

Post-hearing: Amend Section 47-110(e)(2) to read:

47-110 DEFINITIONS (Continued)

47-110

(e) (2) Exempt from Licensing
or License-Exempt

"Exempt from licensing" or "license-exempt"
means that a child care provider is not required
to obtain a child care license, as specified in the
California Code of Regulations, Title 22,
Division 12, Sections 101158 and 102358.

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

Reference: 42 U.S.C. 9858 et seq.; 42 U.S.C. 9801 Note (b)(4); 42 U.S.C. 9858c(c)(2)(H);
42 U.S.C. 9858c(c)(2)(A) and (c)(5); 42 U.S.C 9858e; 42 U.S.C. 9858n; 45
CFR 98.15(a)(3); 45 CFR 98.20(b)(3); 45 CFR 98.30; 45 CFR 98.42; Sections
8208, 8208.1, 8212, 8263, 8264, 8354 and 8357, Education Code; Sections
1569.773, 1596.792, and 1596.886, Health and Safety Code; Sections
11320.3, 11323.2, 11323.4, and 11324, Welfare and Institutions Code; Budget
Act: AB 107, Chapter 282, Statutes of 1997, Item 6110-196-0001, Provision
9, and Item 6870-101-001, Provision 16(c).

Amend Section 47-260 to read:

Post-hearing: Amend Section 47-260.14 to read:

47-260 ELIGIBLE PROVIDERS

47-260

- .1 Eligible Child Care Provider Requirements
The child care provider shall meet all of the following requirements: (Continued)
- .13 Health and Safety Requirement
Meet or be exempt from health and safety requirements, as specified in ~~Chapter~~ Section 47-6030, Trustline—and Health and Safety Requirements for License-Exempt Child Care Providers.
- .14 Trustline Requirement
A license-exempt child care provider shall Apply for or be a registered for Trustline child care provider as defined in Health and Safety Code Section 1596.605(b)(1) or be exempt from Trustline Registry, as specified in ~~Chapter~~ Section 47-600260.2. A license-exempt provider required to be a registered Trustline child care provider shall not receive a subsidized payment until Trustline registration has occurred.
A license-exempt provider, who has a Trustline application pending on the date that these regulations become effective, may continue to receive a subsidized payment for providing child care services until such time as their Trustline application is denied or their Trustline case file is closed.
- .2 Trustline-Exempt Child Care Providers
The following are exempt from Trustline:
 - .21 Aunts, uncles, grandparents, of the child(ren) in care by blood, marriage or court decree.
 - .211 Court Decree
Court decree includes, but is not limited to, adoptions or other court orders impacting family relationships.
 - .212 Declaration of Relationship
Counties shall obtain a self-certification declaration that substantiates the relationship of the exempt provider to the child(ren).

.22	<u>School or Recreation Program Exempt from Trustline</u>	<u>A public recreation program as defined in Health and Safety Code Section 1596.792 or a public or private school.</u>
.23	Parental Choice	(Continued)
.34	Eligible Child Care Provider Limitations	(Continued)
.45	<u>License-Exempt Provider Information</u>	If the county or a contractor pays for child care services to a license-exempt provider, all of the following information about the license-exempt provider shall be on file with the county or the contractor:
.451	Name, Address, and Telephone Number	(Continued)
.452	Where Care is Provided	(Continued)
.453	Hours of Care and Charges	(Continued)
.454	Social Security Number	(Continued)
.455	Character Reference	(Continued)
.456	Identification	(Continued)
.457	Required Statement	(Continued)
.458	Relationship	(Continued)

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

Reference: 42 U.S.C. 9858i(a)(2)(A); 42 U.S.C. 9858c(c)(2)(A)(ii) and (c)(2)(H); 42 U.S.C. 9858n; 45 CFR 98.30; Section 76 of the Privacy Act of 1974 (5 U.S.C. Section 552a Note); Sections 8208.1, 8212, 8216, ~~and~~ 8357, and 8358(a), Education Code; Sections 1596.60, 1596.605, 1596.67, 1596.792 and 1596.871, Health and Safety Code; Sections 11320.3 and 11324, Welfare and Institutions Code.

Amend Section 47-301 to read:

Post-hearing: Amend Sections 47-301.1 and .22 et seq. to read:

47-301 ADMINISTRATION OF CHILD CARE SERVICES

47-301

.1 County Welfare Department
Responsibility

Counties shall inform ~~families~~ clients of the availability of child care subsidies. Counties shall and ensure that ~~families~~ clients have access to child care subsidies whenever the need for child care occurs as a result ~~ing from~~ of employment or participation in any county-approved activities.

.2 Informing Notice Requirement

The county shall provide the ~~applicant/recipient~~ client with an informing notice that informs the individual of the availability of Stage One child care. (Continued)

.22 Informing Notice Content

The informing notice for Stage One child care shall contain the following information:

(a)

A statement that as of February 1, 2008, license-exempt child care providers, except those who are Trustline-exempt as specified in Section 47-260.2, must be registered with Trustline before subsidized payment for child care services can be made. Counties or contracted payment agencies shall not be permitted to begin payments until the license-exempt provider is a registered Trustline child care provider;

(b)

A statement that a client who selects a license-exempt provider who is required to be registered and is granted Trustline registration shall receive retroactive payment for up to the first 120 calendar days from the date child care services were requested and services were provided;

(c)

A statement that the client is required, no later than the first day child care services began, to instruct the license-exempt provider of choice to submit a completed Trustline application, including fingerprints, and a Health and Safety certification within seven calendar days;

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- (1) To facilitate timely retroactive payments, the provider should submit a completed Trustline Application package and a Health and Safety Certificate as soon as possible.
- (2) A completed Trustline application package means that all fields on the application are completed and fingerprints have been submitted.

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- (bd) A statement that child care payments in CalWORKs Stage One shall not be made for services provided by a licensed or Trustline-exempt child care provider, or a child care provider that is an existing registered Trustline provider more than 30 calendar days prior to the applicant's/recipient's client's request for child care and that the applicant/recipient client is responsible for any child care services received prior to this period;
- (ae) A statement that the applicant/recipient client is eligible for CalWORKs Stage One child care while he or she works or participates in approved welfare-to-work activities, including participating as a volunteer, to the extent that he/she meets the eligibility criteria;
- (ef) A statement that in order to receive paid child care, the applicant/recipient client shall request child care from the worker, provide the information specified in Sections 47-320.2 and 47-260 to the worker within 30 calendar days to determine eligibility and be determined eligible. If the applicant/recipient client and/or child care provider do not provide the required information within 30 calendar days, the child care request may be denied;
- (dg) A statement that the child care provider has to meet certain requirements and that the applicant/recipient client is responsible for any child care services received if the child care provider is determined ineligible;

- (eh) A statement that the ~~applicant/recipient~~ client shall be responsible for informing the county of their need for Stage One child care as soon as the need arises and each time they change child care providers;
 - (fi) A statement that the ~~applicant/recipient~~ client may use the informing notice to request child care if they need it at the time they receive the notice. The informing notice shall include a space for the ~~applicant/recipient~~ client to indicate whether or not they need child care;
 - (gj) A statement that the ~~applicant/recipient~~ client may request assistance from the county to find and choose a child care provider. The informing notice shall include the name, address and phone number of the local child care resource and referral agency;
 - (hk) A statement that the ~~applicant/recipient~~ client shall be responsible for informing the county within 30 calendar days from the first and any subsequent child care provider in order to receive payment for the services provided;
 - (il) A statement that the ~~applicant/recipient~~ client may request assistance from their worker if he or she has any questions or needs additional information. The informing notice shall include the worker's name and telephone number; and
 - (jm) A statement that ~~applicant/recipient~~ the client has read and understands the informing notice.
- .23 The informing notice shall be provided each time the ~~applicant/recipient~~ client: (Continued)
- .24 The county shall provide the recipient with the county's child care request form upon request.

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- .25 To ensure that the ~~applicant/recipient~~ client is reminded of the availability of Stage One child care, the county may provide the informing notice to the ~~applicant/recipient~~ client at any point in time, including the following:
(Continued)
- .253 When a Notice of Action is sent out to the ~~applicant/recipient~~ client, especially one related to an increase in income; or
- .254 Each time the ~~applicant/recipient~~ client has contact with the county welfare office or worker on any other matter.

HANDBOOK ENDS HERE

- .26 ~~Applicant/Recipient~~ Client Responsibility The ~~applicant/recipient~~ client shall sign and return the informing notice to the county when the informing notice is provided as required by Section 47-301.23.
- .27 County Responsibility When the ~~applicant/recipient~~ client returns the informing notice, the county shall date stamp the notice, retain a copy in the case file, provide a copy to the child care worker, and provide a copy to the ~~applicant/recipient~~ client.
- .271 Refusal to Sign/Return If the ~~applicant/recipient~~ client refuses either verbally or in writing to sign and/or return the informing notice, the county shall document the refusal. A documented refusal shall have the same effect as a signature.
- (a) Failure to sign an informing notice that has been mailed to an ~~applicant/recipient~~ client does not in itself constitute a refusal to sign the notice.
(Continued)

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

Reference: 42 U.S.C. 9801 Note (b)(4); 42 U.S.C. 9858e; 45 CFR 205.50; 45 CFR 98.51(a)(2)(i); Sections 8212, 8350, 8351, 8352, 8354 and 8358.5, Education Code; Sections 10540, 10850, 11323.3, 11323.4(f) and 11323.8, Welfare and Institutions Code; Section 1596.605, Health and Safety Code.

Amend Section 47-430 to read:

Post-hearing: Amend Sections 47-430.2 and .21 to read:

47-430 RETROACTIVE PAYMENTS

47-430

HANDBOOK BEGINS HERE

.1 Intent

It is the intent of the Legislature that all CalWORKs ~~applicants and recipients~~ clients be aware of their potential liability for child care payment, and that child care providers be promptly paid for their services to eligible families.

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.2 Retroactive Payment Limit

(a) License-exempt child care providers who are required to be Trustline registered.

After February 1, 2008, clients shall be entitled to receive retroactive payment for up to 120 calendar days from the date child care services were requested and services were provided if the provider subsequently becomes Trustline registered. The county may issue retroactive child care payments on behalf of the client directly to the provider.

(b) The retroactive payments shall be made by the county or the contracted payment agency to either the client, as the provider's employer, if care is provided in the home of the client, or to the provider. The retroactive payment shall be made for up to the first 120 calendar days from the date child care services were requested and services were provided.

.21 Payment Limit Application

Each time the ~~applicant/recipient~~ client chooses a new child care provider, the retroactive payment limit shall be applied based on the date the ~~applicant/recipient~~ client notified the county that they changed providers. However, the county is not required to provide the ~~applicant/recipient~~ client with an informing notice each time the ~~applicant/recipient~~ client changes providers.

2

(a) Licensed, Trustline-Exempt Providers, or Existing Trustline-Registered Providers.

Payments for child care services shall not be made for services provided more than 30 calendar days prior to the ~~applicant's/recipient's~~ client's request for child care if ~~the applicant/recipient~~ client case file contains a copy of ~~the~~ the informing notice signed by the ~~applicant/recipient~~ client ~~within the last year or a~~ notation that the ~~applicant/recipient~~ client refused to sign and/or return the informing notice within the last year.

.22 Payment Limit Exemption

The limit on retroactive payment shall not apply to retroactive payment claims submitted by the ~~applicant/recipient~~ client prior to the date he or she first signed or refused to sign and/or return an informing notice. (Continued)

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

Reference: Section 11323.3, Welfare and Institutions Code; Section 1596.605, Health and Safety Code.

Amend Section 47-601 to read:

47-601 INTRODUCTION TO TRUSTLINE REGISTRY AND HEALTH AND SAFETY REQUIREMENTS FOR CALWORKS LICENSE-EXEMPT CHILD CARE PROVIDERS 47-601

HANDBOOK BEGINS HERE

.1 Introduction

The Trustline Registry system, hereafter referred to as "Trustline," ~~provides for is a criminal record clearance and substantiated child abuse report checks for~~ registry of license-exempt child care providers, who are exempt from licensing requirements and including those who care for children eligible for CalWORKs Stage One child care, whose Trustline application, upon completion of a background check, has been approved. Specified license-exempt child care providers, after submission of a completed Trustline application and fingerprints must apply for and be cleared through registered Trustline child care providers as defined in Health and Safety Code Section 1596.605(b)(1) in order to receive subsidized payment for CalWORKs child care services. (Continued)

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Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code; Section 1596.67, Health and Safety Code; Sections 8171(a) and 8181(a), Education Code; and Public Law 104-193, (Personal Responsibility and Work Opportunity Reconciliation Act [PRWORA] of 1996).

Reference: Sections 1596.605 and 1596.67, Health and Safety Code; Sections 8171(a) and 8181(a), Education Code; and 42 U.S.C. 9858c.(c)(2)(F).

Amend Section 47-602 to read:

Post-hearing: Amend Section 47-602, Introductory sentence, to read:

47-602 DEFINITIONS

47-602

In addition to Section 47-110(e)(2), the following definitions shall apply: (Continued)

- r. (1) ~~(Reserved)~~ Registered Trustline Child Care Provider Upon completion of the searches of the state summary criminal history information and the child abuse index, and, if applicable, the records of the Federal Bureau of Investigations, and if grounds do not exist for denial pursuant to Health and Safety Code Section 1596.607, the provider shall be known as a "registered Trustline child care provider." (Continued)
- t. (1) Trustline Registry Trustline registry – means a computer based registry of license-exempt child care providers, including providers who care for the children of parents eligible for subsidized child care, members of the public who choose to voluntarily apply, employment agency placements, and transport escort services person, who have had a background check to ensure that the child care providers have no disqualifying criminal convictions, or substantiated reports of child abuse, certain arrests that may pose a risk to the health and safety of children in care, a past revocation of a license issued by the Department of Social Services or certificate to be a certified family home, a past exclusion from a licensed facility or a past denial of an application for licensure or certificate of approval to be a certified family home. (Continued)

Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code; Section 1596.67, Health and Safety Code; Sections 8171(a) and 8181(a), Education Code; and Public Law 104-193, (Personal Responsibility and Work Opportunity Reconciliation Act [PRWORA] of 1996).

Reference: Sections 1596.605 and 1596.67, Health and Safety Code; Sections 8171(a) and 8181(a), Education Code; and 42 U.S.C. 9858c.(c)(2)(F).

Repeal Section 47-610 to read:

~~47-610 TRUSTLINE REGISTRY PAYMENT ELIGIBILITY FOR LICENSE- 47-610
EXEMPT CHILD CARE PROVIDERS~~

- ~~.1 Eligible Child Care Provider To be eligible for CalWORKs child care payment/reimbursement, all license exempt child care providers shall apply for Trustline. The following are exempt from this requirement:~~
- ~~.11 Exempt Child Care Providers Aunts, uncles, grandparents, great grandparents, great aunts, and great uncles of the child(ren) in care, by blood, marriage or court decree.~~

~~HANDBOOK BEGINS HERE~~

- ~~.111 Court Decree Court decree includes, but is not limited to, adoptions or other court orders impacting family relationships.~~
- ~~.112 Declaration of Relationship Counties should obtain a self-certification declaration that substantiates the relationship of the exempt provider to the child(ren).~~

~~HANDBOOK ENDS HERE~~

- ~~.12 Exempt School or Recreation Programs A public recreation program as defined in Health and Safety Code Section 1596.792 or a public or private school.~~
- ~~.2 Prior Income Disregard Reimbursement All providers whose fees were reimbursed through income disregard prior to January 1, 1998 are exempted from Trustline unless one of the following apply:~~
 - ~~.21 New Child Care Services Provided The provider begins to provide child care to an eligible family for which he or she has not provided care.~~
 - ~~.22 Lapse in Child Care The provider begins to provide child care to an eligible family subsequent to a lapse in care.~~

Authority cited: ~~Sections 10553, 10554, 10604, and 11324(e)(1) and (2), Welfare and Institutions Code; Section 1596.67, Health and Safety Code; Sections 8171(a) and 8181(a), Education Code; and Public Law 104-193, (Personal Responsibility and Work Opportunity Reconciliation Act [PRWORA] of 1996).~~

Reference: ~~Sections 1596.66 and 1596.67, Health and Safety Code; Sections 8171(a) and 8181(a), Education Code; and 42 U.S.C. 9858e.(e)(2)(F).~~

Amend Section 47-620 to read:

Post-hearing: Amend Sections 47-620.1, .11, .2, .31, .4, .44, .5, and .6 and Handbook Section 47-620.111 to read:

47-620 TRUSTLINE REGISTRY APPLICATION REQUIREMENTS

47-620

.1 Trustline Registry Application Requirements

All ~~families~~ clients requesting ~~license exempt~~ child care by a provider who ~~are~~ is subject to Trustline, shall be provided a Trustline Registry application package, which includes a Trustline Registry application, prior conviction statement, and LiveScan forms and instructions, and two fingerprint cards; one card to check the Criminal History background, and the second to check the FBI background of the provider.

.11 R & R's Receipt of Completed Application Package

The provider has ~~no more than 28 calendar days from the first day that CalWORKs child care services began in which to return the completed application package~~ shall submit a completed Trustline application package within seven calendar days from the date they began to provide child care services to the California Child Care Resource and Referral Agency (R & R) for processing.

Providers in counties that have limited access to LiveScan fingerprinting will be given no more than seven additional calendar days to submit the completed Trustline application to the local child care resource and referral program (R&R).

~~.111~~ County's Reasonable Shorter Time Period

~~The county may establish a reasonable shorter time period, within county procedures, to complete the Trustline application process.~~

~~.112~~ Discontinuance of Child Care

~~The county shall provide temporary child care and discontinue child care if the county is not notified that the Trustline Registry application was received by the 28th calendar day from the first day that CalWORKs child care services began.~~

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.111 Trustline Application Requirements

It is important that the provider submit a completed Trustline application package as soon as possible after child care services are provided. A client who selects a license-exempt provider who is required to be registered with Trustline shall receive retroactive payments for up to 120 calendar days from the date child care services were requested and the services were provided, only if the provider subsequently becomes registered with Trustline. Retroactive payments may be made directly to the child care provider as reimbursement for child care services provided, but in no event would payment exceed 120 calendar days regardless of the number of actual days care was provided.

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.2 Payment Eligibility

The County or contracted payment agency shall issue child care payments only after the license-exempt provider has become a registered Trustline child care provider as defined in Section 47-602(r)(1).

.3 Provider Reimbursement Limit

.31 County Responsibility

The county or contracted payment agency shall pay the provider, once he/she is registered with Trustline, for child care services provided for up to the first 120 calendar days from the first day that CalWORKs child care services were requested and received. Child care payments may be made directly to the client, as the provider's employer, if child care is provided in the home of the client.

.32 Client Responsibility

The client is responsible for any child care costs incurred until such a time as the provider becomes Trustline registered.

.2 4 Denial or Discontinuance of Payment

The county or contracted payment agency shall deny or discontinue payment for child care services, as applicable, which are exempt from licensure if any of the following apply:

.2 <u>41</u> Conviction of a Crime	<u>The county has a certified copy of the Court's judgment of conviction as evidence that the provider has been convicted of a crime specified in subdivision (f)(1)(A) and (B) of Section 1596.871 of the Health and Safety Code.</u>
.3 Continuing Payment Eligibility	Once the Trustline Registry application has been received by the R & R, the county shall issue child care payments for care that is otherwise eligible, unless the county is notified of one of the following:
.32 .42 Case File Closed	(Continued)
.33 .43 Registration Revoked	(Continued)
.34 .44 <u>Application Denied Failure to be Trustline Registered</u>	The Trustline Registry application is denied.
.5 <u>Discontinuance of Payment</u>	<u>Upon notification that a provider has subsequently been convicted of a crime as specified in subdivision (f)(1) of Section 1596.871 of the Health and Safety Code, the county or contractor shall, within two business days, discontinue payment.</u>
.4 <u>6</u> <u>Immediate Notification to the Recipient Client</u>	Upon receipt that the Trustline Registry application has been denied, the case file closed, or registration is revoked, <u>or registration is approved</u> , the county <u>or contractor</u> shall immediately notify the recipient <u>client</u> .
.5 <u>7</u> Timely Notice of Action	(Continued)

Authority cited: Sections 10553, 10554, 10604, and 11324, Welfare and Institutions Code; Section 1596.67, Health and Safety Code; Sections 8171(a) and 8181(a), Education Code; and Public Law 104-193, (Personal Responsibility and Work Opportunity Reconciliation Act [PRWORA] of 1996).

Reference: Section 11324, Welfare and Institutions Code; Sections 1596.605, 1596.67 ~~and~~ 1596.607, and 1596.871, Health and Safety Code; Sections 8171(a) ~~and~~ 8181(a), and 8357(e), Education Code; and 42 U.S.C. 9858c.(c)(2)(F).

Amend Section 47-630 to read:

47-630 HEALTH AND SAFETY REQUIREMENTS FOR LICENSE-EXEMPT CHILD CARE PROVIDERS 47-630

.1 Health and Safety Requirements for License-Exempt Child Care Providers To be eligible for CalWORKs child care, all license-exempt child care providers in a private residence shall complete a Health and Safety Self-Certification with the parent of the child(ren) to be placed in care. This document shall be returned to the county within ~~28~~ seven calendar days from the first day that CalWORKs child care services began. The following are exempt from this requirement:

.11 Exemptions Aunts, uncles, and grandparents, ~~great grandparents, great aunts, and great uncles~~ of the child(ren) in care, by blood, marriage or court decree.
(Continued)

Authority cited: Sections 10553, 10554, 10604, and 11324, Welfare and Institutions Code; Sections 1596.66 and 1596.67, Health and Safety Code; Sections 8179.5, 8181(a) and 8182.5, Education Code; and Public Law 104-193, (Personal Responsibility and Work Opportunity Reconciliation Act [PRWORA] of 1996).

Reference: Section 11324, Welfare and Institutions Code; Sections 1596.66 and 1596.67, Health and Safety Code; Sections 8179.5, 8181(a), 8182.5, and 8358(a), Education Code; 42 U.S.C. 9858c.(c)(2)(F); and Assembly Bill 1542, Chapter 270, Statutes of 1997.