

FINAL STATEMENT OF REASONS

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

Section 40-101.11

Specific Purpose

The specific purpose is to amend this Section to comply with all civil rights laws, rules and regulations of Division 21 as required by federal and State laws.

Factual Basis

This amendment is necessary to ensure non-discrimination in the administration of public assistance and social services programs and activities.

Section 40-188.11

Specific Purpose

The specific purpose is to amend this Section to 1) specify that the “Notification of Intercounty Transfer” form is to be used to initiate a case transfer, and 2) to correct a typographical error in the regulations.

Factual Basis

This amendment is necessary to improve clarity.

Section 40-188.12

Specific Purpose

The specific purpose is to amend this Section to include the requirement that county welfare departments inform recipients that they should request a redetermination of eligibility for aid in the second county as soon as possible to avoid a break in aid.

Factual Basis

This amendment is necessary to minimize disruption of cash aid or services due to the recipient’s delay in requesting a redetermination of eligibility for aid in the new county, as required by Welfare and Institutions Code Section 11053.

Section 40-188.13

Specific Purpose

The specific purpose is to amend this Section to specify a seven-day timeframe by which county welfare departments must provide copies of necessary documentation to the second county.

Factual Basis

This amendment is necessary to facilitate a timely transfer of documents necessary to establish recipient eligibility, (as required by Welfare and Institutions Code Sections 11053 and 11102), to ensure continuous cash aid and services to recipients when they move from one county to another.

Section 40-188.132

Specific Purpose

The specific purpose is to amend this Section to clarify that the required documentation sent by the first county to the second county is to be the welfare-to-work plan, not the work history page.

Factual Basis

This amendment is necessary to facilitate the development of CalWORKs recipients' new welfare-to-work plan in the second county, in accordance with Assembly Bill 1542, Chapter 270, Statutes of 1997, and Welfare and Institutions Code Section 11325.4. The work history page is no longer required due to the implementation of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996, which eliminated the federal requirement (45 CFR 233.100) to establish federal participation through work history.

Section 40-188.136

Specific Purpose

The specific purpose is to adopt the requirement that the first county to provide a copy of the most recently signed Maximum Family Grant (MFG) informing notice, or other MFG informing documentation, to the second county.

Factual Basis

The adoption of this Section is necessary to comply with the provisions of the Nickols v. Saenz Court Order Case Number 310867. In accordance with the Nickols v. Saenz Court Order Case Number 310867, beginning November 2002, the MFG rule can only be applied if a signed copy of the "Notification of Intercounty Transfer" form, (or other MFG documentation) is in the recipient's case file.

Former Sections 40-188.136 and .137 - Renumbered only

Former Section 40-188.141 is being renumbered to 40-188.15

Former Section 40-188.15 is being renumbered to 40-188.17

Section 40-188.16

Specific Purpose

The specific purpose is to adopt this Section to require the first county to discontinue inter-county transfer cases as soon as the second county has assumed responsibility for the provision of aid.

Factual Basis

The adoption of this Section is necessary to avoid any overlap of benefits, and potential overpayments, which can result when the first county fails to discontinue the case after it has been transferred to the second county.

Section 40-188.21

Specific Purpose

The specific purpose of this Section is to adopt the requirement that the second county provide or send an appointment letter to the recipient to provide the address and telephone number of the county welfare office, schedule a date and time for an appointment to redetermine eligibility in the new county, and to inform the recipient of their right to re-schedule the appointment. Counties may also include with the appointment letter any additional forms needed to complete the redetermination of eligibility.

Factual Basis

The adoption of this Section is necessary to clarify how counties are to assist recipients with re-establishing eligibility in the second county to avoid a disruption in their benefits.

Final Modification

In response to public comment received, this Section is being amended to clearly state that counties are precluded from discontinuing or suspending aid based on a recipient's failure to keep their first appointment during the transfer period.

Section 40-188.22

Specific Purpose

The specific purpose is to amend this Section to require county welfare departments to redetermine eligibility within 30 calendar days from the date the recipient requests a redetermination of eligibility for aid in the new county of residence. This Section is also being amended to specify that eligibility must be determined based on continuing recipient criteria.

Factual Basis

This amendment is necessary to ensure that eligibility for cash aid and services is reestablished in the new county in a timely manner. It is also necessary to ensure that eligibility is redetermined appropriately in inter-county transfer cases.

Final Modification

In response to public comment received, this Section is being amended to clearly specify the following criteria: 1) eligibility must be determined based on continuing recipient criteria, 2) county welfare departments are required to follow the provisions of Section 40-126.3 when processing an Inter-County Transfer, and 3) the redetermination of continuing eligibility must be completed by the end of the transfer period as specified in Section 40-187.12.

Section 40-188.23

Specific Purpose

The specific purpose is to renumber this section to 40-188.24 and to eliminate the phrase “the second county shall” within the text.

Factual Basis

This amendment is necessary to eliminate redundancy in the text. The heading at Section 40-188.2 makes it clear that this section refers to the second county’s responsibilities.

Former Sections 40-188.23 - 40.188.24 - Renumbered only

b) Identification of Documents Upon Which Department Is Relying

Nickols v. Saenz Court Order Case Number 310867.

Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996

c) Local Mandate Statement

These regulations do not impose a mandate on local agencies or school districts. There are no state-mandated costs in these regulations which require state reimbursement under Government Code Section 17500, et seq.

d) Statement of Alternatives Considered

The 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.

e) Statement of Significant Adverse Economic Impact on Business

The 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.

f) Testimony and Response

These regulations were considered at a public hearing held on January 15 2002, in Culver City, California and on January 16, 2002, in Sacramento, California. The public hearings were preceded by a 45-day public comment period from November 30, 2001 through January 14, 2001. There was no testimony presented at either public hearing. A written public comment was received via fax from the following individual:

Kevin Aslanian

Mr. Aslanian's summarized comments and the Department's response follow:

Section 40-188.21

1) Comment

"The Proposed regulations (PRs) give the CWD the option of including forms with the appointment letter rather than requiring it. Thus some counties can ask the client to show up, hand them the forms, and tell them to come back again and again. Many of these intercounty transfer recipients are working, thus they have to take a day off every time to come back to the CWD. This could very easily cost them their new found employment. Often ITC cases are persons who found a job in another county. In fact

the ITC should be seamless, just like childcare is suppose to be. Change #1 would mandate the county to provide the ITC client with the necessary forms to complete upfront. This does not preclude the county from seeking other verification consistent with the provisions of 40-126.

In order to address the concerns that counties had with closing cases for failure to keep an appointment, we provide that failing to keep the first appointment will not result in the denial of the ITC.

We have also added Section 211 to state that the ITC redetermination process shall be done in accordance with the provisions of 40-126. This is to make sure that counties do not terminate benefits for failure to provide verification that has not been properly requested.

#### 40-188.21.1 Contact Recipient

Provide or send an appointment letter to the recipient, if the address is known. The letter shall include the address and telephone number of the county welfare office, an appointment date and time, and inform the recipient that the appointment may be rescheduled. The county, ~~may~~ shall also include with the appointment letter any additional forms needed to complete the redetermination or eligibility. Aid shall not be stopped or suspended for failure to keep the first appointment during the 30 days transfer period.

.211 The county shall follow the provisions of 40-126.3 in processing the intercounty transfer cases.”

#### Response

The Department thanks Mr. Aslanian’s for his comments. The proposed regulations have been amended to preclude the county from stopping or suspending aid for the recipient’s failure to make the first appointment during the transfer period. A reference to Section 40-126.3 (evidence gathering) has also been added to Section 40-188.22.

It is the Department’s position that requiring counties to include application forms with the appointment letter would not be in the best interest of the recipient. Counties must have the option of mailing, faxing, or giving the necessary forms to the recipient in person to best serve the needs of each recipient.

#### Section 40-188.22

#### 2) Comment

“This is a problem in that it contains two (2) different messages. (a) It provides that redetermination of eligibility based on current circumstances that has to be done in 30 days. Sounds like an application action. (b) Next sentence states that eligibility has to be determined on continuing bases. This section sends two different messages.

.22 Redetermine Eligibility

Redetermine the recipient eligibility and amount of cash aid based on current circumstances. Eligibility determination must be completed within 30 calendar days from the date of the request for a redetermination of eligibility. Eligibility and grant amount shall be determined based on continuing recipient criteria.

We would suggest that this section be amended to read:

Eligibility and grant amount shall be determined based on continuing recipient criteria. ~~Redetermine the recipient eligibility and amount of cash aid based on current circumstances.~~ Eligibility Intercounty transfer determination must be completed within 30 calendar days from the date of the initiation of an intercounty transfer.”

Response

The Department thanks Mr. Aslanian’s for his comments. Section 40-188.22 has been reworded and restructured to emphasize that eligibility redetermination must be based on continuing recipient criteria. The timeframe for completion of the redetermination has been amended to a less restrictive time period (the end of the transfer period). The transfer period for ICTs is the end of the month following a 30-day time period. As such, the transfer period can vary from 30 to 59 days based upon the beginning date of the transfer. Therefore, imposing a rigid 30-calendar day requirement would be inconsistent with established ICT procedures.