

FINAL STATEMENT OF REASONS

a) Specific Purpose of the Regulations and Factual Basis for Determination that Regulations Are Necessary

Amendments throughout these regulations include updating the term "Aid to Families with Dependent Children (AFDC)" to "California Work Opportunity and Responsibility to Kids (CalWORKs)" as a result of AB 1542, Chapter 270, Statutes of 1997 and updating the Department's acronym from the Department of Social Services "DSS" to the California Department of Social Services "CDSS."

Section 69-201.1

Specific Purpose:

This section is amended to add the acronym "INA" in parentheses after "Immigration and Nationality Act", and to add an "s" to the word "service" to indicate plural form.

Factual Basis:

The amendments in this section have no regulatory effect. They are necessary for clarity and grammatical purposes. The acronym has been added because "Immigration and Nationality Act" is used frequently in the regulations, and an "s" has been added to "service" to indicate usage in plural form.

Section 69-201.2

Specific Purpose:

This section is amended to more clearly state that the California Department of Social Services (CDSS) is the designated state agency responsible for the development of the Refugee and Entrant Assistance State Plan.

Factual Basis:

This amendment is necessary to clarify that, as designated by the Governor of the State of California, CDSS is the single state agency responsible for the development and administration of the Refugee and Entrant Assistance State Plan in accordance with 45 Code of Federal Regulations (CFR) Section 400.5.

Section 69-201.3

Specific Purpose:

This section is amended to: 1) spell out and place parentheses around the acronym "RRP" to read "the Refugee Resettlement Program (RRP);" 2) change "AFDC" to "CalWORKs" to reflect California's current cash assistance program; 3) add a capital "C" to DSS to reflect the correct acronym for the California Department of Social Services; 4) add "Services" after "Department of Health" to denote the appropriate department title; and 5) add the phrase "for medical services" to clarify the State Department of Health Services' area of responsibility for refugees in California.

Factual Basis:

These amendments are necessary because: 1) the acronym RRP is not previously spelled out; 2) AB 1542, Chapter 270, Statutes of 1997, established the California Work Opportunity and Responsibility to Kids (CalWORKs program) Act of 1997 to replace the AFDC program; 3) the correct acronym for the California Department of Social Services is CDSS; 4) the correct department title is the Department of Health Services; and 5) DHS has been designated by the Federal Office of Refugee Resettlement as the single state agency responsible for the administration of medical services to refugees/entrants in California and that responsibility was acknowledged in a letter to H. Gary Mounts, Associate Deputy Administrator for Grants Management, Office of Refugee Resettlement from Walter Barnes, Chief, CDSS, Refugee and Immigration Programs Branch, dated March 4, 1988.

Section 69-201.4

Specific Purpose:

This section is amended to: 1) delete the words "All current"; 2) change "AFDC" to "CalWORKs;" 3) add the phrase "relating to financial eligibility and payments;" and 4) add the phrase "(except for Diversion Services payments)" in parentheses and the corresponding cross reference in brackets.

Factual Basis:

These amendments are necessary to: 1) specify that only the financial eligibility and payments portion of the CalWORKs regulations apply to Refugee Cash Assistance (RCA) recipients in accordance with 45 CFR Section 400.66(a)(1) through (4); 2) specify that Diversion Service payments (which are designated for families eligible for CalWORKs [See MPP Section 81-215.31]) will not apply to RCA applicants; and 3) specify that the CalWORKs program is the current cash assistance program in California. AB 1542, Chapter 270, Statutes of 1997, established the CalWORKs program that replaced the AFDC program.

Handbook Section 69-201.41

Specific Purpose/Factual Basis:

This handbook section is deleted as the GAIN program was replaced by California's current Welfare-to-Work program as a result of AB 1542, Chapter 270, Statutes of 1997. Therefore, RCA recipients are no longer required to participate in the "GAIN" program in order to receive employment-related and English language training.

Section 69-202 (Title)

Specific Purpose:

This section is renumbered from Section 69-203 to Section 69-202, and the title of the section has been changed from "Definitions" to "Immigration and Naturalization Service (INS) Status Requirements" to reflect the provisions of this section more clearly.

Factual Basis:

The renumbering of this section and the change in the title are revisions without regulatory effect and are necessary only for the purpose of renumbering and clarity.

Section 69-202.1

Specific Purpose:

This section is amended to delete the words "and medical", and to specify that a person is obligated to provide proof, in the form of documentation issued by INS in order to be eligible for RCA and social services.

Factual Basis:

These amendments are necessary because the Department of Health Services is the single state agency responsible for "medical services" to refugees in California, CDSS does not determine eligibility for medical services, and to comply with federal regulatory language requiring INS documentation in 45 CFR Section 400.43(a).

Section 69-202.11

Specific Purpose:

This section is amended to specify that any person paroled as a refugee or asylee under Section 212(d)(5) of the INA is eligible for RCA and social services.

Factual Basis:

This section is necessary to implement the federal mandate of 45 CFR Section 400.43(a)(1).

Section 69-202.12

Specific Purpose:

This section is amended to specify that definitions for Cuban/Haitian Entrant status are located in Manual of Policies and Procedures (MPP), Section 69-302 (Special Programs).

Factual Basis:

This amendment is necessary to remove Cuban and Haitian status documentation from the "Requirements for Documentation of Refugee Status," in accordance with 45 CFR Section 400.43(a)(4), and to specify that this information can be found in MPP Section 69-302.

Section 69-202.13

Specific Purpose/Factual Basis:

This section is repealed as Section 69-202.11 now includes this provision.

Section 69-202.14

Specific Purpose:

This section is repealed as it is an obsolete alien status for purposes of the Refugee Resettlement Program. Previous language in 45 CFR Section 400.43(a)(2), dated October 1, 1998 no longer exists in current 45 CFR Section 400.43, October 1, 2000 edition.

Factual Basis:

This repeal is necessary in accordance with 45 CFR, Section 400.43.

Section 69-202.15 renumbered to .13

Specific Purpose:

This section has been renumbered from Section 69-202.15 to .13 and is rephrased to be more consistent with current 45 CFR, Section 400.43(a)(2) and the phrase "as indicated on Form I-94" is repealed as it no longer occurs in 45 CFR Section 400.43(a)(2).

Factual Basis:

These amendments are necessary for clarity and are changes without regulatory effect.

Section 69-202.16 renumbered to .14

Specific Purpose:

This section has been renumbered from Section 69-202.16 to .14 and is rephrased to be more consistent with current 45 CFR, Section 400.43(a)(3) and the phrase "as indicated on Form I-94" is repealed as it no longer occurs in 45 CFR Section 400.43(a)(3).

Factual Basis:

The amendments are necessary for clarity and are changes without regulatory effect.

Section 69-202.15

Specific Purpose:

This new provision specifies that certain Amerasians from Vietnam who are admitted to the United States (U.S.) as immigrants pursuant to Section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1988 are eligible for RCA and social services.

Factual Basis:

This new provision is necessary to comply with 45 CFR Section 400.43(a)(5).

Section 69-202.17 renumbered to .16

Specific Purpose:

This section has been renumbered from Section 69-202.17 to .16. This section contains the provision for permanent resident aliens, and has been restructured to be more consistent with federal regulatory language.

Factual Basis:

The renumbering of the section is a change without regulatory effect. These amendments are necessary to be consistent with 45 CFR, Section 400.43(a)(6). The final sentence in this section is repealed because it does not appear in 45 CFR Section 400.43(a)(6).

Handbook Section 69-202.211

Specific Purpose/Factual Basis:

This handbook section is included to assist in identifying the service and cash assistance programs under which Cubans and Haitians participate.

Section 69-202.22

Specific Purpose/Factual Basis:

This section is amended to correct a cross reference and is without regulatory effect.

Sections 69-202.31, .32, and .33

Specific Purpose:

The first two sections are amended to change "AFDC" to "CalWORKs" to reflect California's current cash assistance program and Section 69-202.33 corrects a cross reference.

Factual Basis:

The amendments are necessary for clarity and are changes without regulatory effect.

Section 69-202.41

Specific Purpose/Factual Basis:

Section 69-202.41 is amended to change AFDC to CalWORKs, the current title of the California cash assistance program.

Factual Basis:

The amendment is necessary for clarity and is without regulatory effect.

Handbook Section 69-202.411

Specific Purpose/Factual Basis:

This handbook section has been revised to delete the cross references that are no longer applicable to RCA time eligibility due to restructuring and renumbering of federal regulation sections over the past several years.

Section 69-203 renumbered from Section 69-204

Specific Purpose/Factual Basis:

This section has been renumbered from Section 69-204 to Section 69-203. This renumbering is a change without regulatory effect and only for the purpose of restructuring.

Section 69-203.1

Specific Purpose:

This amendment repeals the term “resettlement agency” and replaces it with “VOLAG.”

Factual Basis:

The repeal of the term "resettlement agency" was made to be consistent with RCA program terms by referring to resettlement agencies, as defined in MPP Section 69-203, as VOLAGs.

Sections 69-203.21, .211, and .212

Specific Purpose:

Section 69-203.21 is amended to delete the words “regular” and “or redetermining” and the colon after the word “shall.” Section 69-203.211 is reformatted to become part of Section 69-203.21. Section 69-203.211(a) is renumbered to Section 69-203.211 and has been amended to add a cross reference that refers the eligibility worker to Section 69-206.11 for more information regarding income eligibility determinations for assistance received from VOLAGs. Finally, Section 69-203.211(b) is renumbered to Section 69-203.212.

Factual Basis:

These amendments, renumbering, and reformatting are necessary for clarity and to comply with 45 CFR Sections 400.68(a). The amended language in Section 69-203.211 is added to cross reference Section 69-206.11 that complies with 45 CFR Section 400.66(d).

Handbook Section 69-203.212 renumbered to Handbook Section 69-203.22

Specific Purpose/Factual Basis:

This handbook section is renumbered from Section 69-204.212 to Section 69-203.22. This section is also amended to delete the “s” from the word “requirements”, and to renumber the references from Section 69-204.211(a) and (b) to Sections 69-203.211 and .212. The renumbering and the deletion of the “s” in the word "requirements" have no regulatory effect.

Handbook Section 69-203.213 renumbered to Handbook Section 69-203.23

Specific Purpose/Factual Basis:

This handbook section is renumbered from Section 69-204.213 to Section 69-203.23. The renumbering is a change without regulatory effect, and is only for purposes of restructuring.

Handbook Section 69-203.214 renumbered to Handbook Section 69-203.24

Specific Purpose:

This handbook section is renumbered from Section 69-204.214 to Section 69-203.24. This section is also amended to replace the term “resettlement agency” with “VOLAG.”

Factual Basis:

The renumbering is a change without regulatory effect and is only for the purpose of restructuring. Replacing the word “VOLAG” for “resettlement agency” is to maintain consistency throughout the regulation and handbook sections.

Sections 69-203.22, .23, and .24 renumbered to Sections 69-203.25, .26, and .27, respectively

Specific Purpose:

These sections are renumbered for clarity and new Section 69-203.24 is also amended to include the word “the” before VOLAG.

Factual Basis:

These amendments are necessary for clarity and grammatical correctness.

Sections 69-203.25 and .26

Specific Purpose/Factual Basis:

These sections are amended to change the term AFDC to CalWORKs. This is due to AB 1542, Chapter 270, Statutes of 1997, that established the CalWORKs program that replaced the AFDC program.

Final Modification:

These sections are renumbered to Sections 69-203.28 and .29, respectively. The original renumbering of Sections 69-203.22 and .23 to Sections 69-203.24 and .25 necessitated this renumbering that was inadvertently omitted in the original filing.

Section 69-204 (Title) renumbered from Section 69-205

Specific Purpose:

This section has been renumbered from Section 69-205 to Section 69-204 and the reference to "AFDC" in the title is amended to "CalWORKs."

Factual Basis:

The renumbering is for clarity and has no regulatory effect. The revision from AFDC to CalWORKs is due to AB 1542, Chapter 270, Statutes of 1997, which established the CalWORKs program that replaced the AFDC program.

Section 69-204.1

Specific Purpose:

This section is repealed as the Office of Refugee Services (ORR) no longer reimburses states and/or local governments for AFDC and SSI/SSP costs.

Factual Basis:

Because of reduced appropriations in Fiscal Year 1991, federal funding for the State and/or local costs of providing AFDC and SSI/SSP was discontinued by ORR State Letter No. 92-33, dated October 16, 1992.

Section 69-204.2 renumbered to .1

Specific Purpose/Factual Basis:

This section is renumbered from Section 69-205.2 to Section 69-204.1. This is a change without regulatory effect and is only for the purpose of renumbering.

Section 69-204.3 renumbered to .2

Specific Purpose:

This section is renumbered from Section 69-205.3 to Section 69-204.2. In addition, this section is amended to change the term "AFDC" to "CalWORKs," to add the word "the" before "CalWORKs program", and to repeal the sentence within the section that requires CWDs to refer to refugee program instructions and directives in regard to the State-only AFDC-U program.

Factual Basis:

The renumbering and the addition of the word "the" are changes without regulatory effect. The change from "federal AFDC" to "CalWORKs" is a result of AB 1542, Chapter 270, Statutes of 1997, that established the CalWORKs program that replaced the AFDC program and terminated the State-only AFDC-U program. (See Welfare and Institutions Code Sections 11315, 11318, and 11319.)

Final Modification:

This section is amended by removing the unnecessary word "program" after CalWORKs since it is understood that "CalWORKs is a program and to make it grammatically correct. A new Section 69-204.3 is adopted as "Reserved" to fill the existing gap between .2 and .4.

Sections 69-204.4 through .44

Specific Purpose:

The language in these sections is repealed as there is no longer an RRP-funded time-eligibility period for the AFDC or SSI/SSP programs. The numbering for Sections 69-204.4 and .41 is retained to preserve the tracking of former Section 69-205.411 that was repealed by Manual Letter No. SP 96-01, effective June 27, 1996.

Factual Basis:

Because of reduced appropriations in Fiscal Year 1991, federal funding for the State and/or local costs of providing AFDC and SSI/SSP was discontinued by ORR State Letter No. 92-33, dated October 16, 1992.

Section 69-205 renumbered from Section 69-206

Specific Purpose/Factual Basis:

This section is renumbered from Section 69-206 to 69-205. The renumbering is a change with no regulatory effect and is only for the purpose of restructuring.

Section 69-205.11

Specific Purpose:

This section is amended to correct the obsolete term "AFDC" to "CalWORKs," to correct cross references to other RCA program regulations, and to add the term "Section" prior to the latter five corrected cross references.

Factual Basis:

The regulation is amended to change "AFDC" to "CalWORKs" due to the passage of AB 1542, Chapter 270, Statutes of 1997 that established CalWORKs that replaced the AFDC program. The renumbering of the cross references and the adding of the term "Section" to the latter cross references are changes without regulatory effect, and are only for the purpose of clarity.

Final Modification:

This section is amended to remove reference to the "income eligibility" section that was left off from the original emergency filing and to correct the numbering in a second reference.

Section 69-205.111

Specific Purpose/Factual Basis:

This section is repealed as there is no longer a GAIN program in California. The Welfare-to-Work program is the employment and training aspect of CalWORKs that replaces the previous GAIN employment program in California. RCA recipients do not participate in Welfare-to-Work because they are not eligible for CalWORKs. See the Factual Basis for Section 69-205.11.

Section 69-205.21

Specific Purpose:

This section is adopted to specify that RCA applicant's eligibility must be determined within 30 days of application.

Factual Basis:

This adoption is necessary to comply with 45 CFR Section 400.66(a)(1).

Section 69-205.211

Specific Purpose:

This section is adopted to specify that the date of application is the date to use for the beginning date of aid for RCA.

Factual Basis:

This section is necessary to comply with 45 CFR Section 400.66(e) that specifies the state may use the date of application as the date RCA begins.

Section 69-205.22

Specific Purpose:

This section is adopted to specify that counties must not deny RCA applicants cash assistance based on the applicant's refusal to disclose his/her social security number.

Factual Basis:

This section is necessary to implement the mandates in ORR State Letter #00-23, dated November 16, 2000 which specifies that eligible populations are not to be denied ORR-funded assistance and services because they have not yet received social security numbers. The Privacy Act of 1994, 8 USC Section 1522, and Section 412 of the Immigration and Nationality Act are silent on this issue and by virtue of omission the person can not be penalized for refusing to furnish their SSN.

Sections 69-205.221 and .221(a) and (b)

Specific Purpose:

These sections are adopted to provide that counties may request that an RCA applicant voluntarily provide his/her social security number. And, if the county selects to make this request, it must inform the applicant the disclosure is voluntary, and tell the applicant how the county will use the number.

Factual Basis:

These sections are necessary to implement ORR State Letter #00-23, dated November 16, 2000 which specifies that state agencies may request that an applicant voluntarily provide his or her social security number. However, if a state agency makes this request, under the Privacy Act, it must inform the applicant that disclosure is voluntary and tell the applicant how the state agency will use the number.

Section 69-205.23

Specific Purpose:

This section is adopted to specify that CWDs must make the written policies of the RCA program available to RCA applicants and also ensure that agency policy materials and all notices are made available in written form in English and in appropriate languages. This section also provides the general rule for recipient populations that need translations in refugee native languages.

Factual Basis:

This section is necessary to comply with 45 CFR Section 400.55.

Section 69-205.24 renumbered from Section 69-206.21

Specific Purpose/Factual Basis:

This section is renumbered from Section 69-206.21 to Section 69-205.24. The renumbering is a change without regulatory effect, and is for clarity and for the purpose of restructuring.

Section 69-205.241

Specific Purpose:

This section is renumbered from Section 69-206.211 to Section 69-205.241, and the cross reference to Section 69-203.41 has been renumbered correctly to Section 69-202.41. This section is also amended to add a time-eligibility exception for asylees. An asylee's time eligibility for the RCA program can now be counted from the date they are granted asylum, rather than from the date they entered the United States. In order to add the asylee provision, the capital U in "Unaccompanied Minors" was changed to a lower case "u", and the words "who" and "eligibility" are added.

Factual Basis:

The renumbering changes in this section are without regulatory effect, and are for clarity and for purposes of restructuring. The revised time-eligibility exception for asylees is in accordance with ORR State Letter #00-12 dated June 15, 2000. This letter requires that asylees are eligible for RCA and services beginning on the date that they are granted asylum. The addition of the uncapitalized "u", the word "who", and term "eligibility" to this section are changes without regulatory effect, and are only for the purpose of grammar and clarity.

Sections 69-205.241(a) and (b)

Specific Purpose/Factual Basis:

These sections are amended to renumber the cross reference from Section 69-203.41 to Section 69-202.41. The corrections are changes without regulatory effect, and are for clarity and for the purpose of restructuring.

Section 69-205.241(c)

Specific Purpose/Factual Basis:

This section is amended to renumber two cross references from Section 69-203.41 to Section 69-202.41 and Section 69-203.3 to Section 69-202.3 and are changes without regulatory effect.

Section 69-205.241(e)

Specific Purpose/Factual Basis:

The first sentence of this section is repealed since RCA recipients are now only on aid for eight months or less, and CWD systems are programmed to remind the eligibility worker that it is time to expire the RCA recipient as outlined in 58 FR 46089, dated September 1, 1993.

Section 69-205.22

Specific Purpose/Factual Basis:

This section is repealed because the redetermination requirements for eligibility are every 12 months [See MPP Section 40-181.1(a).] and the RCA recipient is only eligible for eight months or less of RCA. The RCA eligibility timeframes do not permit a redetermination for continued eligibility. See ORR State Letter 93-33, dated September 3, 1993.

Section 69-205.4

Specific Purpose:

This section is repealed as this provision is already stated in Section 69-206.1.

Factual Basis:

This change has no regulatory effect and repeals a duplicate provision.

Sections 69-205.5, .51, and .511 renumbered to Sections 69-205.4, .41, and .411

Specific Purpose/Factual Basis:

These sections have been renumbered from Sections 69-205.5, .51, and .511 to Sections 69-205.4, .41, and .411, respectively. The renumbering has no regulatory effect, and is for restructuring purposes only.

Sections 69-205.512 and .512(a) and (b)

Specific Purpose/Factual Basis:

These sections are renumbered from Section 69-206.512 and .512(a) and (b) to Section 69-205.412 and .412(a) and (b), respectively. Section 69-205.512(b) is amended to not capitalize the word “institution.” These revisions are without regulatory effect, and are only for the purpose of retaining consistency and correct capitalization throughout this section.

Sections 69-205.52 and .53

Specific Purpose/Factual Basis:

These sections are renumbered from Sections 69-205.52 and .53 to Sections 69-205.42 and .43, respectively. The revisions have no regulatory effect and are only for clarity and restructuring.

Section 69-205.54

Specific Purpose:

This section is renumbered from Section 69-205.54 to .44 and is amended to add the word “employed” before RCA recipient as the new regulations require that professional refresher training can only be made available to individuals who are employed.

Factual Basis:

The renumbering is a change without regulatory effect, and is for restructuring purposes only; and the section is amended in accordance with 45 CFR Section 400.81(b).

Sections 69-205.541, .542, and .543

Specific Purpose/Factual Basis:

These sections are renumbered from Sections 69-206.541, .542, and .543 to Sections 69-205.441, .442, and .443, respectively. The sections are also grammatically corrected by capitalizing the initial words in the sentences. These changes have no regulatory effect, and are only for the purpose of clarity and restructuring.

Section 69-206

Specific Purpose/Factual Basis:

This section title has been renumbered from Section 69-207 to Section 69-206. The renumbering is a change without regulatory effect and is for restructuring purposes only.

Section 69-206.1

Specific Purpose:

This section is amended by changing "AFDC" to "CalWORKs" and by repealing the "\$30 and 1/3 or, as applicable, the \$30 disregard" exception.

Factual Basis:

The change from AFDC to CalWORKs is due to AB 1542, which established the CalWORKs program that replaced the AFDC program. The phrase "\$30 and 1/3 or as applicable" has been removed in accordance with 45 CFR Section 400.66(a)(2) which states that the publicly-administered RCA program is to be consistent with the provisions of the Temporary Assistance for Needy Families (TANF) program (CalWORKs in California) in regard to the determination of benefit amounts (payment levels based on size of the assistance unit, income disregards). MPP Section 44-111.23 sets forth the \$225 disregards of earned income and 50 per cent of any remaining income disregarded for CalWORKs.

Section 69-206.11

Specific Purpose:

This section is adopted to specify that any reception and placement cash received by a refugee within the first 30 days of their arrival into the U.S. is not to be considered by the CWD in determining income eligibility.

Factual Basis:

This adoption is necessary to comply with and in accordance with 45 CFR Section 400.66(d).

Section 69-206.2

Specific Purpose/Factual Basis:

This section is amended to change the term "AFDC" to "CalWORKs". This revision is due to the passage of AB 1542, Chapter 270, statutes of 1997 which established the CalWORKs program that replaced the AFDC program.

Section 69-206.21

Specific Purpose:

This section is adopted to specify that any resources remaining in the applicant's country of origin cannot be considered in determining income eligibility.

Factual Basis:

This adoption is necessary to comply with and in accordance with 45 CFR Section 400.66(b).

Section 69-207

Specific Purpose/Factual Basis:

This section title has been renumbered from Section 69-208 to Section 69-207. This renumbering is a change without regulatory effect, and only for the purpose of restructuring.

Section 69-207.12

Specific Purpose/Factual Basis:

This section is amended to renumber the cross reference from Section 69-208.3 to Section 69-207.3. The renumbering is a change without regulatory effect.

Section 69-207.12(A) renumbered to .121

Specific Purpose/Factual Basis:

This section is renumbered for consistency in numbering and amended to add a “C” to “DSS”, as CDSS is the correct acronym for the California Department of Social Services.

Section 69-207.12(B) renumbered to .122

Specific Purpose:

This section is renumbered for consistency in numbering. For purposes of clarity, this section is also amended to require refugees to participate in any employability-serviced program which provides job or language training in the area in which the refugee resides and which is determined to be available and appropriate for that refugee. Also, if such a program is not available in the area in which the refugee resides participation in any other available and appropriate program for that refugee in such area is required.

Factual Basis:

This section is necessary to comply with 45 CFR Section 400.75(a)(4).

Sections 69-207.12(C) and (D) renumbered to .123 and .124, respectively

Specific Purpose/Factual Basis:

These sections are renumbered for consistency in numbering and without regulatory effect.

Section 69-207.12(E)

Specific Purpose:

This section is repealed as job search requirements as specified in Section 69-208.2 are no longer required by federal regulations.

Factual Basis:

This repeal is necessary because Job Search requirements in Section 69-208.2 have been deleted as specified in 45 CFR Section 400.80 (Job Search Requirements).

Section 69-207.12(F)

Specific Purpose/Factual Basis:

This section is repealed because it is duplicative of Section 69-207.12(E).

Section 69-207.12(G) renumbered to .125

Specific Purpose/Factual Basis:

This section is amended to renumber Section 69-207.12(G) to .125 and amended to add “C’s” before the acronym DSS. The amendments are changes without regulatory effect.

Section 69-207.12(H) renumbered to .126

Specific Purpose/Factual Basis:

This section is amended to renumber Section 69-207.12(h) to .126 and amended to add “C’s” before the acronym DSS. The amendments are changes without regulatory effect.

Section 69-207.12(I) renumbered to .127

Specific Purpose:

This section is renumbered from Section 69-207.12(I) to .127. This section is also amended to specify that a refugee must accept a job offered without regard to whether such job would interrupt a program of services planned or in progress, unless the refugee is participating in a program in progress of on-the-job training or vocational training which is being carried out as part of an approved employability plan.

Factual Basis:

The renumbering is a change without regulatory effect. The amendment is to comply with 45 CFR Section 400.81(c).

Section 69-207.14

Specific Purpose/Factual Basis:

This section is amended by adding a “C” to DSS. "CDSS" is the correct acronym for the California Department of Social Services.

Section 69-207.15

Specific Purpose:

This section is amended to renumber correctly the existing cross reference from Section 69-208.4 to Section 69-207.4 and to add the letter “C” to DSS.

Factual Basis:

The renumbering of the cross reference is a change without regulatory effect. The “C” is added to DSS to correctly identify the California Department of Social Services.

Section 69-207.16

Specific Purpose:

This section is amended to specify that as a condition of continued receipt of RCA, a nonexempt recipient who is employed 32 hours a week or less shall participate in employment-directed services, provided that such services do not interfere with the recipient’s job.

Factual Basis:

45 CFR Section 400.78 removes the requirement that recipients who are employed less than 30 hours a week must participate in employability services. The federal Office of Refugee Resettlement is allowing states to decide what rules should be used regarding refugees who are employed less than 30 hours and their participation in part-time employment services as provided in 45 CFR Section 400.76. A CDSS policy decision has been made to align the number of hours that an RCA recipient can work and also have to participate in employment-directed activities per week with the number of hours of participation in welfare-to-work activities that is required for adult recipients in the Welfare-to-Work program. [See MPP Section 42-711.411(c).]

Sections 69-207.2 through 69-207.22

Specific Purpose/Factual Basis:

These sections are repealed in accordance with 45 CFR Section 400.80 (Job Search Requirements) which specify that Job Search requirements be removed from this section.

Section 69-207.3 renumbered to .2

Specific Purpose/Factual Basis:

This section title is renumbered from Section 69-207.3 to Section 69-207.2. The renumbering is a change without regulatory effect.

Section 69-207.21 renumbered from .31

Specific Purpose:

This section is renumbered from Section 69-207.31 to Section 69-207.21 and the cross reference is renumbered from Section 69-208.4 to Section 69-207.4. In addition, a hyphen

has been added between CWD and approved and between EDD and approved, and a “C” has been added to DSS.

Factual Basis:

The renumbering is a change without regulatory effect. The hyphens have been added to correct punctuation and have no regulatory effect, and CDSS is the correct acronym for the California Department of Social Services.

Sections 69-207.22 through 69-207.225

Specific Purpose/Factual Basis:

These sections are renumbered from Sections 69-207.32 through .325 to Sections 69-207.22 through .225, respectively. The renumbering is a change without regulatory effect.

Section 69-207.3 renumbered from .4

Specific Purpose/Factual Basis:

This section is renumbered from Section 69-207.4 to Section 69-207.3. The renumbering is a change without regulatory effect.

Section 69-207.3b.

Specific Purpose:

This section is revised to change the age that a refugee is exempt from registration and employment and employment-related training from 65 to 60. This revision has been made to be consistent with the age requirement for exemption in the CalWORKs program.

Factual Basis:

The revision is made to comply with 45 CFR Section 400.76 which specifies that exemption criteria which specifies that states operating a publicly-administered RCA program may determine what specific exemptions, if any, are appropriate for recipients of a time-limited RCA program in their state. The CDSS Refugee Programs Branch has made a policy decision to model the RCA exemption criteria after the CalWORKs program exemption criteria. [See MPP Section 42-712.43.]

Sections 69-207.3c. and 3d.

Specific Purpose/Factual Basis:

These sections are amended to update the acronym "AFDC" to "CalWORKs" as a result of AB 1542, Chapter 270, Statutes of 1997 and are changes without regulatory effect.

Section 69-207.3i.

Specific Purpose:

This section is amended to specify that the parent or relative who has primary responsibility for care to a child six months of age or under is exempt from RCA employment/training requirements.

Factual Basis:

This amendment is necessary to align the RCA exemption requirement with the CalWORKs exemption requirement in Section 42-712.471 and is in accordance with 45 CFR 400.76.

Section 69-207.3j.

Specific Purpose:

This section is amended to change a person's hours working in unsubsidized employment from 30 to 32 hours.

Factual Basis:

This amendment is necessary to align the RCA exemption requirement with the CalWORKs exemption requirement in Section 42-712.471 and is in accordance with 45 CFR 400.76.

Section 69-207.3k.

Specific Purpose:

This section is amended to be more consistent with the CalWORKs exemption criteria for pregnant women. This section specifies that a woman is exempt who is pregnant and provided medical verification that the pregnancy impairs her ability to be regularly employed or participate in employment/training related activities. Additionally, this section specifies that an exemption based on a medically verified pregnancy may also be granted when the CWD determines that participation will not readily lead to employment or that a training activity is not appropriate.

Factual Basis:

The content of the section is amended to comply with 45 CFR Section 400.76 which specifies that states operating a publicly-administered RCA program may determine what specific exemptions are appropriate for RCA recipients in their State. The Department has made a policy decision to model the exemption criteria for RCA recipients after the CalWORKs exemption criteria [See MPP Section 42-712.48].

Section 69-208

Specific Purpose/Factual Basis:

This section title is renumbered from Section 69-209 to Section 69-208. The renumbering is a change without regulatory effect and is only for the purpose of restructuring.

Section 69-208.1

Specific Purpose/Factual Basis:

This section is amended by adding an “a” prior to the word “recipient” to make the sentence more grammatically correct. The revision has no regulatory effect.

Final Modification:

This section is amended to include the section title "General" that was erroneously left off previously.

Section 69-208.2

Specific Purpose/Factual Basis:

The cross reference in this section is renumbered from Section 69-209.3 to Section 69-208.3. The renumbering change is without regulatory effect.

Section 69-208.21

Specific Purpose/Factual Basis:

This section is amended to place a “C” before the acronym "DSS" to correctly identify the California Department of Social Services.

Section 69-208.23

Specific Purpose and Factual Basis:

The cross reference in this section is renumbered from Section 69-208.11 to Section 69-207.11. In addition, punctuation in the section is corrected and the word “or” added. The renumbering is a change without regulatory effect. The correct punctuation and the word “or” have been used to retain consistency throughout Section 69-208.2.

Section 69-208.24

Specific Purpose/Factual Basis:

The cross references are renumbered from Section 69-208.12 to Section 69-207.12, Section 69-208.16 to Section 69-207.16, and Section 69-208.17 to Section 69-207.17. The renumbering is a change without regulatory effect.

Section 69-208.25

Specific Purpose and Factual Basis:

The cross reference is renumbered from Section 69-208.322 to Section 69-207.222, and the semi colon and the word “or” are deleted, and replaced by a period. The renumbering is a change without regulatory effect. The replacement of the semi colon, and the word “or” is for the purpose of correct punctuation.

Section 69-208.31

Specific Purpose/Factual Basis:

This section is amended to add a “C” before DSS to correctly identify the California Department of Social Services.

Sections 69-208.32, .321, .322 and .323

Specific Purpose/Factual Basis:

This section is amended to break out the items listed and separate them into Sections 69-208.321, .322 and .323. This has been done to make a clearer distinction between the items. Punctuation was added accordingly to the new sections. These revisions have no regulatory effect, and are only for purposes of clarity and correct punctuation.

Section 69-208.33

Specific Purpose/Factual Basis:

This section is amended to delete the “a)”, add the word “either”, delete the comma, “b)”, and second EDD acronym. These amendments are changes without regulatory effect, and have been made to make the section grammatically correct and easier to read.

Sections 69-208.34 and 35

Specific Purpose/Factual Basis:

These sections are amended to delete commas and to add colons and semi colons. The unnecessary word "why" is also deleted in .35. The revisions are without regulatory effect, and are only for the purpose of correcting punctuation.

Section 69-208.4 i.

Specific Purpose:

This section is amended to change the obsolete acronym "FBU" to "assistance unit".

Factual Basis:

This amendment is made because family budget unit "FBU" is no longer used as a term to describe the family that is on cash assistance. The appropriate term to be used is "assistance unit." [See MPP Section 80-301a.(9).] This amendment is a change without regulatory effect, and has been made to maintain consistency with CalWORKs and Welfare-to-Work regulatory language.

Section 69-208.4 j.

Specific Purpose/Factual Basis:

This section is amended to correct the word "of" to "or." This is merely a grammatical correction.

Section 69-208.41.

Specific Purpose/Factual Basis:

This section is amended to renumber the cross reference from Section 69-208 to Section 69-207. This renumbering is a change without regulatory effect.

Section 69-208.5

Final Modification:

This section is amended to read as "Continued" and not "Reserved" as erroneously designated in the emergency filing

Section 69-208.7

Specific Purpose:

This section is adopted to specify that if the CWD determines that an individual does not have good cause for failing or refusing to comply with program requirements, the CWD must develop a compliance plan to correct the instance of nonparticipation prior to sanctioning the individual.

Factual Basis:

This section is adopted to comply with 45 CFR Section 400.83(a)(2). These procedures in CalWORKs (the California TANF program) are set forth at MPP Section 42-721.25.

Section 69-208.71

Specific Purpose:

This section is adopted to require that the CWD and the noncomplying individual develop a compliance plan either over the telephone or face-to-face. The individual must be given a copy of the plan. If the plan is agreed to over the telephone, a copy must be mailed to the client.

Factual Basis:

This section is adopted to comply with 45 CFR Section 400.83. These procedures in CalWORKs (the California TANF program) are set forth at MPP Section 42-721.25.

Section 69-208.8

Specific Purpose:

This section is adopted to specify that if an individual does not fulfill the terms of a written compliance plan agreed upon with the CWD, and the CWD determines based on available information that the individual did not have good cause for failure to meet the terms of the plan, the CWD must send a notice of action to impose a sanction. If a sanction is imposed under the terms of this paragraph, no further compliance procedures are applicable.

Factual Basis:

This section is adopted to comply with 45 CFR Section 400.83. These procedures in CalWORKs (the California TANF program) are set forth at MPP Section 42-721.29.

Section 69-209

Specific Purpose/Factual Basis:

This section is renumbered from Section 69-210.2 to Section 69-209. The renumbering is a change without regulatory effect and only for the purpose of restructuring.

Section 69-209.1

Specific Purpose:

This section is renumbered from Section 69-210.231 to Section 69-209.1. The word “noncomplying” has been deleted and the phrase “who is no longer exempt” has been added. The words “as required” have been deleted, and the phrase “with the employment/training programs or EDD and participates in the employment services within 30 days of receipt of aid” has been added.

Factual Basis:

These amendments have been added so that this section reads more clearly and are in accordance with 45 CFR 400.75(a)(1) that specifies that refugees must register with an appropriate agency and participate in employment services within 30 days of receipt of aid.

Section 69-209.2

Specific Purpose:

This section is renumbered from Section 69-210.21 to Section 69-209.2. The cross references are also renumbered from Sections 69-208.1 through .3 to Sections 69-207.1 and .2, and the cross reference to Section 69-210 is renumbered to Sections 69-208.6, .61, and .7. In addition, the section has been revised to specify that when an “employable” RCA recipient fails or refuses to meet or comply with registration and employment requirements, or conciliation, the CWD shall deny or terminate assistance.

Factual Basis:

The renumbering and cross reference corrections are changes without regulatory effect. The amendments are necessary to comply with and are in accordance with 45 CFR Section 400.82(a).

Section 69-209.3

Specific Purpose:

This section is renumbered from Section 69-210.211 to Section 69-209.3 and the cross reference is renumbered from Section 69-208.11 to Section 69-207.11. The cross reference to Section 69-210.23 is deleted because that section is repealed. The section content has

been revised to delete the phrase “and six payment months for the second and subsequent occurrences.”

Factual Basis:

The renumbering is a change without regulatory effect, and is only for the purpose of restructuring. The deletion of the phrase “and six payment months for the second and subsequent occurrences” are necessary because RCA recipients only receive eight months of time eligibility from the date they enter the United States as outlined at 45 CFR 400.211(a)(6)(b) and Federal Register, September 1, 1993, 68 FR 46089. They would not have time eligibility remaining to incur a six months penalty.

Section 69-209.31

Specific Purpose/Factual Basis:

This section is renumbered from Section 69-210.224 to Section 69-209.31. The renumbering is a change without regulatory effect, and is only for the purpose of restructuring.

Section 69-209.32

Specific Purpose/Factual Basis:

This section is renumbered from Section 69-210.223 to Section 69-209.32 and is amended to correct the existing cross reference. Also the term "AFDC is changed to "CalWORKs" and the term "budget unit" is corrected to "assistance unit."

Final Modification:

This section merely indicates the correct section from which it was renumbered (Section 69-209.223 not Section 69-209.213).

Section 69-209.4

Specific Purpose:

This section is adopted to provide a title for new provisions regarding the Notice of Intended Termination.

Factual Basis:

This section is necessary to comply with 45 CFR Section 400.82(b).

Section 69-209.41

Specific Purpose:

This section is adopted to specify that RCA applicants/recipients must be given timely and adequate notice in accordance with the requirements for notices and hearings in Section 69-211 prior to action to reduce, suspend or terminate assistance.

Factual Basis:

This section is necessary to comply with and in accordance with 45 CFR Section 400.82(b)(1).

Section 69-209.42

Specific Purpose:

This section is adopted to specify that the CWD must provide written procedures in English and in appropriate languages, in accordance with requirements in Section 69-205.2, for the determination of good cause, for sanctioning of refugees who do not comply with the requirements of the program, and for the filing of appeals by refugees.

Factual Basis:

This section is necessary to comply with and in accordance with 45 CFR Section 400.82(b)(2).

Section 69-209.43

Specific Purpose:

This section is adopted to be a lead-in sentence for the following provisions in Sections 69-210.231 and .232 regarding additional requirements for the written notice.

Factual Basis:

This section is necessary to comply with and in accordance with 45 CFR Section 400.82(b)(3).

Section 69-209.431

Specific Purpose:

This section is adopted to require that written notices must include an explanation of the reason for the action and the proposed adverse consequences.

Factual Basis:

This section is necessary to comply with 45 CFR Section 400.82(b)(3)(i).

Section 69-209.432

Specific Purpose:

This section is adopted to require that CWDs must provide written notice of the recipient's right to a hearing.

Factual Basis:

This section is necessary to comply with 45 CFR Section 400.82(b)(3)(ii).

Section 69-209.44

Specific Purpose:

This section is adopted to specify that the CWD must send or provide a written notice in English and a written translated notice, or a verbal translation of the notice, in accordance with Section 69-211, to a refugee at least 10 days before the date upon which the action is to become effective.

Factual Basis:

This section is necessary to comply with 45 CFR Section 400.82(b)(4).

Sections 69-210.1 through .18

Specific Purpose:

These sections are repealed because they are no longer applicable to RCA conciliation procedures.

Factual Basis:

These sections are repealed and new language inserted in Sections 69-208.7, .71, and .8 in accordance with 45 CFR Section 400.83(a)(2) that specifies that conciliation procedures for the RCA program are to be the same as those followed for the TANF program (CalWORKs).

Sections 69-210.2, .22, .221, and .222

Specific Purpose:

These sections are repealed as they have been replaced with Section 69-209.

Factual Basis:

The repeal of these sections is in accordance with 45 CFR Sections 400.82(b)(1) through (b)(4).

Section 69-210.223renumbered to Section 69-209.23

Specific Purpose/Factual Basis:

This section is renumbered to Section 69-209.23.

Section 69-210.23

Specific Purpose/Factual Basis:

This section is repealed as it is incorporated into Section 69-209.1. This change has no regulatory effect.

Sections 69-210.232 and .233 renumbered to Sections 69-209.45 and .46

Specific Purpose/Factual Basis:

These sections are renumbered to keep in place an audit trail should it ever become necessary to track the repealed regulatory language. This revision has no regulatory effect.

Section 69-210

Specific Purpose:

The Notices and Hearings requirements are new and are adopted as Section 69-210 (Title) and Sections 69-210.1 through Section 69-210.232.

Factual Basis:

These adoptions are made to insert a new section into the regulations.

Section 69-210.1

Specific Purpose:

This section is adopted to require that notices are to be sent to a recipient at least 10 days before the date upon which RCA is to be reduced, suspended, or terminated.

Factual Basis:

This section is necessary to comply with 45 CFR Section 400.54(a)(1).

Section 69-210.11

Specific Purpose:

This section is adopted to require that in providing notice to an applicant or recipient to indicate that assistance has been granted, denied, reduced, suspended, or terminated, the written notice must clearly state the action that will be taken, the reasons for the action, and the right to request a hearing.

Factual Basis:

This section is necessary to comply with 45 CFR Section 400.54(a)(2).

Section 69-210.12

Specific Purpose:

This section is adopted to require that in providing notice to an applicant or recipient to indicate that assistance has been granted, denied, reduced, suspended, or terminated, the CWD must specify the program(s) to which the notice applied, clearly distinguishing between RCA and other assistance programs.

Factual Basis:

This section is necessary to comply with and in accordance with 45 CFR Section 400.54(a)(3).

Section 69-210.13

Specific Purpose:

This section is adopted to specify that when a recipient is notified of termination because of reaching the time limit on RCA, the CWD must review the case file to determine possible eligibility for CalWORKs or General Assistance due to changed circumstances. The notice to the recipient must indicate the result of that determination and that RCA is terminated.

Factual Basis:

This section is necessary to comply with and in accordance with 45 CFR Section 400.54(a)(3).

Section 69-210.2

Specific Purpose:

This section is adopted to require that all RCA applicants and recipients be given due process on proposed termination of public assistance benefits by being given timely and adequate notice, detailing the reason for the proposed termination, and an effective opportunity to defend by confronting any adverse witnesses and by presenting his/her own argument and evidence orally.

Factual Basis:

This section is necessary to comply with and in accordance with 45 CFR Section 400.54(b) that is in compliance with CDSS state hearing procedures [See MPP Section 22-049].

Section 69-210.21

Specific Purpose:

This section is adopted to require that written notice of any hearing determination must adequately explain the basis for the decision and the refugee's right to request any further administrative or judicial review.

Factual Basis:

This section is necessary to comply with 45 CFR Section 400.54(b)(3) and to ensure all applicants and recipients receive the rights and protections afforded by law.

Section 69-210.22

Specific Purpose:

This section is adopted to specify that an RCA's benefits may not be terminated prior to completion of final administrative action, but are subject to recovery by the CWD if the action is sustained.

Factual Basis:

This section is necessary to comply with 45 CFR Section 400.54(b)(4) and to ensure all applicants and recipients receive the rights and protections afforded by law.

Sections 69-210.23 and .231

Specific Purpose:

These sections are adopted to specify that a hearing need not be granted when federal law requires automatic grant adjustments for classes of recipients unless the reason for an individual appeal is an incorrect grant computation.

Factual Basis:

These sections are necessary to comply with 45 CFR Section 400.54(b)(5).

Section 69-210.232

Specific Purpose:

This section has been added to specify that a hearing need not be granted when assistance is terminated because the eligibility time period imposed by law has been reached, unless there is a disputed issue of fact.

Factual Basis:

This section is necessary to comply with 45 CFR Section 400.54(b)(6).

Section 69-211

Specific Purpose:

This section is amended to change AFDC to CalWORKs, and to delete the provision specifying that the \$30 and 1/3 or, as applicable, the \$30 disregard exception not be allowed when determining net nonexempt income.

Factual Basis:

The amendment from AFDC to CalWORKs is due to AB 1542, Chapter 270, Statutes of 1997, which established the CalWORKs program that replaced the AFDC program. The deletion of the \$30 and 1/3 or, as applicable, the \$30 disregard exception is necessary to comply with 45 CFR Section 400.66(a)(2). This section specifies that the publicly-administered RCA program is to be consistent with the provisions of the TANF (CalWORKs) program in regard to the determination of benefit amounts (payment levels based on size of the assistance unit, and income disregards). AFDC disregards in former Welfare and Institutions Code sections were eliminated by CalWORKs provisions in Welfare and Institutions Code Section 11451.5.

Section 69-211.1

Specific Purpose:

This section is amended to change the verb “will be” to “are” and the two instances of “which” to “that”, and the phrase “country of nationality” to “country of origin.” This section is also amended to change AFDC to CalWORKs.

Factual Basis:

The amendments of “will be” to “are” and “which” to “that” are changes to correct grammatical errors. The amendment from “country of nationality” to “country of origin” (See 45 CFR Section 400.59(b)). The amendment from AFDC to CalWORKs is due to AB 1542, Chapter 270, Statutes of 1997, which established the CalWORKs program that replaced the AFDC program.

Handbook Section 69-211.11

Specific Purpose/Factual Basis:

This handbook section has been deleted to comply with 45 CFR Section 400.79(a) and (c)(1) and (2). These sections stress a need for an employability plan as part of a family self-sufficiency plan that will lead to the earliest employment and contain a definite employment goal. The ability to have a place to live plays a major role in the attainment of employment; especially for refugees who are forced to leave their homelands and resettle in the United States, sometimes arriving with little more than the clothes on their backs. Homeless assistance will increase their ability to attain economic self-sufficiency.

Section 69-211.2

Specific Purpose:

This section is amended to change "AFDC" to "CalWORKs".

Factual Basis:

The amendment from AFDC to CalWORKs is due to AB 1542, Chapter 270, Statutes of 1997, which established the CalWORKs program that replaced the AFDC program.

Section 69-211.3

Specific Purpose:

This section is amended to specify that if a CWD is unable to confirm refugee status after checking the individual's documentation, the CWD must provide cash assistance to the individual while verifying refugee status. The CWD must follow the Systematic Alien Verification Entitlements (SAVE) system procedures for any refugee who presents questionable documentation for eligibility purposes, unless the refugee him/herself chooses

to secure the appropriate documentation by contacting INS directly. If the CWD is not connected to the SAVE system, an G-845 form (Verification Request – Non-Save Agencies) shall be submitted by the CWD to the local INS office.

Factual Basis:

The amendments to this section are necessary to comply with ORR State Letter #00-17 dated September 14, 2000 which specifies the latest status and documentation requirements for the Refugee Resettlement Program. *Note 1 under Chart #4b on page 8 of the letter provides specific directions for agencies to follow in regard to appropriate documentation for refugee status and eligibility determinations.

Section 69-211.4

Specific Purpose/Factual Basis:

This section is amended to change AFDC to CalWORKs. This revision is due to AB 1542, Chapter 270, Statutes of 1997, which established the CalWORKs program that replaced the AFDC program.

Section 69-211.5

Specific Purpose/Factual Basis:

This section is amended to: 1) add the word "calculations" after the word "rate"; 2) delete "Manual of Policies and Procedures", and add the acronym "MPP" since "Manual of Policies and Procedures" (with the acronym) had been used previously in the regulations; and 3) include the title of the referenced MPP Chapter in parentheses after Section 45-300. These are changes without regulatory effect. They are necessary to maintain clarity and consistency in the regulations.

Section 69-211.7

Specific Purpose/Factual Basis:

This section is repealed as this requirement is more related to the SSI/SSP rather than the RCA program and provisions for the Nonmedical Out-of-Home Care program are covered under MPP Section 46-140.

Section 69-212

Specific Purpose:

Section 69-212 is amended to change AFDC to CalWORKs, and to delete the \$30 and 1/3 or, as applicable, the \$30 disregard exception provision.

Factual Basis:

The AFDC to CalWORKs change is due to AB 1542, Chapter 270, Statutes of 1997, which established the CalWORKs program that replaced the AFDC program. The deletion of the \$30 and 1/3 or, as applicable, the \$30 disregard exception provision is necessary to comply with and in accordance with 45 CFR Section 400.66(a)(2) which states that the publicly-administered RCA program is to be consistent with the provisions of the TANF (CalWORKs in California) program in regards to the determination of benefit amounts (payment levels based on size of the assistance unit, income disregards). Also, see Factual Basis for Section 69-211.

Sections 69-213.121 and .122

Specific Purpose/Factual Basis:

These sections are amended to change the lower case “a” to a capital “A”. The capitalization was made in order to be grammatically consistent with the rest of Division 69 language. The change has no regulatory effect.

Section 69-213.123

Specific Purpose:

This section is amended to change the lower case “a” in the word “an” to a capital “A”, and to add the phrase “who has no parent(s) in the United States” after the word “minor” at the end of the sentence.

Factual Basis:

The letter change has no regulatory effect, and is made to be grammatically consistent with the rest of Division 69. The addition of the phrase “who has no parent(s) in the United States” is made to comply with the definition for an Unaccompanied minor in 45 CFR Section 400.111.

Section 69-213.22

Specific Purpose:

This section has been amended to add the phrase “under state law” after the word “granted”.

Factual Basis:

This amendment is necessary to comply with 45 CFR Section 400.113(b)(2) which specifies that an unaccompanied minor continues to meet the definition of “unaccompanied minor” until the minor is united with a non-parental adult, either relative or non-relative, willing and able to care for the child whom legal custody and/or guardianship is granted under state law.

Section 69-213.4

Specific Purpose/Factual Basis:

This section is amended to change the lower case “p” in the word probate to a capital “P”. This revision has no regulatory effect, and was only for the purpose of correcting the capitalization of a specific code.

Section 69-213.5

Specific Purpose/Factual Basis:

This section is amended to delete “Manual of Policies and Procedures” and the parentheses around MPP. The deletion of “Manual of Policies and Procedures” was made because this title has already been spelled out in a previous regulation, Section 69-202.22.

Sections 69-213.63 and .631

Specific Purpose/Factual Basis:

These sections are amended to add a “C” to DSS to correctly reflect the California Department of Social Services.

Sections 69-213.631c (1) and (2)

Specific Purpose/Factual Basis:

These sections are amended to delete the “or” after the semi colon in Section 69-214.631(c)(1), and to delete the period in Section 69-214.631(c)(2) and insert a semi colon and the word “or”. These changes have been made to be more consistent 45 CFR Sections 400.120(c)(1) and (2).

Section 69-213.631(d)(2)

Specific Purpose/Factual Basis:

This section is amended to add a hyphen between non and parental, and non and relative. These changes have no regulatory effect, and are necessary only for the purpose of correcting punctuation.

Section 69-213.7

Specific Purpose/Factual Basis:

This section is amended to add a hyphen between non and refugee. The change has no regulatory effect, and is necessary only for purpose of correcting punctuation.

Section 69-213.8

Specific Purpose/Factual Basis:

This section is amended to renumber the cross reference from Section 69-203.41 to Section 69-202.41. This change has no regulatory effect, and is necessary only for the purpose of restructuring.

Section 69-214

Specific Purpose and Factual Basis:

This section is amended to change AFDC to CalWORKs. The change from AFDC to CalWORKs is due to AB 1542, Chapter 270, Statutes of 1997, which established the CalWORKs Act of 1997 that replaced the AFDC program.

Section 69-214.1

Specific Purpose/Factual Basis:

This section is amended to change AFDC to CalWORKs. The change from AFDC to CalWORKs is due to AB 1542, Chapter 270, Statutes of 1997, which established the CalWORKs Act of 1997 that replaced the AFDC program.

Section 69-214.2

Specific Purpose:

This section is amended to add a hyphen between non and refugee, and to change AFDC to CalWORKs.

Factual Basis:

The addition of the hyphen has no regulatory effect, and is necessary only for the purpose of correct punctuation. The change from AFDC to CalWORKs is due to AB 1542, Chapter 270, Statutes of 1997, which established the CalWORKs Act of 1997 that replaced the AFDC program.

Section 69-214.3

Specific Purpose/Factual Basis:

This section is amended to renumber the cross reference from Section 69-206.21 to Section 69-205.21, and to delete the phrase “becomes a naturalized United States citizen.” The renumbering of the cross reference is a change without regulatory effect. The phrase pertaining to becoming a naturalized citizen has been deleted because refugees only are eligible for eight months of RCA from the date they enter the United States (see Federal Register of September 1, 1993 [58 FR 46089]). It would take them longer than eight months to become a citizen, therefore their RCA would not be terminated for that reason. It takes five years to become a naturalized citizen in accordance with INA Section 316 (8 USC Section 1427).

Section 69-214.4

Specific Purpose/Factual Basis:

This section is revised to renumber to the cross reference from Section 69-208 to Section 69-207. The cross reference renumbering change has no regulatory effect.

Section 69-214.5

Specific Purpose/Factual Basis:

This section is repealed because if a refugee fails to cooperate in providing the sponsor or VOLAG information for purposes of determining eligibility for RCA, the refugee would not be eligible for RCA, and therefore the CWD would not be terminating RCA.

Section 69-214.6 renumbered to .5

Specific Purpose/Factual Basis:

This section is renumbered from Section 69-214.6 to .5. The renumbering has no regulatory effect and is necessary only for the purpose of restructuring.

Section 69-214.7 renumbered to .6

Specific Purpose/Factual Basis:

This section is renumbered from Section 69-214.7 to .6, and revised to renumber the cross references from Sections 69-206.52, .53, and .54 to Sections 69-205.52, .53, and .54, respectively. The renumbering change has no regulatory effect.

Section 69-215

Specific Purpose:

This section is amended to change the term "AFDC" to "CalWORKs."

Factual Basis:

The "AFDC" to "CalWORKs" change is necessary due to AB 1542, Chapter 270, Statutes of 1997, which established the CalWORKs program that replaced the AFDC program.

Section 69-216 renumbered from Section 69-217

Specific Purpose/Factual Basis:

This section is renumbered from Section 69-217 to Section 69-216. The renumbering has no regulatory effect and is necessary only for the purpose of restructuring.

Section 69-216.1

Specific Purpose/Factual Basis:

This section is amended to add a "C" to DSS to correctly reflect the acronym for the California Department of Social Services. The renumbering is a change without regulatory effect and is necessary only for the purpose of restructuring.

Section 69-216.2

Specific Purpose/Factual Basis:

This section is amended to change "AFDC" to "CalWORKs." The change is due to AB 1542, Chapter 270, Statutes of 1997, which established the CalWORKs program that replaced the AFDC program. The renumbering has no regulatory effect and is necessary only for the purpose of restructuring.

Section 69-216.22

Specific Purpose/Factual Basis:

This section is amended to combine Sections 69-216.22 and .23 for ease of use. This amendment is necessary for clarity and to eliminate duplication.

Section 69-216.23

Specific Purpose/Factual Basis:

This section is repealed because it is duplicative of Section 69-216.22.

Section 69-216.24 renumbered to .23

Specific Purpose/Factual Basis:

This section is renumbered from Section 69-216.24 to .23 and amended to renumber the cross reference from Section 69-204.21 to Section 69-203.21. The restructuring and renumbering of the regulations has no regulatory effect.

Section 69-216.25

Specific Purpose/Factual Basis:

This section is been repealed because it is duplicative of Section 69-216.26. The repeal has no regulatory effect.

Section 69-216.26 renumbered to Section 69-216.24

Specific Purpose/Factual Basis:

This section is renumbered from Section 69-216.26 to .24, and amended to add the phrase "for each refugee in the assistance unit." The renumbering has no regulatory effect and is for restructuring purposes only. The section content revision has no regulatory effect and was made to combine the provisions of repealed Section 69-217.25 for clarity and consistency and to clearly define that each refugee in the assistance unit must have a copy of the I-94 and appropriate INS documentation which identifies their status and date of entry.

Section 69-217 renumbered from Section 69-219

Specific Purpose/Factual Basis:

This section is renumbered from Section 69-219 to Section 69-217. The renumbering has no regulatory effect, and is only for the purpose of restructuring.

Section 69-217.1

Specific Purpose/Factual Basis:

This section is amended to add a “C” to DSS correctly reflect CDSS as the appropriate acronym for the California Department of Social Services. This revision has no regulatory effect.

Section 69-221

Specific Purpose/Factual Basis:

This section is repealed because it is addressed in existing Section 69-211.2.

Section 69-301

Specific Purpose:

This section is amended to change the word “medical” to “cash” and to remove the comma after the word assistance. In the second paragraph, AFDC has been changed to CalWORKs and the phrase “relating to financial eligibility and payments” has been inserted after the word “regulations” and prior to the word “apply” in the last sentence.

Factual Basis:

The amendments in the first paragraph are necessary to change the word “medical” to “cash” because the CDSS is the responsible agency for cash assistance and social services to Cuban/Haitian Entrants. The Department of Health Services is the responsible agency for providing medical services to Cuban/Haitian Entrants as outlined in the letter to H. Gary Mounts, Associate Administrator for Grants Management, ORR, from Walter Barnes, Chief, CDSS, Refugee and Immigration Programs Branch, dated March 4, 1988. In the second paragraph, the amendment from AFDC to CalWORKs is a result of AB 1542, Chapter 270, Statutes of 1997, which established the CalWORKs program that replaced the AFDC program. The insertion of the phrase “relating to financial eligibility and payments” is necessary to comply with and in accordance with 45 CFR Sections 400.66(a)(1) through (4).

This section specifies that an agency operating a publicly administered RCA program must operate its program consistent with the provisions of its TANF program in regard to the determination of eligibility and the determination of benefit amounts.

Final Modification:

This section is corrected to remove the word "assistance" that was not shown as repealed in the original emergency filing. This is merely a technical and grammatical correction.

Section 69-302 renumbered from Section 69-303

Specific Purpose/Factual Basis:

This section is amended to renumber the title from Section 69-303 to Section 69-302, and to amend the title from "Definition of Cuban/Haitian Entrants" to "Cuban/Haitian Entrants Status Requirements", and to add an introductory sentence. The changes have no regulatory effect, and are only for the purpose of renumbering and clarity.

Section 69-302.1

Specific Purpose:

This section is amended to specify that RRP benefits are available to any individual granted parole status as a Cuban/Haitian Entrant (Status Pending), or any individual granted any other special status subsequently established under the immigration laws for nationals of Cuba or Haiti regardless of the status of the individual at the time assistance or services are provided.

Factual Basis:

This section is amended to comply with and in accordance with policy instructions in the federal ORR State Letter #00-17 dated September 14, 2000 regarding the status and documentation requirements for the Refugee Resettlement Program.

Section 69-302.2

Specific Purpose:

This section is amended to specify that RRP benefits are available for a national of Cuba or Haiti who was paroled into the United States and has not acquired any other status under the INA and with respect to whom a final, nonappealable, and legally enforceable order of removal, deportation or exclusion has not been entered.

Factual Basis:

This section is amended to comply with and in accordance with policy instructions in the federal ORR State Letter #00-17 dated September 14, 2000 regarding the status and documentation requirements for the Refugee Resettlement Program.

Section 69-302.3

Specific Purpose:

This section is amended to specify that RRP benefits are available for a national of Cuba or Haiti who is the subject of removal, deportation, or exclusion proceedings under the INA and with respect to whom a final, nonappealable, and legally enforceable order of removal, deportation or exclusion has not been entered.

Factual Basis:

This section is amended to comply with and in accordance with policy instructions in the federal ORR State Letter #00-17 dated September 14, 2000 regarding the status and documentation requirements for the Refugee Resettlement Program.

Section 69-302.4

Specific Purpose:

This section has been revised to specify that RRP benefits are available to a national of Cuba or Haiti who has an application for asylum pending with the INS and with respect to whom a final, nonappealable, and legally enforceable order of removal, deportation or exclusion has not been entered.

Factual Basis:

This section is amended to comply with and in accordance with policy instructions in the federal ORR State Letter #00-17 dated September 14, 2000 regarding the status and documentation requirements for the Refugee Resettlement Program.

Section 69-303 renumbered from Section 69-304

Specific Purpose/Factual Basis:

This section is renumbered from Section 69-304 to Section 69-303, and a hyphen is inserted between "Cuban and Haitian" and an apostrophe deleted from the word "Entrants". The renumbering and grammatical amendments are changes without regulatory effect.

Section 69-304 renumbered from Section 69-305

Specific Purpose/Factual Basis:

This section is renumbered from Section 69-305 to Section 69-304, and amended to change "AFDC" to "CalWORKs." The renumbering is a change without regulatory effect and is only for purposes of restructuring. The AFDC to CalWORKs change is a result of AB 1542, Chapter 270, Statutes of 1997, which established the CalWORKs program that replaced the AFDC program.

Section 69-305 renumbered from Section 69-311

Specific Purpose/Factual Basis:

This section is renumbered from Section 69-311 to Section 69-305. The renumbering is a change without regulatory effect, and is only for the purpose of restructuring.

Section 69-305.3

Specific Purpose/Factual Basis:

This section has been renumbered from Section 69-311.3 to Section 69-305.3, and revised to renumber the cross references from Sections 69-211.4 through .8 to Sections 69-214.4 through .8. The renumbering is a change without regulatory effect, and is only for the purposes of restructuring.

Section 69-306 renumbered from Section 69-317

Specific Purpose/Factual Basis:

This section is renumbered from Section 69-317 to Section 69-306. The renumbering is a change without regulatory effect, and is only for the purpose of restructuring.

b) Identification of Documents Upon Which Department Is Relying

- 45 CFR Sections 400 and 401
- Federal Office of Refugee Resettlement Letter #00-17, dated November 16, 2000
- Federal Office of Refugee Resettlement Letter #00-23, dated September 14, 2000
- Federal Office of Refugee Resettlement (ORR) State Letter, dated September 3, 1993
- Federal Office of Refugee Resettlement (ORR) State Letter, dated October 16, 1992
- Federal Office of Refugee Resettlement (ORR) State Letter, dated July 6, 1989
- Letter to H. Gary Mounts, Deputy Associate Administrator, ORR, dated March 4, 1988

c) Testimony and Response

There was one item of written testimony received and no oral testimony presented at either the March 12, or March 13, 2002, public hearings. Cynthia Hinkley, Deputy Director of Riverside County's Department of Social Services, Planning and Evaluation Division submitted favorable testimony for the regulations in general.

General Comment:

Ms. Hinkley commented that the county "...is in favor of the proposal to align the Refugee Cash Assistance (RCA)/Entrant Cash Assistance (ECA) programs with the rules/regulations that govern the CalWORKs program. [The] aligning ...will provide consistency for our clients and workers" and the "proposal will simplify the application of statewide regulations without any negative impacts such as additional costs to administer the RCA/ECA programs or loss of personnel."

She concluded by stating that the county "...uniquivocally supports the emergency adoption of the rules/regulations to align the RCA/ECA programs with the CalWORKs program."

Response:

The Department acknowledges the favorable comments from Riverside County.

d) Local Mandate Statement

These regulations do impose a mandate upon local agencies, but not on school districts. There are no "state-mandated local costs" in these regulations which require state reimbursement under Sections 17500 et seq. of the Government Code because any costs associated with the implementation of these regulations are costs mandated by the federal government within the meaning of Section 17513 of the Government Code.

e) Statement of Alternatives Considered

CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS 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.

f) Statement of Significant Adverse Economic Impact On Business

CDSS has made an initial determination 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.

g) 15-day Renotice Statement

There was only one favorable item of written testimony received and no oral testimony presented at either the March 12, or March 13, 2002, public hearings. Minor grammatical and technical corrections are made, and a 15-day renotice is not required.