



CDSS

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**DEPARTMENT OF SOCIAL SERVICES**  
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EDMUND G. BROWN JR.  
GOVERNOR

June 15, 2017

ALL COUNTY LETTER (ACL) NO. 17-51

TO: ALL COUNTY WELFARE DIRECTORS  
ALL COUNTY CHILD CARE COORDINATORS  
ALL WELFARE TO WORK COORDINATORS  
ALL CONSORTIA REPRESENTATIVES

SUBJECT: IMPLEMENTATION OF THE CALIFORNIA WORK OPPORTUNITY  
AND RESPONSIBILITY TO KIDS (CALWORKS) STAGE ONE CHILD  
CARE TECHNICAL LANGUAGE REVISIONS

REASON FOR THIS TRANSMITTAL

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

This letter provides information on the implementation of CalWORKs Stage One Child Care Technical Language revisions to the Manual of Policies and Procedures (MPP) for California's Stage One subsidized child care program. These revisions to regulations aim to conform to AB 1944, and clarify reporting requirements for 11 and 12 year-old children.

**BACKGROUND**

Prior to the passage of AB 1944, parents of 11 and 12 year-old children who remained in a subsidized child care program for all or part of their child care needs were required to submit the Notification and Certification form CD 9608 to the Stage One administrator prior to the child's 11th birthday identifying the reason why a before or after school program did not meet all or part of the child care needs of the family.

The passage of AB 1944 repeals the requirement for parents to certify in writing on the Notification and Certification form CD 9608, the reasons why a before or after school program did not fully or partially meet the child care needs of the family; and the requirement to return the form to their contractor prior to the child's 11th birthday.

## **Changes**

To conform to AB 1944, the following pages have revisions to the MPP:

632.2 through 632.3  
635.2 through 635.3  
636 through 637  
645 through 646  
647 through 647.1

Updated manual revisions are indicated in the manual by a vertical line in the left margin. MPP sections 47-420.1 and 47-420.2 of the regulations have been rearranged and renumbered to simplify directions for county welfare offices involving payments to child care providers and child care clients. The changes will clarify what is needed for payments to providers and parents.

## **Mandated Instructions**

County Welfare Departments (CWD) are thereby instructed to:

- Update the affected MPP sections with the new citation and section numbers.
- Update all internal documents to remove references for families of 11 and 12 year-old children to complete form CD 9608, as soon as administratively feasible.

The new requirements are effective April 1, 2017.

If you have any questions regarding this letter, please contact the Child Care Programs Bureau at (916) 657-2144.

Sincerely,

### ***Original Document Signed By:***

TODD R. BLAND  
Deputy Director  
Welfare to Work Division

Attachments

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Regulations	CALWORKS CHILD CARE STAGE ONE CHILD CARE ELIGIBILITY	47-201 (Cont)
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47-201	ELIGIBLE CHILDREN (Continued)	47-201
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.321

Children who are 11 or 12 years of age shall be eligible for subsidized child care services only for the portion of care needed that is not available in a before or after school program.

Families may combine care provided in a before or after school program with subsidized child care in another setting, for those hours within a day when the before or after school program does not operate, in order to meet the child care needs of the family.

.322

Children who are 11 or 12 years of age, who are eligible for and who are receiving subsidized child care services, and for whom a before or after school program is not available, shall continue to receive subsidized child care services.

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**HANDBOOK ENDS HERE**

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<b>CALWORKS CHILD CARE</b>		
<b>47-201 (Cont.)</b>	<b>STAGE ONE CHILD CARE ELIGIBILITY</b>	<b>Regulations</b>
<b>47-201</b>	<b>ELIGIBLE CHILDREN (Continued)</b>	<b>47-201</b>

.32 Priority to Return

The priority for 11-and 12-year-old children to return to subsidized child care is specified by Education Code Section 8263.4 as follows:

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.321

Families that move their 11-or 12-year-old child from subsidized care to a before or after school program have priority to return to subsidized child care if the child is disenrolled from the before or after school program or the program no longer meets the child care needs of the family.

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**HANDBOOK ENDS HERE**

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: 42 U.S.C. 609(a)(3); 45 CFR 98.20(a)(1)(ii); Sections 10540.5, 10544, 11320.3, and 11323.2, Welfare and Institutions Code; and Section 8263.4, Education Code.

<b>47-230</b>	<b>ELIGIBLE FORMER CALWORKS CLIENTS (Continued)</b>	<b>47-230</b>
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**HANDBOOK CONTINUES**

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| (a) | Adjusted Monthly Income        | Section 18078(a) - "'adjusted monthly income' means total countable income minus verified child support payments paid by the parent whose child is receiving child development services. Except for child support payments paid by the parent, monthly income shall not be adjusted because of voluntary or involuntary deductions. When income fluctuations occur, the adjusted monthly income shall be computed by averaging the total adjusted income received during the twelve (12) months immediately preceding the month in which the application for services is signed;" |
| (b) | Income Fluctuation             | Section 18078(g) - "'income fluctuation' means income which varies because of income such as bonuses, commissions, overtime, lottery winnings or migrant agricultural work or other seasonal employment;" and   |
| (c) | Total Countable Income         | Section 18078(l) - "'total countable income' means income that does not include the following;"   |
| (1) | Earnings of a Minor            | "(1) Earnings of a child under age eighteen (18) years;"  |
| (2) | Monies not for Living Expenses | "(2) Loans, grants, and scholarships obtained under conditions that preclude their use for current living costs;"   |
| (3) | Student Grants and Loans       | "(3) Grants or loans to students for educational purposes made or insured by a state or federal agency;"  |
| (4) | Work Allowances                | "(4) Allowances received for uniforms or other work required clothing, food and shelter;"   |
| (5) | Self-Employment Expenses       | "(5) Business expenses for self-employed family members."   |

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<b>47-230 (Cont.)</b>	<b>CALWORKS CHILD CARE STAGE ONE CHILD CARE ELIGIBILITY</b>	<b>Regulations</b>
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<b>47-230</b>	<b>ELIGIBLE FORMER CALWORKS CLIENTS (Continued)</b>	<b>47-230</b>
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| .22 | SSI/SSP Income | The income of a recipient of federal Supplemental Security Income and State Supplemental Program (SSI/SSP) benefits shall not be counted as income for the purposes of calculating the amount of the family fee. |
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| .221 | Family Fee               | The fee schedule for families using child care and development services is that established by the Superintendent of Public Instruction and published by the California Department of Education (CDE) as required by the Education Code. Section 8273 of the Education Code provides as follows: "The superintendent shall establish a fee schedule for families utilizing child care and development services pursuant to this chapter. The income of a recipient of federal supplemental security income benefits pursuant to Title XVI of the Federal Social Security Act (42 U.S.C. Sec. 1381 et seq.) and state supplemental program benefits pursuant to Title XVI of the Federal Social Security Act and Chapter 3 (commencing with Section 12000) of Part 3 of Division 9 of the Welfare and Institutions Code shall not be included as income for the purposes of determining the amount of the family fee...." |
| .23  | Family Size              | For purposes of administering general child care programs, the Department of Education defines family size in California Code of Regulations, Title 5, Sections 18100(a) and (b) as follows:   |
| .231 | Related Adults           | Section 18100(a) - "Family size shall be determined by the number of adults and children related by blood, marriage, or adoption who comprise the household in which the child is living."   |
| .232 | Other Adults in the Home | Section 18100(b) - "When an adult living in the household is neither the parent of the child nor the spouse of the parent, the adult and the adult's children, if any, shall be excluded from the calculation of family size."   |

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**HANDBOOK ENDS HERE**

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	<b>CALWORKS CHILD CARE</b>	
<b>Regulations</b>	<b>STAGE ONE CHILD CARE ELIGIBILITY</b>	<b>47-260 (Cont.)</b>

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**47-230 ELIGIBLE FORMER CALWORKS CLIENTS (Continued) 47-230**

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: 42 U.S.C. 9858c(c)(5); 42 U.S.C. 9858n(4)(B); 45 CFR 98.20(a)(2); 45 CFR 98.42; Sections 8351, 8263, and 8263.1, Education Code; Sections 11323.2 and 11450.12, Welfare and Institutions Code; Budget Act: AB 107, Chapter 282, Statutes of 1997, Item 6110-196-0001, Provisions 13 and 14.

**47-240 CALCULATION OF FAMILY FEE FOR STAGE ONE CLIENTS 47-240**

- .1 Calculation of Family Fee  
for Stage One Clients

For purposes of calculating the amount of the family fee, family size and income shall be determined pursuant to the requirements of Education Code Section 8273. The requirements for determining family income are summarized in Sections 47-230.21 through 47-230.211(c)(5) above. The requirements for determining family size are summarized in Sections 47-230.22 through 47-230.232 above.

- .2 Calculation of Family Fees  
for Stage One Clients  
Receiving CalWORKs Cash Aid

Families receiving CalWORKs cash aid shall not be required to pay a family fee.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 8263, 8263.1, and 8447(g), Education Code.

**47-260 ELIGIBLE PROVIDERS 47-260**

- .1 Eligible Child Care Provider  
Requirements

The child care provider shall meet all of the following requirements:

- .11 18 years or Older

Be 18 years old or older.

- .12 Licensing Requirement

Have a child care license or be exempt from child care licensing requirements, as specified in the California Code of Regulations, Title 22, Division 12, Chapter 1.

- .13 Health and Safety Requirement

Meet or be exempt from health and safety requirements, as specified in Section 47-630, Health and Safety Requirements for License-Exempt Child Care Providers.

CALWORKS CHILD CARE		Regulations
47-260 (Cont.)	STAGE ONE CHILD CARE ELIGIBILITY	
<b>47-260</b>	<b>ELIGIBLE PROVIDERS</b>	<b>47-260</b>
	(Continued)	
.14	Trustline Requirement	<p>A license-exempt child care provider shall be a registered Trustline child care provider as defined in Health and Safety Code Section 1596.605(b)(1) or be exempt from Trustline Registry, as specified in Section 47-260.2. A license-exempt provider required to be a registered Trustline child care provider shall not receive a subsidized payment until Trustline registration has occurred.</p> <p>A license-exempt provider, who has a Trustline application pending February 1, 2008, may continue to receive a subsidized payment for providing child care services until such time as their Trustline application is denied or their Trustline case file is closed.</p>
.2	Trustline-Exempt Child Care Provider	The following are exempt from Trustline:
.21		Aunts, uncles, grandparents, of the child(ren) in care by blood, marriage or court decree.
.211	Court Decree	Court decree includes, but is not limited to, adoptions or other court orders impacting family relationships.
.212	Declaration of Relationship	Counties shall obtain a self-certification declaration that substantiates the relationship of the exempt provider to the child(ren).
.22	School or Recreation Program Exempt from Trustline	A public recreation program as defined in Health and Safety Code Section 1596.792 or a public or private school.
.3	Parental Choice	Clients shall have choice in selecting child care providers. Licensed child care and child care exempt from licensure are valid parental choices of care for all clients of the Stage One child care program.
.4	Eligible Child Care Provider Limitations	Payment shall not be made for child care services when care is provided by parents, legal guardians, or members of the assistance unit.



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<b>Regulations</b>	<b>CALWORKS CHILD CARE PAYMENT FOR CHILD CARE SERVICES</b>	<b>47-401 (Cont.)</b>
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<b>47-401</b>	<b>CHILD CARE PAYMENT LIMITS</b> (Continued)	<b>47-401</b>
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| .5   | Exceptions to Hours of Care                  | The county shall not pay for child care during:  |
| .51  | School Attendance                            | Time the child is attending school; or   |
| .52  | Other Subsidized Programs                    | Time the child is receiving care in other subsidized child care programs except for the condition described in Sections 47-401.44 and .45 above.   |
| .6   | Registration Fee                             | The county shall pay registration fees charged by child care providers, as long as these fees are the same as those charged to other members of the public for the same purpose.                             |
| .61  | Maximum Payment Rate                         | The registration fee plus the regular charge for child care for that month shall not exceed the maximum payment rate.  |
| .7   | Family Fees                                  | Family fees, if any, shall be based on the fee schedule established by the State and shall be paid by the client, at county option, directly to the child care provider or the county.                       |
| .71  | Exemption From Family Fee                    | The county shall exempt from the family fee any client whose child or children are:  |
| .711 | Children at Risk                             | At risk of abuse, neglect, or exploitation, as determined by a legally qualified professional from a legal, medical, or social services agency, or emergency shelter, for a period of up to three months; or |
| .712 | Children Receiving Child Protective services | Receiving child protective services, at the request of the child welfare services worker, for a period of up to 12 months; or  |
| .713 | Children Receiving CalWORKs Cash Aid         | Receiving CalWORKs cash aid.   |
| .714 | Cumulative Exemption Period.                 | The cumulative time period for the fee exemption for families specified in Sections 47-401.711 and .712 shall not exceed 12 months.  |

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<b>47-401 (Cont.)</b>	<b>CALWORKS CHILD CARE PAYMENT FOR CHILD CARE SERVICES</b>	<b>Regulations</b>
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<b>47-401</b>	<b>CHILD CARE PAYMENT LIMITS (Continued)</b>	<b>47-401</b>
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| .8 | Family Fee Schedule | The Family Fee Schedule is established by the Superintendent of Public Instruction pursuant to Education Code Section 8273. Refer to the California Code of Regulations, Title 5, Division 1, Chapter 19, Subchapter 3, Article 5 for the utilization of the family fee schedule. |
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**HANDBOOK ENDS HERE**

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: 42 U.S.C. 9858c, 45 CFR 98.43; Budget Act of 2006, Chapter 47, Statutes of 2006, Item 6100-196-0001, Provision 2(b); Sections 8202(g)(3), 8208, 8208.1, 8221, 8222, 8263, 8351, 8357, and 8447(g), Education Code; And Sections 11320.3, 11323.2, 11323.4 and 11323.8, Welfare and Institutions Code.

<b>47-420</b>	<b>PAYMENT OF CHILD CARE COSTS</b>	<b>47-420</b>
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| .1   | Child Care Payments to Providers | The county shall issue child care payments on behalf of the client directly to the child care provider except as provided in Section 47-420.2.  |
| .11  | Timing of Payments to Providers  | At county option, the child care provider may be paid in advance or after the services are provided, depending on how the child care provider charges the public for the same services.   |
| .2   | Child Care Payments to Clients   | Child care payments may be made directly to the client, as the employer, if child care is provided in the home of the client. The county shall inform the client of his/her corresponding legal and financial reporting requirements. |
| .21  | Information Needed for Payment   | The county shall issue a child care payment only when the client provides the following information on a monthly basis:   |
| .211 | Hours of Care                    | Number of hours of care given per child.  |
| .212 | Cost Per Child                   | Cost per child as verified by the child care provider's rate schedule.  |
| .213 | Signatures                       | Signatures provided by both the child care provider and the client under penalty of perjury, verifying the accuracy of the information.   |

CALWORKS CHILD CARE PAYMENT FOR CHILD CARE SERVICES		
Regulations		47-420

**47-420 PAYMENT OF CHILD CARE COSTS (Continued) 47-420**

- .3 Notices for Payment
- The county shall notify the client whenever there is an approval, denial, change or discontinuance in the amount of subsidy paid by the county for child care, as required by Sections 22-001(a)(1), 22-001(t)(1), 22-071 and 22-072.
- .31 State Hearings
- Notices for payment of child care shall contain information on the client's right to a state hearing as required by Sections 22-001(a)(1) and 22-071.1.
- .32 Child Care Pending the Hearing Decision
- When a client requests a hearing within the period of timely notification (see Section 22-022.5) to appeal a suspension, reduction, or termination of CalWORKs child care, or a change in the method of providing such services, the client shall be entitled to a continuation of CalWORKs child care in the same amount or form pending the hearing decision. The client shall not be entitled to such a continuation when the basis of action appealed is the health and safety of the child, including failure of the provider to satisfy health and safety requirements pursuant to Section 47-630, failure of the provider to obtain Trustline Registry pursuant to Chapter 47-600, or if the provider is denied payment pursuant to Section 47-420.4.
- .4 Denial of Payment
- The county shall deny payment for child care services that are exempt from licensure if the child care case file contains credible information that the provider has been convicted of a crime specified in the Penal Code Sections referenced in Health and Safety Code Section 1596.871(f)(1).

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: 45 CFR 98.43; Sections 8352 and 8357, Education Code; Section 1596.871(f)(1), Health and Safety Code; Sections 10950, 11054, 11323.2, 11323.8, and 11324(c), Welfare and Institutions Code.

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CALWORKS CHILD CARE		
47-430	PAYMENT FOR CHILD CARE SERVICES	Regulations

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47-430	RETROACTIVE PAYMENTS	47-430
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| .1 | Intent | It is the intent of the Legislature that all CalWORKs clients be aware of their potential liability for child care payment, and that child care providers be promptly paid for their services to eligible families. |
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**HANDBOOK ENDS HERE**

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| .2  | Retroactive Payment Limit | <p>(a) License-exempt child care providers who are required to be Trustline registered.</p> <p>After February 1, 2008, clients shall be entitled to receive retroactive payment for up to 120 calendar days from the date child care services were requested and services were provided if the provider subsequently becomes Trustline registered. The county may issue retroactive child care payments on behalf of the client directly to the provider.</p> <p>(b) The retroactive payments shall be made by the county or the contracted payment agency to either the client, as the provider's employer, if care is provided in the home of the client, or to the provider. The retroactive payment shall be made for up to the first 120 calendar days from the date child care services were requested and services were provided.</p> |
| .21 | Payment Limit Application | Each time the client chooses a new child care provider, the retroactive payment limit shall be applied based on the date the client notified the county that they changed providers. However, the county is not required to provide the client with an informing notice each time the client changes providers.  |