

**State of California
Office of Administrative Law**

In re:

Department of Social Services

Regulatory Action:

Title MPP, California Code of Regulations

Adopt sections:

Amend sections: 44-352

Repeal sections:

**NOTICE OF APPROVAL OF CERTIFICATE OF
COMPLIANCE**

**Government Code Section 11349.1 and
11349.6(d)**

OAL File No. 2014-0528-02 C

The California Department of Social Services submitted this timely certificate of compliance to make permanent the emergency regulations adopted in OAL file no. 2013-1122-01E. The emergency filing amended section 44-352 of the Manual of Policies and Procedures, modifying the collection of CalWORKs overpayments from minors. The basis for the amendment is a stipulated order in the case Hartley v. Lightbourne, Alameda County Case No. RG11605702, filed November 5, 2012.

OAL approves this regulatory action pursuant to section 11349.6(d) of the Government Code.

Date: 7/8/2014



Beverly J. Johnson
Deputy Director

For: DEBRA M. CORNEZ
Director

Original: Will Lightbourne
Copy: Zaid Dominguez

NOTICE PUBLICATION/REGULATIONS SUBMISSION CERT

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2014-0114-01	REGULATORY ACTION NUMBER 2014-0528-02c	EMERGENCY NUMBER
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ENDORSED FILED IN THE OFFICE OF

2014 JUL -8 PM 2:01

For use by Office of Administrative Law (OAL) only

2014 MAY 28 AM 10:45
OFFICE OF ADMINISTRATIVE LAW

Jana Bowen
JANA BOWEN
SECRETARY OF STATE

NOTICE	REGULATIONS
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AGENCY WITH RULEMAKING AUTHORITY
California Department of Social Services

AGENCY FILE NUMBER (if any)
ORD# 0813-10

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER 2014, 42	PUBLICATION DATE 1/24/2014

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) CalWORKs Overpayments	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2013-1122-01E
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT AMEND 44-352 REPEAL
TITLE(S) MPP	

3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input checked="" type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify) _____	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input checked="" type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify) _____

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY		
<input checked="" type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input checked="" type="checkbox"/> Other (Specify) Opposing attorney to Hartley v. Lightbourne, Case No. RG11605702 (11/5/2012, Alameda Superior Court)		

7. CONTACT PERSON Zaid Dominguez	TELEPHONE NUMBER (916) 657-2586	FAX NUMBER (Optional) (916) 654-3286	E-MAIL ADDRESS (Optional) zaid.dominguez@dss.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE 	DATE 5/27/2014
TYPED NAME AND TITLE OF SIGNATORY PETE CERVINKA, PROGRAM DEPUTY DIRECTOR for BENEFITS & SERVICES	

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ENDORSED APPROVED

JUL 08 2014

Office of Administrative Law

Amend Section 44-352 to read:

44-352 OVERPAYMENT RECOUPMENT

44-352

.3 Priority Order For Overpayment Recoupment (Continued)

.31 Caretaker Relative Recipient (Continued)

.32 Unaided Caretaker Relative

When the caretaker relative was not a member of the AU at the time of the overpayment, the county shall seek recovery from the members of the overpaid AU as specified under Section 44-352.33, unless Section 44-352.34 applies.

.33 (Continued)

.34 CalWORKs Overpayment Recovery from Child AU Members

The county shall not collect an overpayment from an individual who was a non-head-of-household child-member of the overpaid AU at the time of the overpayment, under the following circumstances:

.341 The child moves to another AU,

.342 The child attains the age of 18 years or is an emancipated minor.

.35 Section 44-352.34 shall not apply to collections of overpayments made under the former AFDC program, as required by federal law.

Authority cited: Sections 10553, 10554, and 11004(h), Welfare and Institutions Code.

Reference: Sections 10553, 10554, 11004, 11004.1, 11008 (Ch. 270, Stats. 1997), 11017, 11155, 11155.1, 11155.2, 11257, 11265.1, 11265.2, 11450, 11450.5, 11451.5, 11452, 11453, and 11453.2, Welfare and Institutions Code; *Darces v. Woods* (1984) 35 Cal.3rd 871:201 Cal. Rptr. 807, and *Ortega v. Anderson*, Case No. 746632-0 (Alameda Superior Court) July 11, 1995.