



CDSS

WILL LIGHTBOURNE  
DIRECTOR

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

744 P Street • Sacramento, CA 95814 • [www.cdss.ca.gov](http://www.cdss.ca.gov)



EDMUND G. BROWN JR.  
GOVERNOR

June 19, 2017

ALL COUNTY LETTER NO. 17-46

TO: ALL COUNTY WELFARE DIRECTORS  
ALL COUNTY IN-HOME SUPPORTIVE SERVICES PROGRAM  
MANAGERS

SUBJECT: ISSUING PAYMENTS FOR DECISIONS PURSUANT TO COURT  
ORDER (DPCO) TO IN-HOME SUPPORTIVE SERVICES PROGRAM  
RECIPIENTS

REFERENCE: [MANUAL OF POLICIES AND PROCEDURES SECTION 30-769.734](#)

REASON FOR THIS TRANSMITTAL

- ☐ State Law Change
- ☐ Federal Law or Regulation Change
- ☐ Court Order
- ☐ Clarification Requested by One or More Counties
- ☒ Initiated by CDSS

The purpose of this All County Letter (ACL) is to provide counties with information and instructions for issuing payments for Decisions Pursuant to Court Order (DPCO) to In-Home Supportive Services (IHSS) program recipients.

**BACKGROUND**

Any applicant or recipient of IHSS who disagrees with a decision of a county may request a state hearing. The processes for requesting and adjudicating state hearings are found in the California Welfare and Institutions Code (W&IC) Section 10950 et. seq and the California Department of Social Services (CDSS) Manual of Policies and Procedures (MPP) in Division 22. Within one year of receiving notice of any final decision based on this hearing, the applicant, recipient or affected county may file a petition in superior court to challenge that decision (W&IC Section 10962). Superior Court actions unfavorable to CDSS will often require CDSS to reverse the underlying state hearing decision and issue a new decision that may require a variety of actions including but not limited to: requiring CDSS to conduct a new hearing, requiring the county to conduct a new assessment, or awarding benefits with retroactive application. The CDSS implements these requirements by issuing a DPCO directing CDSS or the applicable county to perform the required functions. When a county action is required, the new administrative decision (based on the DPCO) is sent to the county and the county is requested to verify compliance within a specified timeframe. Please notes, the instruction in this ACL is only applicable in compliance with a DPCO.

## **DPCO PAYMENTS**

Unless otherwise stated, payments made as a result of a DPCO must be issued to IHSS recipients in accordance with W&IC Section 10961 and MPP Section 30-769.734. Those sections authorize payments to be made to the recipient when the payment is made as a result of a state hearing decision. It is the responsibility of a recipient to ensure that any necessary payment is made to any provider who provided reimbursable services during the time period of issue.

## **County Responsibilities**

Based on a DPCO, counties will often be directed to find a recipient eligible for services and make payment to the recipient pursuant to W&IC section 10961 for the time period from when the individual was first entitled to receive the services.

Often a DPCO will include direction to the county to create a spreadsheet detailing payment and interest calculations accurately. Most DPCOs require that simple interest be paid at seven (7) percent per annum, as California Civil Code Section 3287 provides for interest and the California Constitution Article XIV Section 1 states that interest shall not exceed seven (7) percent per annum.

The county should consult their accounting/compliance office and legal department to ensure that repayment calculations of back wages and interest, as demonstrated in the spreadsheet, are performed accurately and pursuant to the DPCO. Attachment A contains an example of a spreadsheet that accurately calculates the hours awarded by the court and the compounded interest from the court ordered date to the payment date. The methodology used to make the calculations is as follows:

- **Total** = Hours owed in month per court order x Rate of Pay
- **Interest** = Total x 0.07 x (Number of months past due from calculated month/ 12)
- **Grand Total** = Total + Interest

The county has the ability through the Case Management, Information and Payrolling System II (CMIPS II) to make payment directly to a recipient by creating a Special Transaction, which is a reimbursement mechanism for correcting legitimate pay deficiencies or issuing payments when ordered by Superior Court or as the result of a State Hearing decision. Instructions for creating a Special Transaction are available in Chapter 7, Section 6 of the CMIPS II User's Manual and in the CMIPS II Job Aids Appendix A v1.0. For technical assistance with Special Transactions, please contact the CMIPS II Help Desk at 877-844-5844.

Questions and/or requests for clarification on the information transmitted in this ACL may be directed to the Adult Programs Division, Policy and Operations Bureau at (916) 651-5350.

Sincerely,

***Original Document Signed By:***

DEBBI THOMSON  
Deputy Director  
Adult Programs Division

Attachment

c: CWDA

**ATTACHMENT A**

Provider Name	Pay Month	Hours Already Paid to the Provider(s)	Hours Authorized by County Pre-Court Order	Rate of Pay	Recipient Eligible (up to) Per Court Order and State Regulations (PCSP and CFCO)	Hours (up to) Owed Per Court Order	Decimal Hours	Total	Months Overdue	7% per annum interest	Grand GrossTotal
NAME	May-14	182:39	182:39	\$11.50	260:22	77:43	77.71	\$893.78	16	\$83.42	\$977.20
NAME	Jun-14	118:38	118:38	\$11.50	260:22	141:44	141.73	\$1,630.90	15	\$142.62	\$1,772.51
NAME	Jul-14	119:55	119:55	\$11.50	263:11	143:16	143.27	\$1,647.61	14	\$134.55	\$1,782.16
NAME	Aug-14	119:55	119:55	\$11.50	263:11	143:16	143.27	\$1,647.61	13	\$124.94	\$1,772.55
NAME	Sep-14	119:55	119:55	\$11.50	263:11	143:16	143.27	\$1,647.61	12	\$115.33	\$1,762.94
NAME	Oct-14	119:55	119:55	\$11.50	263:11	143:16	143.27	\$1,647.61	11	\$105.72	\$1,753.33
NAME	Nov-14	119:55	119:55	\$11.50	263:11	143:16	143.27	\$1,647.61	10	\$96.11	\$1,743.72
NAME	Dec-14	119:55	119:55	\$11.50	263:11	143:16	143.27	\$1,647.61	9	\$86.50	\$1,734.10
NAME	Jan-15	119:55	119:55	\$11.50	263:11	143:16	143.27	\$1,647.61	8	\$76.89	\$1,724.49
NAME	Feb-15	119:55	119:55	\$11.50	263:11	143:16	143.27	\$1,647.61	7	\$67.28	\$1,714.88
NAME	Mar-15	119:55	119:55	\$11.50	263:11	143:16	143.27	\$1,647.61	6	\$57.67	\$1,705.27
NAME	Apr-15	119:55	119:55	\$11.50	263:11	143:16	143.27	\$1,647.61	5	\$48.06	\$1,695.66
NAME	May-15	119:55	119:55	\$11.50	263:11	143:16	143.27	\$1,647.61	4	\$38.44	\$1,686.05
								\$20,647.33		\$1,927.08	\$22,574.41

\*Authorized hours include protective supervision.

**Total Payment** **\$44,399.27**

**Total Formula:**  
Hours (up to) Owed per court order x Rate of Pay

**7% per annum interest Formula:**  
Total x 0.07 x (number of months past due from calculated month / 12)

**Grand Gross Total Formula:**  
Total + Interest