

NOTICE OF PROPOSED CHANGES IN REGULATIONS OF THE
CALIFORNIA DEPARTMENT OF SOCIAL SERVICES (CDSS)

ITEM # 1 California Work Opportunity and Responsibility to Kids (CalWORKs) Non-Minor
Dependent – AB12

The CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held July 10, 2013, as follows:

Office Building # 8
744 P Street, Room 103
Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The purpose of the hearing is to receive public testimony, not to engage in debate or discussion. The Department will adjourn the hearing immediately following the completion of testimony presentations. The above-referenced facility is accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify the Department at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on July 10, 2013.

Following the public hearing, CDSS may thereafter adopt the proposals substantially as described below or may modify the proposals if the modifications are sufficiently related to the original text. With the exception of nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons, including the incorporated forms, are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at <http://www.dss.cahwnet.gov/ord>. Additionally, all the information which the Department considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading/perusal at the address listed below.

Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below.

CONTACT: Office of Regulations Development
California Department of Social Services
744 P Street, M.S. 8-4-192
Sacramento, California 95814
TELEPHONE: (916) 657-2586 FACSIMILE: (916) 654-3286
E-MAIL: ord@dss.ca.gov

CHAPTERS

Manual of Policies and Procedures 40-100 General; 42-100 Age; 42-200 Property; 42-300 General Time Limit Requirements; 42-700 Welfare to Work; 44-100 Income; 44-300 Aid Payments; 80-300 Definitions and Forms; 82-800 Assistance Unit.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Current law allows dependent children placed with relatives not eligible to receive federal or state foster care payments but still eligible for foster care services, to qualify for CalWORKs benefits until age 18. Benefits continue if the child is enrolled full time in high school or in a vocational or technical training program and will graduate before reaching age 19.

Assembly Bill (AB) 12 (Chapter 559, Statutes of 2010), Sections 33, 33.5, 38, 47, and 52, established a new category of non-minor dependents (NMDs) eligible to receive extended CalWORKs benefits. A NMD is defined as a current dependent child or ward of the juvenile court who is 18, but less than 21 years of age; is in foster care under the responsibility of the County Welfare Department or County Probation Department; and is participating in a Transitional Independent Living Case Plan.

Non-minor dependents are required to meet one of five conditions (described below) and retain court jurisdiction in order to remain eligible. NMDs are not subject to CalWORKs program rules or reporting requirements. They constitute their own assistance unit (AU) of one and receive a CalWORKs payment equal to the non-exempt maximum aid payment (MAP) for an AU of one.

NMDs living with a caretaker relative are eligible to receive extended CalWORKs cash aid provided that he or she meets one of the following:

- Enrolled in and working towards completing high school or an equivalency program,
- Enrolled at least half-time in post-secondary or vocational school, or enrolling for the next available term,
- Participating in a program or activity that promotes or removes barriers to employment,
- Employed at least 80 hours per month, or
- Is incapable of enrollment or participation in school or employment due to a documented medical (physical, mental, or emotional) condition.

The maximum age for extended benefits will be phased in over a three-year period. Effective January 1, 2012, NMDs are eligible for payments up to 19 years of age. Effective January 1, 2013, the age limit is extended up to 20 years of age. Effective January 1, 2014, the age limit is extended up to 21 years of age.

These proposed regulations amend the California Department of Social Services Manual of Policies and Procedures to implement the extension of CalWORKs benefits to NMDs. In addition, the QR 2103 (11/11) – Reminder For Teens Turning 18 Years Old has been updated, and two new forms, SOC 161 (9/11) – Six Month Certification of Extended Foster Care Participation and SOC 162 (10/11) – Mutual Agreement for Extended Foster Care, have been developed. Youth who are unable to give consent due to a medical (physical, mental, or emotional) condition are exempt from signing the SOC 162.

The Department anticipates that these proposed regulations will benefit CalWORKs participants by allowing them to receive benefits beyond age 18, thus easing the transition to adulthood while improving their well-being and outcomes. The Legislature recognizes that 18 is too young for most youth to be without support and allows eligible youth to remain in extended foster care, providing the time they need to transition to adulthood. Extended benefits will allow youth to pursue their educational and employment goals thus decreasing their reliance on public assistance in the future. Youth will be provided with a safety net as they gain real life experience with independence and learn from their mistakes.

The Department finds that these proposed regulations are compatible and consistent with the intent of the Legislature in adopting AB 12, as well as with existing state regulations.

These regulations were previously noticed to the public on November 30, 2012. The CDSS made changes to the regulation text outside the scope of what was noticed to the public, specifically, amending Section 40.181.1(c) to change the title and repeal Subsection 40.181.1(c)(1). Therefore, CDSS is providing a second 45-day public notice period.

COST ESTIMATE

1. Costs or Savings to State Agencies: Additional expenditures of approximately \$107,000 in the CalWORKs program are included in the Budget Act of 2012.
2. Costs to Local Agencies or School Districts Which Must Be Reimbursed in Accordance With Government Code Sections 17500 - 17630: Additional expenditures of approximately \$2,500 in the current State Fiscal Year.
3. Nondiscretionary Costs or Savings to Local Agencies: Estimated cost avoidance to the CalWORKs program (due to non-minor dependents remaining in Foster Care) of approximately \$8,000 is included in the Budget Act of 2012.
4. Federal Funding to State Agencies: Estimated cost avoidance to the CalWORKs program (due to non-minor dependents remaining in Foster Care) of approximately \$611,000 is included in the Budget Act of 2012.

LOCAL MANDATE STATEMENT

These regulations do constitute a mandate on local agencies, but not on local school districts. There are state mandated local costs of approximately \$2,500 that require reimbursement to local agencies. Reimbursement is provided by the Budget Act of 2012.

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. This determination was made because this action only pertains to the implementation of eligibility requirements for non-minor dependents to receive extended CalWORKs benefits.

STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

The CDSS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SMALL BUSINESS IMPACT STATEMENT

The CDSS has determined that there is no impact on small businesses as a result of filing these regulations because these regulations are only applicable to state and county agencies.

STATEMENT OF RESULTS OF ECONOMIC IMPACT ASSESSMENT

The adoption of the proposed amendments will neither create or eliminate jobs in the State of California, nor result in the elimination of existing businesses or create or expand businesses in the State of California. These amendments will improve the health and welfare of California residents by improving the well-being and outcomes for eligible foster youth and by easing their transition to adulthood. Without this added safety net, youth who are forced to leave the foster care system at age 18 will face high rates of homelessness, incarceration, and reliance on public assistance.

The document relied upon in proposing this regulatory action is Assembly Bill 12, Chapter 559, Statutes of 2010.

STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

STATEMENT OF ALTERNATIVES CONSIDERED

In developing the regulatory action, CDSS did not consider any other alternatives than the one directed by statute because there were no other alternatives proposed.

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 as and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

AUTHORITY AND REFERENCE CITATIONS

The CDSS adopts these regulations under the authority granted in Sections 10553 and 10554, Welfare and Institutions Code. Subject regulations implement and make specific 11253(b) 11253.3, 11253.3(a), 11253.3(b), 11400(v), 11400(aa), and 11403, Welfare and Institutions Code.

CDSS REPRESENTATIVE REGARDING THE RULEMAKING PROCESS OF THE PROPOSED REGULATION

Contact Person:	Kenneth Jennings	(916) 651-8862
Backup:	Zaid Dominguez	(916) 651-8267