

FINAL STATEMENT OF REASONS

a) Specific Purpose of the Regulations and Factual Basis for Determination that Regulations Are NecessarySection 40-188.21Specific Purpose:

This section is adopted to require counties to verify that non-needy caretaker relatives who are receiving CalWORKs on behalf of a child who is a dependent of the court (and who is not eligible for federal Foster Care benefits) are approved pursuant to Welfare and Institutions Code Section 309(d) to care for the court dependent child. Once verified, this population is exempt from attending a redetermination appointment with the second county.

Factual Basis:

This adoption is necessary to comply with Welfare and Institutions Code Section 11052.6 as adopted by SB 1160 (Chapter 484, Statutes of 2008) which requires counties to verify that non-needy caretaker relatives who are receiving CalWORKs on behalf of a child who is a dependent of the court (and who is not eligible for federal Foster Care benefits) are approved pursuant to Welfare and Institutions Code Section 309(d) to care for the court dependent child. Once verified, this population is exempt from attending a redetermination appointment with the second county.

Final Modification:

Following the public hearing and as a result of testimony received, this section is amended to change "... eligible for federal Foster Care benefits ..." to "... not receiving federal Foster Care benefits..." as it reflects a more accurate description of the population affected by this regulation.

b) Identification of Documents Upon Which Department Is Relying

- Senate Bill 1160 (Chapter 484, Statutes of 2008)

c) Local Mandate Statement

No reimbursement is required by this regulation pursuant to Section 6 of Article XIII B of the California Constitution because this regulation provides for offsetting savings to local agencies or school districts that result in no net cost to the local agencies or school districts, within the meaning of Section 17556 of the Government Code.

d) Statement of Alternatives Considered

CDSS has determined that no reasonable alternative considered would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

e) Statement of Significant Adverse Economic Impact On Business

CDSS has determined that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

f) Testimony and Response

These regulations were considered as Item #1 at the public hearing held on February 10, 2010 in Sacramento, California. Written testimony was received from Jodie Berger, Regional Counsel, Legal Services of Northern California, during the 45-day comment period from December 25, 2009 to 5:00 p.m. February 10, 2010. The comment received and the Department's response to the comment, follow.

1. Comment:

We only had one comment regarding new Section 40-188 .211 – Exemption. The section proposes exempting from the ITC redetermination interview Non-Needy Caretaker Relatives who care for 309 court dependents who are "not be *eligible* for federal foster care." Households may be eligible and incorrectly not receiving Federal Foster Care. The issue is not to determine eligibility, but to review for waiving the interview. Counties should review the basis for the federal foster care denial, pursuant to WIC 10000 and 10500, and refer the household to legal services. Replace the italicized wording with "not receiving" federal foster care, and add the eligibility review as a separate subsection.

.211 Exemption Verify that non-needy caretaker relatives who are receiving CalWORKs on behalf of a child who is a dependent of the court (and who is not receiving eligible for federal Foster Care benefits) are approved pursuant to the standards of subdivision (d) of Section 309 of the Welfare and Institutions Code to care for the court dependent child. Once verified, this population is exempt from attending the ICT redetermination appointment with the second county.

a. Households who appear eligible for federal foster care should be referred for foster care eligibility review. Counties also may refer the families to legal services.

Response:

- Changing "*eligible for* federal Foster Care benefits" to "*not receiving* federal Foster Care benefits." – CDSS agrees with this change, as it reflects a more

accurate description of this population. The language has been modified to include this change.

- Adding additional language under subsection a. regarding Foster Care eligibility review – CDSS disagrees with this change, as it is unnecessary and not suitable for regulations.

g) 15-Day Renotice Statement

Pursuant to Government Code Section 11346.8, a 15-day renotice and complete text of modifications made to the regulations were made available to the public following the public hearing. No written testimony on the modifications renoticed for public comment from May 19 to June 3, 2010 was received.