Manual of Policies and Procedures

ELIGIBILITY AND ASSISTANCE STANDARDS

STATE OF CALIFORNIA
HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES

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This Users’ Manual is used as an operational tool.

This manual contains

a) Regulations adopted by the Department of Social Services (DSS) for the governance of its agents, licensees, and/or beneficiaries

b) Regulations adopted by other state departments affecting DSS programs

c) Statutes from appropriate codes which govern DSS programs

d) Court decisions and

e) Operational standards by which DSS staff will evaluate performance within DSS programs.

Regulations of DSS are printed in gothic type as is this sentence.

Handbook material, which includes reprinted statutory material, other departments’ regulations and examples, is separated from the regulations by double lines and the phrases "HANDBOOK BEGINS HERE", "HANDBOOK CONTINUES", AND "HANDBOOK ENDS HERE" in bold print. Please note that both other departments’ regulations and statutes are mandatory, not optional.

In addition, please note that as a result of the changes to a new computer system revised language in this manual letter and subsequent Eligibility and Assistance Standards Manual Letters will now be identified by a vertical line in the left margin.

Questions relative to this Users’ Manual should be directed to your usual program policy office.
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CHAPTER 40-000 IMPLEMENTATION SCHEDULE

40-001 IMPLEMENTATION OF NONRECURRING SPECIAL NEEDS


40-002 IMPLEMENTATION OF EXEMPT STUDENT LOANS

The repeal of MPP Section 44-111.435 is effective January 22, 1988, and that regulation has been invalid since January 1, 1988 because it conflicts with Welfare and Institutions Code Section 11250.8 (see Handbook Section 44-111.435). Counties shall identify cases which receive educational loans/grants on or after January 1, 1988 and shall redetermine the grant, as necessary.

40-003 IMPLEMENTATION OF EXCLUSION FROM ASSISTANCE UNIT OF CHILD OF MINOR PARENT RECEIVING AFDC-FC

.1 This regulatory action consisting of the amendment of MPP Section 44-206.1 shall be effective February 28, 1989 in order to comply with Welfare and Institutions Code Section 11263.5 (Chapter 1066, Statutes of 1988).

.2 With respect to this regulatory action, all required Notices of Action (NOAs) may be issued as early as filing with the Secretary of State, but no later than as required in MPP Section 22-022.1 (Timely Notice).

40-004 IMPLEMENTATION OF THE FAMILY SUPPORT ACT OF 1988 REGARDING INCOME DISREGARDS AND THE EARNED INCOME CREDIT

This regulatory action which consists of amending and repealing the following sections shall be effective October 1, 1989 in order to comply with the provisions of the Federal Family Support Act of 1988 (Public Law 100-485) dealing with changes in earned income disregards and the disregard of advance payments or refund of earned income credit (EIC). Amend Sections: 42-213.2(r), 44-111.3(q), 44-113.211, 44-113.214, 44-113.215, 44-113.217, 44-113.22, 44-133.333, 44-133.631(a)(1), 44-133.632, 44-133.752(a), 44-133.93. Repealed Sections: 44-101.32 through .326, 44-101.527, 44-113.6 through .624, and 44-340.7.
40-005 IMPLEMENTATION OF THE AFDC INFORMING AND COUNTY RECEIPTS REQUIREMENTS

.1 This regulatory action consists of amending Sections 40-107.1 and 40-131.1, in order to comply with the provisions of the Hunger Prevention Act of 1988 (Public Law 100-435).

.2 In addition, this regulatory action amends Section 40-125.1 to comply with the provisions of SB 1141, Chapter 1036, Statutes of 1987, which adds Section 11023.5 to the Welfare and Institutions Code.

.3 The effective date of these regulations shall be July 1, 1990.


40-006 IMPLEMENTATION OF THE AFDC/GAIN (JOBS) CONFORMING REGULATIONS

.1 This regulatory action consists of adopting, amending or repealing language in the following sections in order to bring Aid to Families with Dependent Children (AFDC) regulations into conformity with the Job Opportunities and Basic Skills Training (JOBS) provisions of the Family Support Act of 1988 (Public Law 100-485) and to implement federal regulation [45 CFR 250.40] which requires that AFDC applicants and recipients are informed about the Greater Avenues for Independence (GAIN) Program. Amend Sections: 40-107.1, 40-131.3, 40-169, 44-111.3(f), 44-205.4; and renumber and amend Section 44-206.22 to 44-206.1(d)(5).

.2 The effective date of these regulations shall be October 1, 1990.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 204(a), Public Law 100-485; 45 CFR 250.20(a)(1); and Section 15, AB 312, Chapter 1568, Statutes of 1990.

40-007 IMPLEMENTATION OF THE TRANSITIONAL CHILD CARE PROGRAM

.1 The adoption of Division 47 and amendment of Sections 22-001(a)(3)(A), 22-022.6, 40-107.1, 40-131.3, 40-173, and 42-750 which implement the Transitional Child Care (TCC) program shall be effective April 1, 1990. Counties are required to meet the TCC and Transitional Medi-Cal informational requirements at application, redetermination and discontinuance beginning April 1, 1990.
Division 47 is being adopted to implement the Transitional Child Care (TCC) program in compliance with the Family Support Act of 1988 and Part 256 of the final Federal Rules published October 13, 1989 (45 CFR 256). These provisions require that certain former AFDC recipients will be eligible to receive funding of their child care expenses under certain conditions up to a year following their last month of AFDC eligibility.

Sections 22-001(a)(3)(A) and 22-022.6 are being amended to comply with the notice and hearing requirements in the Family Support Act of 1988 which pertain to the TCC program.

Sections 40-107.1 and 40-131.3 are being amended to require that all AFDC applicants and recipients are informed about the TCC program at the time of AFDC application and redetermination.

Section 40-173 is being amended to require that certain AFDC recipients are informed about their potential eligibility for TCC at the time of AFDC termination.

Section 42-750 pertaining to a GAIN TCC program is being repealed as the program is being superseded by Division 47.

This regulatory action consists of amending Section 40-181.241 to allow for early CA 7 (Rev. 7/87) signoff consistent with 45 CFR 233.28 and Welfare and Institutions Code Section 11265.1.

The effective date of these regulations shall be August 1, 1991.

40-009 IMPLEMENTATION OF THE HOMELESS ASSISTANCE PROGRAM 40-009
AS OF JULY 22, 1999

The revisions in the Manual of Policies and Procedures Section 44-211.5 are effective July 22, 1999.

As counties identify cases which have received Homeless Assistance payments on or after July 22, 1999, they shall re-compute the temporary shelter allowance, as necessary.

40-010 IMPLEMENTATION OF REGULATIONS FOR THE TREATMENT OF INELIGIBLE ALIEN PARENT INCOME

.1 Sections 42-213.2e., r., and .5, et seq.; 44-111.3b., et seq., d., e., g., h., i., p. and .6, et seq. as amended herein, shall become effective August 1, 1991.

.2 Sections 44-113.14, .141, and .142; 44-133.33,.336, .6, .61, .611, .612, .62, .631, et seq. and .633 as amended herein, shall become effective August 1, 1991, and shall be implemented as follows:

.21 Beginning August 1, 1991, the CWDs shall implement the amended or adopted provisions for all new AFDC cases.


40-011 IMPLEMENTATION OF MAXIMUM AID PAYMENT (MAP) ROLL BACK REGULATIONS

.1 Effective Date

This regulatory action shall be effective September 1, 1991 for applicant and continuing cases.

.11 Budgeting

The change in grant computation shall be effective with the July 1991 budget month affecting the September payment month.

.2 Sections Affected

The following sections are adopted with this regulatory filing.

44-115.311
44-133.332 and .334 (Handbook)
44-133.632 (Handbook)
44-133.754 (Handbook)
44-133.92 and .931 (Handbook)
44-315.1 through .9
44-352.125 (Handbook Example)
40-011 IMPLEMENTATION OF MAXIMUM AID PAYMENT (MAP) ROLL BACK REGULATIONS (Continued)

.3 Changes

.31 Treatment of Income
Section 44-133 is amended to be consistent with the changes in the grant computation in Section 44-315.

.32 MAP Roll Back -- Grant Computation
Section 44-315 is amended to roll back the MAP amounts and to change the grant computation so that income is counted against the Minimum Basic Standard of Adequate Care (MBSAC) rather than the MAP. Section 44-115 is amended so that the in-kind income is counted against the MBSAC rather than the MAP.

.33 Overpayment Recoupment
Section 44-352.125 is amended to have the example be consistent with the changes in the grant computation in Section 44-315.

.4 Reason for Change
These changes implement Welfare and Institutions Code Sections 11450, 11452 and 11453 as amended by Chapter 97, Statutes of 1991.


40-012 IMPLEMENTATION OF AMENDMENTS TO THE HOMELESS ASSISTANCE SPECIAL NEED

.1 This regulatory action which consists of adopting, amending and repealing language in Section 44-211.5 shall begin with requests for Homeless Assistance received on or after August 1, 1991 in order to comply with Welfare and Institutions Code Sections 11271, 11272, and 11450 (Chapter 97, Statutes of 1991).

IMPLEMENTATION OF REGULATIONS FOR THE TREATMENT OF EARNED INCOME DISREGARDS FOR SANCTIONED INDIVIDUALS

.1 This regulatory action consists of amending Section 44-133.32 in order to provide consistency with the Federal Action Transmittal FSA-AT-91-4 resulting from the Simpson v. Hegstrom court decision. These regulations as amended herein shall become effective March 1, 1992.

.2 Corrective underpayments to eligible recipients resulting from the application of Section 44-133.32 shall be provided back to the date of application or March 1, 1991, whichever occurred later.

.21 Appropriate corrective underpayments shall be paid upon request of the recipient, or at redetermination, or when the CWD becomes aware that a review is needed, whichever comes first.


IMPLEMENTATION OF REGULATIONS TO COMPLY WITH PROVISIONS OF GONZALES COURT ORDER

.1 This regulatory action consists of adopting or repealing the following sections in order to comply with the provisions of the Gonzales v. McMahon court order and to implement federal regulations at 45 CFR 302.51(a)(4) which require that the Title IV-D agency establish the date on which child support payments are withheld in wage assignment and other income withholding cases to represent the date of collection for distribution purposes. Adopt Section: 43-201.321. Repeal Section: 43-203.11 handbook. Relocate and readopt handbook Section: 43-203.11 at 43-201.321.

.2 The effective date of these regulations shall be June 30, 1992.

IMPLEMENTATION OF REGULATIONS PURSUANT TO
SENATE BILL 485, CHAPTER 722, STATUTES OF 1992
AND WELFARE AND INSTITUTIONS CODE SECTION 11201.5,
STATUTES OF 1991, CHAPTER 97

.1 Sections Implemented
The following amendments and adoptions comply with
the provisions of Senate Bill 485, Chapter 722, Statutes
of 1992 and Welfare and Institutions Code Section
11201.5, Statutes of 1991, Chapter 97. This regulatory
action consists of:

Changes to reduce the Maximum Aid Payment (MAP);

Adoption of a requirement which will limit the amount
of aid a family may receive when they have not lived in
California for 12 months or more; and

Elimination of the 100-hour limit for AFDC-U
recipients who work.

.11 Sections Adopted
89-100 Assistance Payments Demonstration
Project (APDP) and California Work
Pays Demonstration Project (CWPDP)

89-101 Federal Demonstration Projects -
Introduction

89-105 Elimination of Time Limitations for
30 and 1/3 Earned Income Disregard
and Elimination of the 100-Hour
Limit

89-110 Maximum Aid Payment (MAP) Level
and MAP Restriction

.12 Sections Amended
41-440 Federal AFDC-U Unemployed Parent
Program

44-315 Amount of Aid

.2 Effective Dates
Unless otherwise specified in Section 40-015.21, all
regulatory action herein implementing the provisions of
Senate Bill 485, Chapter 722, Statutes of 1992 and
Welfare and Institutions Code Section 11201.5,
Statutes of 1991, Chapter 97, shall be effective
December 1, 1992 for both applicants and recipients.
.21 Section

.211 Relocation
Family
Grant

The specified effective date is:

Section 89-110.4 pertaining to the Relocation Family Grant (RFG) shall only apply to all applicants as of December 1, 1992. However, in accordance with the Green v. Anderson court order, this provision shall not be implemented until a determination by a court of appropriate jurisdiction allows such implementation.

.1 Effective Date

This regulatory action shall be effective January 1, 1993.

.2 Sections Adopted

44-304 Aid Payment Schedules

.3 Sections Amended

44-305.2 Time of Delivery
44-305.3 Alternate Payment Systems

.4 Changes

Section 44-304 is being adopted to provide counties the option of issuing AFDC warrants monthly rather than semimonthly and to relocate language in part from Section 44-305.2.

Sections 44-305.2 through .29 are being repealed to relocate these provisions to newly adopted Section 44-304.

Section 44-305.3 is being renumbered to Section 44-305.2 to conform to the numbering sequence within this section.

Sections 44-305.23, .231 and .232 are being relocated from Sections 44-305.222a. and b. and amended for consistency and clarity.

.1 Effective Date
This regulatory action shall be effective July 1, 1993.

.2 Sections Affected
The following sections are affected by this regulation package:

40-119  How and Where Application is Made
40-121  Completing the Application
44-103  Exploration of Income Potentials and Income Verification
44-207  Income Eligibility
44-211  Special Needs in AFDC
44-317  Beginning Date of Aid for New Applications
44-318  BDA for Persons Being Added to the AU
44-350  Overpayments -- General
44-355  Mandatory Inclusion
Overpayment/Underpayment
80-301  Definitions
80-310  Definitions - Forms
82-610  Potentially Available Income
82-612  Unemployment Insurance Benefits
82-614  Good Cause for Failing to Meet UIB Conditions of Eligibility
82-808  Caretaker Relative Requirements
82-820  Included Persons
82-824  Assistance Units That Shall Be Combined

HANDBOOK BEGINS HERE

.3 Changes

.31 CA 7 As Application
The CA 7 or SAWS 7 shall be considered an application when: converting a case from State-only to federal AFDC or adding an optional person to the AU.

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Definitions have been provided for "Aid Payment," "BDA," "Collect," "Date of Application," "Immediate Need Payment," "Recoup" and "Recover." Definitions have been amended for "Alternatively Sentenced Parent (ASP)" and "Senior Parent."

Definitions of forms have been provided for CA 7 SAWS 1 and SAWS 7.


This regulatory action, which consists of adopting and amending the following sections, shall be effective August 2, 1993 in order to comply with AB 2184 (Chapter 1205, Statutes of 1991). AB 2184 added Section 11008.19 to the Welfare and Institutions Code, which requires the California Department of Social Services (CDSS) and the California Department of Education (CDE) to establish a system for documenting child care usage by Aid to Families with Dependent Children (AFDC) recipients in CDE's subsidized child care system.


### IMPLEMENTATION OF REGULATIONS PURSUANT TO
### SENATE BILL 35, CHAPTER 69, STATUTES OF 1993
### FOR THE ASSISTANCE PAYMENTS DEMONSTRATION PROJECT

#### .1 General
The following amendments comply with the provisions of Senate Bill 35, Chapter 69, Statutes of 1993. This regulatory action consists of:

- Elimination of the 4-month limit on receipt of the $30 and 1/3 earned income disregards and elimination of the additional 8-month limit on receipt of the $30 earned income disregard; and
- Changes to reduce the Maximum Aid Payment (MAP) and the Reduced Income Supplemental Payment.

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(Continued)

.2 Effective Date
As specified in Sections 40-019.21 and .22 below, all regulatory action herein implementing the provisions of Senate Bill 35, Chapter 69, Statutes of 1993, shall be effective September 1, 1993.

.21 $30 and 1/3 Earned Income Disregards
This provision is effective with all earned income received on or after September 1, 1993.

.22 MAP Reduction
This provision is effective for payment months beginning September 1993.


IMPLEMENTATION OF CALIFORNIA ALTERNATIVE ASSISTANCE PROGRAM (CAAP)

.1 The adoption of Chapter 89-700 and the amendment of Sections 40-131.3, 40-181.2, 44-111.3, 44-207.322, and 89-101, which implement the California Alternative Assistance Program (CAAP) shall be effective May 1, 1994. Counties are required to meet the CAAP informing requirements at application and redetermination of eligibility for applicants and recipients subject to the California Work Pays Demonstration Project (CWPDP) beginning May 1, 1994.

.2 Chapter 89-700, for applicants and recipients subject to the CWPDP, is adopted to implement the CAAP to comply with the provisions of Welfare and Institutions Code Section 11280 (Chapter 69, Statutes of 1993).

.3 Section 40-131 is amended to require that AFDC applicants be informed about CAAP at the time of AFDC application.

.4 Section 40-181 is amended to require that AFDC recipients be informed about CAAP at the time of AFDC redetermination.
40-020  IMPLEMENTATION OF CALIFORNIA ALTERNATIVE ASSISTANCE PROGRAM (CAAP) (Continued)

.5 Section 44-111 is amended to exempt CAAP payments from consideration as income for AFDC.

.6 Section 44-207 is amended to require that an individual be considered to have received an AFDC payment when the assistance unit (AU) has received benefits under the CAAP.

.7 Section 89-101 is amended to require that CAAP be included in the CWPDP provisions of Chapter 89-700 et seq. The county shall apply these provisions to those applicants and recipients who are designated as members of the Project’s control and experimental groups.


40-021  IMPLEMENTATION OF SUPPLEMENTAL CHILD CARE PROGRAM

.1 The adoption of Chapter 44-500 and the amendment of Sections 40-131.3, 40-181.1, and 44-111.3 which implement the Supplemental Child Care (SCC) Program shall be effective November 4, 1993. Counties are required to meet the SCC informing requirements at application and redetermination beginning November 4, 1993.

HANDBOOK BEGINS HERE

.2 Chapter 44-500 is being adopted to implement the Supplemental Child Care (SCC) Program to comply with the provisions of Welfare and Institutions Code Section 11451.7 (Chapter 69, Statutes of 1993).

.3 Section 40-131 is being amended to require all AFDC applicants be informed about the SCC Program at the time of AFDC application.

.4 Section 40-181 is being amended to require that AFDC recipients are informed about their eligibility for SCC when they become employed.

.5 Section 44-111 is being amended to exempt SCC payments from consideration of income for AFDC.

HANDBOOK ENDS HERE

The following amendments and adoptions comply with the provisions of Senate Bill 35, Chapter 69, Statutes of 1993 and Senate Bill 1078, Chapter 1252, Statutes of 1993. This regulatory action applies to recipients who are subject to the California Work Pays Demonstration Project and consists of:

Changes to increase the real and personal property limit from $1,000 to $2,000;

Changes to increase the exemption for one motor vehicle from $1,500 to $4,500; and

Allows the AU to retain funds up to $5,000 in a restricted account for specified purposes.

Sections Adopted

- Increased Property Limits for Recipients (89-115)
- $2,000 Property Limit for Recipients (89-120)
- Increased Motor Vehicle Limit for Recipients (89-125)
- Restricted Accounts for Recipients (89-130)

Sections Amended

- Property Which May Be Retained by An Applicant or Recipient (42-207)
- Property Items to Be Excluded in Evaluating Property Which May Be Retained (42-213)
- Overpayment Recoupment (44-352)
- Definitions (80-301)
- Federal Demonstration Projects - Introduction (89-101)
.2 Effective Date

All regulatory action implementing the provisions of Senate Bill 35, Chapter 69, Statutes of 1993 and Senate Bill 1078, Chapter 1252, Statutes of 1993 shall become effective April 1, 1994, for recipients who are subject to the California Work Pays Demonstration Project.

40-024 IMPLEMENTATION OF CHILD SUPPORT DATES AND INSURANCE REGULATIONS

.1 Effective Date
This regulatory action is effective July 1, 1997.

.2 Sections Repealed
The sections listed below are repealed by this regulations filing:

43-106 Assignment of Support Rights
43-107.1 Establishing Paternity and Securing Child and Spousal Support
43-107.2 Specific Actions Relating to Cooperation
43-107.3 No Interruption in Aid
43-107.4 Determination of Good Cause
43-200 Child Support Enforcement Program
43-201 Child and Spousal Support and Paternity
43-203.1- Distribution of Child and Spousal Support Payments
   .117, .131 & .152
43-205 Treatment of Undeliverable and Uncashed Warrants

.3 Sections Amended
The sections listed below are amended by this regulations filing:

40-105.1 Assuming Responsibility Within His/Her Capabilities
40-131.3 Content of Application Interview
40-173.7 Notification of Child/Spousal Disregard Payment
40-181.2 Periodic Determination of Eligibility
43-203.12, Distribution of Child and Spousal Support Payments
   .13, .14
   .15, .161, .2, & .3
44-111.4 Child/Spousal Support Disregard
44-113.7 Child/Spousal Support
80-310 Definitions - Forms
### IMPLEMENTATION OF CHILD SUPPORT DATES AND INSURANCE REGULATIONS

#### .4 Chapters Adopted

The chapter listed below is adopted by this regulations filing:

- 82-500 Child Support Enforcement Program Regulations

#### .5 Sections Adopted

The sections listed below are adopted by this regulations filing:

- 40-024 Implementation of Child Support Dates and Insurance Regulations
- 82-500 Child Support Enforcement Program Regulations
- 82-502 Child Support Enforcement Program
- 82-504 Assistance Units Subject to the Provisions of the Child Support Enforcement Program
- 82-506 Assignment of Support Rights
- 82-508 County Responsibilities
- 82-510 Cooperation Requirements
- 82-512 Exemption from Cooperation Requirements
- 82-514 Evaluation of Claim for Exemption
- 82-516 Enforcement Without Applicant/Recipient's Cooperation
- 82-518 Child and Spousal Support Collections
- 82-520 Distribution of Child and Spousal Support Payments

#### .6 Sections Renumbered

The sections listed below are renumbered by this regulations filing:

- 43-203.12, .13, .132, .14, .143, .15, .151, .16, .162, .17, .175, .2, .21, .23, .3, .32, and .4 Distribution of Child and Spousal Support Payments
Changes

.71 Medical Insurance

Section 82-510.2 provides that applicants for, and recipients of, AFDC must identify all third parties who may be liable for medical care or services for the applicant/recipient or any family member.

.72 Date of Collection

Section 82-518.4 provides that, for purposes of determining entitlement to payments to families in wage assignment cases, the date of collection is the date the payment is withheld from the absent parent's wages. This date is provided by the employer.


.1 Effective Date

This regulatory action shall be effective January 1, 1998 or any time after that date when the SFIS becomes operational in each county. The regulations will be applied to the continuing caseload within six months of the date the SFIS becomes operational in each county. With the exception of the photo imaging provisions contained herein, these regulations also apply in a county with an operational state-approved finger imaging system in place as of January 1, 1998 until such time as SFIS is implemented in that county.

.2 Sections Amended

40-105 Applicant and Recipient Responsibility.

40-171 Actions on Applications, Interprogram Transfers, and Interprogram Status Changes.

80-301 Definitions.
3 Changes

Section 40-105.31 is added to specify that providing fingerprint and photo images is a condition of eligibility for certain applicants for and recipients of CalWORKs.

Section 40-105.32 is added to specify which persons are required to provide fingerprint and photo images.

Section 40-105.33 is added to specify those individuals who are exempt from SFIS requirements.

Section 40-105.34 is added to specify that all persons required to provide fingerprint and photo images will be informed that the images are confidential and may not be used for any purpose other than the prevention or prosecution of fraud.

Section 40-105.35 is added to specify that an otherwise eligible AU shall not be ineligible due to a technical problem in the SFIS system.

Section 40-171.221k. is added to specify that the county will deny aid if any person required to provide fingerprint and/or photo images refuses or fails to do so.

Section 80-301f.(2) is added to provide a definition of "fingerprint imaging."

Section 80-301p.(4) is added to provide a definition of "photo imaging."

Section 80-301s.(8) is added to provide a definition of "Statewide Fingerprint Imaging System (SFIS)."

.1 Effective Date
This regulatory action shall be effective only for the payment month of December 1, 1997, for applicant and continuing cases. Commencing January 1, 1998, counties are to follow CalWORKs grant structure implementation instructions provided in CDSS All-County Letter 97-59, dated October 14, 1997.

.11 Retroactivity
Pursuant to the Stipulation filed with the Court, continuing cases containing an ineligible alien live-in spouse of an aided parent with income shall be evaluated for retroactive payments. The period of retroactivity shall go back no further than the payment month of September 1995.

.2 Sections Amended
44-113.14 Deduction for an Ineligible Alien Child(ren) Living in the Home of an Aided Parent
44-133.5 Income in Cases Where an Ineligible Alien Parent(s) Resides in the Home
44-207 Income Eligibility
44-352.4 Overpayment Recoupment - Methods of Recovery

Section 40-105.4 is adopted to comply with the provisions of Assembly Bill (AB) 1542, Chapter 270, Statutes of 1997. These sections implement the CalWORKs Immunization Requirements. This regulatory action consists of:

Adoption of a requirement that all children in the Assistance Unit (AU) under the age of six have age-appropriate immunizations and a penalty imposed on the parent(s)/caretaker relative in the AU for failure to comply by eliminating their needs in the grant computation.

The following sections are adopted with this regulatory filing:

11-501.3 County Policies and Procedures
40-105.4 Immunization Requirements
40-105.4(b) Age-Appropriate Immunizations
40-105.4(c) Informing Requirements
40-105.4(d) Verification
40-105.4(e) Time Frames (for submission of verification)
40-105.4(f) Exemptions
40-105.4(g) Failure to Cooperate
40-105.4(h) Restoration of Aid
40-105.4(i) Good Cause
40-105.4(j) Documentation
40-028 IMPLEMENTATION OF THE STATE IMMUNIZATION AND SCHOOL ATTENDANCE REQUIREMENTS PURSUANT TO ASSEMBLY BILL 1542, CHAPTER 270, STATUTES OF 1997

(Continued)

40-131.3(x) Content of Application Interview (county informing instructions for applicants)

40-181.1(m) General County Responsibility (county informing instructions for recipients)

2 General - State School Attendance

Section 40-105.5 is adopted and Sections 40-131, 40-181, and 42-101 are amended to comply with the provisions of AB 1542, Chapter 270, Statutes of 1997. These sections implement the CalWORKs School Attendance Requirements. This regulatory action consists of:

Adoption of a requirement that all children for whom school attendance is compulsory, (children ages 6 through 17) must regularly attend school. Failure to regularly attend school will result in a reduction in the grant amount to the AU.

21 Sections Adopted

40-105.5 School Attendance Requirements

40-131(y) Content of Application Interview

40-181.1(n) General County Responsibility

22 Section Amended

42-101 Age Requirement

3 Effective Date

All regulatory action herein implementing the provision of the AB 1542, Chapter 270, Statutes of 1997, shall be effective June 1, 1998.

**40-029 IMPLEMENTATION OF RESTRICTED ACCOUNTS REGULATIONS IN THE CALWORKS PROGRAM**

.1 Effective Date  This regulatory action is effective July 1, 1998.

.2 Sections Repealed  None.

.3 Sections Adopted  None.

.4 Sections Amended  89-130(d)(2) Education
                      89-130(g)(2) Child's Education


**40-030 IMPLEMENTATION OF OVERPAYMENT RECOUPMENT REGULATIONS 40-030**

.1 General  This regulation package implements the provisions of Welfare and Institutions Code Section 11004 (Section 37 of Assembly Bill 1542, Chapter 270, Statutes of 1997). This law specifies that for purposes of recouping overpayments, counties may reduce aid payments by 5% of the MAP amount for the AU for agency caused overpayments and 10% of the MAP amount for the AU for all other overpayments without regard to income or resources.

.2 Effective Date  This regulatory action shall be effective July 1, 1998.

.3 Sections Repealed  Section 44-350.162
                    Section 44-350.2h
                    Handbook Section 44-352.125
                    Handbook Section 44-352.115(a)

.4 Sections Adopted  Handbook Section 44-352.125

.5 Sections Amended  Handbook Section 44-352.115(b)
                    Section 44-352.121
                    Section 44-352.41

40-031  IMPLEMENTATION OF REGULATIONS TO ELIMINATE LATE MONTHLY REPORTING PENALTIES IN THE CALWORKS PROGRAM

.1 Effective Date
This regulatory action is effective July 1, 1998.

.2 Sections Repealed
Section 40-125.922
Section 40-125.94c.
Section 40-181.222a.(3)
Section 40-181.223, et seq.
Section 40-113.218
Sections 44-402.211 and .212

.3 Sections Adopted
None.

.4 Sections Amended
Section 40-181.234
Section 40-181.244


40-032  IMPLEMENTATION OF DEPRIVATION AND DIVERSION ASSISTANCE

.1 Effective Date
This regulatory action is effective July 1, 1998.

.2 Sections Repealed
Section 40-169
Section 41-441
Section 41-442
Section 89-105

.3 Sections Adopted
The following section is adopted with this regulatory filing.
Section 81-215

.4 Sections Amended
Section 40-109.2
Section 40-115.2
Section 40-161
Section 40-171.2
Section 41-400
Section 41-401
Section 41-440

40-033 IMPLEMENTATION OF VOUCHER/VENDOR PAYMENT REGULATIONS IN THE CALWORKS PROGRAM

.1 Effective Date
This regulatory action is effective July 1, 1998.

.2 Sections Repealed
None.

.3 Sections Adopted
44-307 et seq.

.4 Sections Amended
44-303.3
44-304.6

IMPLEMENTATION OF CALWORKS DRUG AND FLEEING FELON PROVISIONS

.1 General
Assembly Bill (AB) 1542, Chapter 270, Statutes of 1997, and AB 1260, Chapter 284, Statutes of 1997, enacted provisions which impact the Aid to Families with Dependent Children (AFDC) program. AB 1542 renames the AFDC program to the California Work Opportunity and Responsibility to Kids (CalWORKs) program. These proposed regulations implement and make specific the requirements of AB 1542 which adds Section 11486, and AB 1260 which adds Section 11251.3 to the Welfare and Institutions Code.

Section 11486.5 provides that persons fleeing to avoid felony prosecution, custody or confinement, or violating a condition of parole or probation are ineligible for aid under CalWORKs. Section 11251.3 provides that persons convicted of a felony related to the possession, use, or distribution of a controlled substance after December 31, 1997, are ineligible for aid under CalWORKs.

.2 Effective Date
This regulatory action is effective July 1, 1998.

.3 Sections Repealed
82-832.14 and 82-832.26

.4 Sections Adopted
40-034, 82-832.19, .191 and .20

.5 Sections Amended
82-832, 82-832.21, .23 and .231

.6 Repeal Date
The regulatory provisions excluding persons with a prior drug felony conviction from eligibility for CalWORKs are repealed effective April 1, 2015.

The following sections have been adopted or amended to comply with the new 60-month time limit provisions as set forth in Welfare and Institutions Code Sections 11454, 11454.5 and 11495.1 and 42 U.S.C. 608(a)(7)(A) and (B). These provisions were enacted by AB 1542, Chapter 270, Statutes of 1997. Welfare and Institutions Code Section 11454.5 is amended by AB 2772, Chapter 902, Statutes of 1998. The regulatory action will:

Establish a 60-month limit for the receipt of aid for adults and the exceptions under which adults may receive aid beyond 60 months.

Specify how and when months of aid are counted toward the 60-month time limit, and identify the criteria for excluding months from the count.

Define what aid counts toward the 60-month time limit.

Sections Adopted

- 40-107.14 County Responsibility
- 42-300 General Time Limit Requirements
- 42-301 General Time Limit Requirements for Adults
- 42-302 60-Month Time Limit Requirements for Adults

Sections Amended

- 42-302.2 Counting the 60-Month Limit
- 42-302.21 Exempt Months
- 42-302.22 Diversion Count
IMPLEMENTATION OF REGULATIONS PURSUANT TO
WELFARE AND INSTITUTIONS CODE SECTIONS 11454,
11454.5 AND 11495.1, ENACTED BY ASSEMBLY BILL (AB)
1542, (CHAPTER 270, STATUTES OF 1997) AND WELFARE AND
INSTITUTIONS CODE SECTION 11454.5, AMENDED BY ASSEMBLY
BILL (AB) 2772, CHAPTER 902, STATUTES OF 1998 (Continued)

82-832 Excluded Persons - Adds Persons who are Ineligible for Aid on the Basis of
Exceeding the Time Limit Requirements

.2 Effective Date
All regulatory action implementing the provisions of
AB 1542, Chapter 270, Statutes of 1997 shall become
effective July 1, 1998.

See Section 42-301.1 for the effective date of the time
limit requirements.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections
11454, 11454.5, 11454.5(b)(4) and (5) and 11495.1, Welfare and Institutions Code.
.1 Effective Date

All regulatory action implementing the provisions of Quarterly Reporting/Prospective Budgeting (QR/PB) as authorized by Assembly Bill (AB) 444 (Chapter 1022, Statutes of 2002), AB 692 (Chapter 1024, Statutes of 2002), and AB 1402 (Chapter 398, Statutes of 2003) shall become effective for recipient cases upon Quarterly Reporting becoming operative in the county in which they reside pursuant to the Director’s QR/PB Declaration. Quarterly Reporting regulations include a unique regulation design which include a tandem format for the operation of both monthly and quarterly reporting systems to account for the staggered implementation dates. Regulations that become obsolete under Quarterly Reporting, are labeled as (MR). Regulations that are operative under Quarterly Reporting are labeled (QR). Regulations not labeled are applicable to both reporting systems and therefore remain unchanged. In addition, each regulation impacted by QR includes a disclaimer stating QR regulations will replace the MR regulations once QR is implemented by the county.

.2 Divisions Impacted by Quarterly Reporting

Division 22, 40, 42, 44, 47, 48, 80, 82, and 89.

.3 QR/PB regulations will no longer be operative upon the date that Semi-Annual Reporting (SAR) becomes effective in that county, pursuant to the County's SAR Declaration (see Section 40-038).

Note: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; and Section 71, Assembly Bill (AB) 444 (Chapter 1022, Statutes of 2002), as amended by Section 3, AB 1402 (Chapter 398, Statutes of 2003); and AB 6 (Chapter 501, Statutes of 2011). Reference: Sections 11265.1, 11265.2, and 11265.3, Welfare and Institutions Code; Section 70, AB 444 (Chapter 1022, Statutes of 2002); Section 71, AB 444 (Chapter 1022, Statutes of 2002), as amended by Section 3, AB 1402 (Chapter 398, Statutes of 2003); and AB 6 (Chapter 501, Statutes of 2011).
IMPLEMENTATION OF BENEFITS AND SERVICES TO NONCITIZEN VICTIMS OF HUMAN TRAFFICKING, DOMESTIC VIOLENCE, OR OTHER SERIOUS CRIMES

.1 General

These regulations extend eligibility for certain public social services, including state-funded CalWORKS, to certain noncitizen victims of trafficking, domestic violence or other serious crimes, as defined, who can demonstrate their eligibility for these programs, and to trafficking victims who are taking steps to meet eligibility conditions for federal benefits. The time limit provision specified in Section 42-302.1 shall also apply to noncitizen victims of trafficking, domestic violence and other serious crimes as defined in Section 42-431.23.

.2 Effective Date

All regulatory action implementing the provisions authorized by the federal Trafficking Victims Protection Reauthorization Act of 2003 (Public Law 108-193) as Senate Bill (SB) 1569 (Chapter 672, Statutes of 2006) shall become effective for applicants and recipients July 2008. (Welfare Institutions Code Sections 13283, 14005 and 18945)

.3 Sections Adopted

40-105.26, Social Security Number Exception 42-431.23 et seq., Eligibility Requirements 42-431.3 through .6, Determining Eligibility

40-038 IMPLEMENTATION OF SEMI-ANNUAL REPORTING FOR CalWORKs RECIPIENTS

.1 Effective Date

All regulatory action implementing the provisions of Semi-Annual Reporting (SAR) as authorized by Assembly Bill (AB) 6 (Chapter 501, Statutes of 2011), shall become effective for recipient cases upon semi-annual reporting becoming operative in the county in which they reside pursuant to the County’s SAR Declaration. The SAR Declaration is a letter submitted from the County Welfare Department Director to the Director of CDSS confirming SAR implementation in that county. Counties must implement semi-annual reporting as early as April 2013 and no later than October 2013. Semi-annual reporting regulations include a unique regulation design which includes a tandem format for the operation of both quarterly and semi-annual reporting systems to account for the staggered implementation dates. Regulations that become obsolete under Semi-Annual Reporting are labeled as (QR). Regulations that are operative under Semi-Annual Reporting are labeled (SAR). Regulations not labeled are applicable to both reporting systems and therefore remain unchanged. In addition, each regulation impacted by SAR includes a disclaimer stating SAR regulations will replace the QR regulations once SAR is implemented by the county.

.2 Divisions Impacted by Semi-Annual Reporting

Division 22, 40, 41, 42, 44, 47, 48, 80, 82, and 89.

40-039 IMPLEMENTATION OF ANNUAL REPORTING CHILD ONLY FOR CalWORKs RECIPIENTS

.1 Effective Date

All regulatory action implementing the provisions of Annual Reporting Child Only (AR/CO) as authorized by Senate Bill (SB) 1041 (Chapter 47, Sections 7-10, Statutes of 2012), shall become effective for recipient cases October 1, 2012. Annual reporting child only regulations include a unique regulation design which includes a tandem format for the operation of semi-annual reporting and annual reporting child only. This is because the systems are parallel reporting systems and recipients may go back and forth between SAR and AR/CO. Regulations that are operative under Semi-Annual Reporting are labeled (SAR). Regulations that are operative under Annual Reporting Child Only are labeled (AR/CO). Regulations not labeled are applicable to both reporting systems and therefore remain unchanged.

.2 Divisions Impacted by Annual Reporting Child Only

Divisions 22, 40, 41, 42, 44, 48, 80, 82, and 89.