

FINAL STATEMENT OF REASONS

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

Section 44-315.37

Specific Purpose:

The specific purpose of this amendment is to repeal language that no longer applies.

Factual Basis:

This amendment is necessary to repeal the reference to Sections 89-201.5 and .6. These sections previously required that a Senior Parent's income could not be deemed available to his/her Minor Parent's child(ren). Assembly Bill (AB) 444, Chapter 1022, Statutes of 2002 repealed this requirement.

Section 89-201.5

Specific Purpose:

The specific purpose of this amendment is to delete existing language and add new language that requires eligibility and grant determinations in Senior/Minor Parent cases to be done in accordance with CalWORKs requirements at Sections 44-133.5, 44-207 and 44-315.

Factual Basis:

This amendment is necessary to comply with AB 444, Chapter 1022, Statutes of 2002, which repealed the requirement to not consider Senior Parent income available to a Minor Parent's child(ren) in Senior/Minor Parent cases. Treatment of income in these cases will now be consistent with CalWORKs eligibility and grant requirements at Sections 44-133.5, 44-207 and 44-315.

Sections 89-201.51 through .514 (Repealed)

Specific Purpose:

The specific purpose of these amendments is to repeal language that no longer applies.

Factual Basis:

These amendments are necessary because the requirement that the senior parent's income not be deemed available to his/her minor parent's child(ren) in senior parent/minor parent cases has been repealed by AB 444, Chapter 1022, Statutes of 2002, which makes the language in these sections obsolete.

Handbook Section 89-201.52 (Repealed)

Specific Purpose/Factual Basis:

The specific purpose of this section is to repeal handbook examples that no longer apply. This amendment is necessary to comply with AB 444, Chapter 1022, Statutes of 2002.

Section 89-201.51 (Renumbered from Section 89-201.53)

Specific Purpose:

The specific purpose of this amendment is to: (1) renumber Section 89-201.53 to Section 89-201.51; (2) amend the section title from "Eligible Minor" to "Senior Parent/Minor Parent Eligibility and Grant Amount"; (3) add regulation cross references (Section 44-133.5, 44-207 and 44-315); and (4) add the language "his/her child(ren), and" to the section. A grammatical change is also made.

Factual Basis:

This amendment is necessary to: (1) ensure numerical consistency; (2) provide a more appropriate title for clarity; (3) provide correct and relevant regulation citations; and (4) include the minor parent's child(ren) in this provision. This amendment is necessary to comply with Assembly Bill (AB) 444, Chapter 1022, Statutes of 2002, which repealed the requirement to not consider Senior Parent income available to a Minor Parent's child(ren) in Senior/Minor Parent cases. Treatment of income in these cases will now be consistent with CalWORKs eligibility and grant requirements at Sections 44-133.5, 44-207 and 44-315.

Sections 89-201.511 and .512 (Renumbered from Sections 89-201.531 and .532)

Specific Purpose:

The specific purpose of these amendments is to renumber Sections 89-201.531 and .532 to Sections 89-201.511 and .512 respectively and to add references in each to Section 82-808.

Factual Basis:

These amendments are necessary to ensure numerical consistency and to provide references, for clarity, to Section 82-808 which provides requirements and guidelines related to whether a minor parent can be in his/her own Assistance Unit (AU) or included in his/her senior parent's AU.

Section 89-201.513 (Renumbered from Section 89-201.533 and .533(a))

Specific Purpose:

The specific purpose of these amendments is to combine Sections 89-201.533 and 89-201.533(a) and renumber to Section 89-201.513. The title, "Grant Amount", is added for clarity. Language that no longer applies is repealed.

Factual Basis:

These amendments are necessary for numerical consistency and to comply with AB 444, Chapter 1022, Statutes of 2002, which repealed the requirement to not consider Senior Parent income available to a Minor Parent's child(ren) in Senior/Minor Parent cases, making the repealed language obsolete and requiring that the actual grant amount in these cases now be determined in accordance with Section 44-315.3.

Section 89-201.533(b)

Specific Purpose:

The specific purpose of this amendment is to repeal language that no longer applies.

Factual Basis:

This amendment is necessary because the requirement that the senior parent's income not be deemed available to his/her minor parent's child(ren) in senior parent/minor parent cases has been repealed by AB 444, Ch. 1022, Stats. 2002, which makes the language in this section obsolete.

Handbook Sections 89-201.54 through .576 (Repealed)

Specific Purpose/Factual Basis:

The specific purpose of these sections is to delete Handbook Sections 89-201.54 through 89-201.576. These deletions are necessary because the requirement that the senior parent's income not be deemed available to his/her minor parent's child(ren) in senior parent/minor parent cases has been repealed by AB 444, Ch. 1022, Stats. 2002, which makes the language in these Handbook sections obsolete.

Handbook Sections 89-201.513(a) and (b)

Specific Purpose/Factual Basis:

The specific purpose of these sections is to add Handbook examples for clarity and to increase the understanding of the regulations.

Final Modification:

As a result of testimony received, the Department is inserting the recommended change in the example in Handbook Section 89-201.513(b) for additional clarity.

b) Identification of Documents Upon Which Department Is Relying

AB 444, Ch. 1022, Stats. 2002

c) Testimony and Response

There was no oral testimony presented at the May 21, 2003, public hearing. Written testimony, however, was received from the County of San Bernardino, Human Services System's Program Development Unit. The county's comments and the Department's responses follow.

Comment:

San Bernardino County (SBC) commented that in Handbook Section 89-201.513(b) as written, the minor parent can be considered a child, and used to establish eligibility for both senior parents. The county then cited four regulations that are not a part of this filing that do not support this premise.

- Section 82-808.2 states that "The county shall determine who the caretaker relative is by reviewing actual circumstances in each case to determine who exercises care and control responsibility for a child." SBC then added that "If the minor parent exercises control and responsibility for her child, she is that child's caretaker relative."
- Section 82-808.5 states that "An AU may have more than one caretaker relative. However, an eligible child shall have only one caretaker relative at one time." and
- Section 82-808.6 states that "A child who is a caretaker relative shall not be considered a child to establish eligibility for a senior parent." And finally,
- Section 82-820.2 covers who is included in the Assistance Unit (AU). "An AU shall have at least [one of the following: .21] One eligible child [.22] A caretaker relative..." SBC continued by stating that "Mandatory members include the applicant child, eligible siblings to the applicant child, and any parent of the applicant child or that child's eligible siblings."

"Therefore, if the minor parent is her child's caretaker relative, the applicant child is the minor parent's child, and the Assistance Unit would consist of the minor parent and her child only. The minor parent is not an applicant child so, the senior parents would be unable to establish eligibility."

"In an example consisting of the household as given, the senior parents could establish eligibility only by exercising care and control of the minor parent's child. Another option to establish eligibility for the senior parents is to add a minor sibling to the minor parent to the household, over which the senior parents exercise care and control responsibilities."

SBC concluded by recommending that the Department, "Change the example [in Handbook Section 89-201.513(b)] to reflect eligibility only for the minor parent and her child, add language stating the senior parents exercise care and control responsibilities over the minor parent's child, or add a minor sibling to the minor parent over which the senior parents could exercise care and control responsibilities."

Response:

The Department agrees with the citations offered by San Bernardino County as existing eligibility criteria and has determined that the handbook example provided in Section 89-201.513(b) is consistent with these rules. However, as recommended by the county, the example has been revised for clarity.

d) Local Mandate Statement

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

The Department has determined that a 15-day renotice is not necessary to include handbook only changes.