours of Care | The county shall not pay for child care during: |
| .51 | School Attendance | Time the child is attending school; or |
| .52 | Other Subsidized Programs | Time the child is receiving care in other subsidized child care programs except for the condition described in Sections 47-401.44 and .45 above. |
| .6 | Registration Fee | The county shall pay registration fees charged by child care providers, as long as these fees are the same as those charged to other members of the public for the same purpose. |
| .61 | Maximum Payment Rate | The registration fee plus the regular charge for child care for that month shall not exceed the maximum payment rate. |
| .7 | Family Fees | Family fees, if any, shall be based on the fee schedule established by the State and shall be paid by the client, at county option, directly to the child care provider or the county. |
| .71 | Exemption From Family Fee | The county shall exempt from the family fee any client whose child or children are: |
| .711 | Children at Risk | At risk of abuse, neglect, or exploitation, as determined by a legally qualified professional from a legal, medical, or social services agency, or emergency shelter, for a period of up to three months; or |
| .712 | Children Receiving Child Protective services | Receiving child protective services, at the request of the child welfare services worker, for a period of up to 12 months; or |
| .713 | Children Receiving CalWORKs Cash Aid | Receiving CalWORKs cash aid. |
| .714 | Cumulative Exemption Period. | The cumulative time period for the fee exemption for families specified in Sections 47-401.711 and .712 shall not exceed 12 months. |

