

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814



February 27, 2003

ALL COUNTY LETTER NO. 03-10

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY CHILD CARE COORDINATORS**REASON FOR THIS TRANSMITTAL**

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

SUBJECT: IMPLEMENTATION OF CHILD CARE RETROACTIVE PAYMENT PROVISIONS

REFERENCE: ASSEMBLY BILL (AB) 444, Chapter 1022, Statutes of 2002

The purpose of this letter is to provide implementation instructions to County Welfare Departments (CWDs) on the child care retroactive payment provisions of Assembly Bill (AB) 444 signed into law on September 28, 2002. This legislation changes the retroactive payment policy in the California Work Opportunity and Responsibility to Kids (CalWORKs) Stage One Child Care Program. AB 444 applies only to CalWORKs Stage One child care and does not impact CalWORKs Stages Two or Three.

AB 444 authorizes the California Department of Social Services (CDSS) to implement these provisions initially through the All-County Letter (ACL) process. CDSS will be adopting emergency regulations to reflect these changes no later than July 1, 2003.

IMPLEMENTATION INSTRUCTIONS

AB 444 adds Section 11323.3 to the Welfare and Institutions Code. Child care payments in CalWORKs Stage One Child Care will be limited to no more than 30 calendar days prior to the applicant/recipient's request for subsidized child care. This statute requires that CalWORKs applicants and recipients be provided with written notice that informs them of the availability of subsidized child care assistance. The notice must be provided at the time of application for CalWORKs cash aid and when an original or amended welfare-to-work plan is signed.

The notice must inform applicants and recipients of the following:

- They may be eligible for subsidized child care while they work or participate in welfare-to-work activities;
- They can request assistance from the CWD to find and choose a child care provider;
- They are responsible for informing the CWD of their need for subsidized child care as soon as the need arises; and
- They need to request a child care subsidy from the CWD within 30 calendar days from the first day they receive child care services from the first and any subsequent child care provider in order to receive payment for the services provided.

All CalWORKs applicants and recipients must receive a copy of the informing notice. The county must ensure that applicants/recipients sign and date the bottom of the notice. A signed copy must be retained in the case file and a copy provided to the applicant/recipient. If the applicant/recipient refuses to sign the informing notice, the date of refusal must be documented in the case file. Refusal to sign the informing notice does not nullify the notification and the limits on retroactive payments must still be enforced.

The date the applicant/recipient makes a request for assistance in paying for child care, either verbally or in writing, is the date from which the 30-day limit on retroactive payments for Stage One Child Care is applied. The retroactive payment limit is not based on the date child care is approved. A new 30-day limit will apply to each new provider. In order for the 30-day retroactive payment limit to be applied, the client case file must contain a signed copy of the informing notice or a notation that the applicant/recipient refused to sign. This 30-day limit does not apply to retroactive payment claims that were submitted by the applicant/recipient prior to the date s/he signed or refused to sign the informing notice.

Counties are not required to modify their existing procedures for processing requests for child care. Verbal or written requests for child care continue to be acceptable. Counties may use a child care application, including the Confidential Application for Child Development Services and Certification of Eligibility (CD 9600) Form, to prove that child care was requested. Applicants/recipients can also use the informing notice to request child care assistance. Counties must ensure that verbal requests are documented in the case file.

The implementation timeline is outlined below:

- No later than two months from the date of this ACL, all new CalWORKs applicants must receive and sign the notice at the time of CalWORKs application.
- No later than two months from the date of this ACL, recipients who are signing an original or amended welfare-to-work plan must also receive and sign the notice.
- No later than twelve months from the date of this ACL, all recipients, including those who are currently receiving subsidized child care, must have received and signed the notice. To ensure that all applicants/recipients are notified of this policy, counties have the option to provide the notice to recipients at any point in time, including the following:
 - At annual redetermination;
 - Along with each mailing of the SAWS 7 form;
 - When the county issues a warrant;
 - When a Notice of Action is sent out, especially one that relates to an increase in income; or
 - Each time a recipient has contact with the welfare office or worker on any other matter.

In addition, counties should have extra copies of the informing notice available at public counters in each welfare office. If the notice is mailed to the applicant/recipient, the date the notice is mailed should be noted in the case file. When the notice is returned, the signed copy must be retained in the case file and a copy mailed to the applicant/recipient.

Modification of the Informing Notice

CDSS has developed the attached recommended form for counties who wish to use it (CCP 7). However, counties will have the flexibility to develop their own informing notice to meet their specific needs, provided that the notice includes the information contained in the sample form.

Camera-Ready Copies and Translations

Please allow six to eight weeks for the informing notice to be translated and mailed to your CalWORKs Forms Coordinator. Language Translation Services (LTS) will mail camera-ready copies of Spanish, Chinese, Vietnamese and Russian translations as

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soon as they become available. To order additional camera-ready forms or messages in Spanish, Russian and Asian languages, fax your request to LTS at (916) 455-6711 or e-mail your request to lsu@dss.ca.gov.

For a camera-ready copy and/or an additional copy of an English form, please call the Forms Management Unit (FMU) at (916) 657-1907 or CALNET at 437-1907. If your office has internet access, you may obtain various forms from the CDSS web page at <http://www.dss.cahwnet.gov>. FMU is currently in the process of making forms available on the Internet. If the name, mailing address or e-mail address of your CalWORKs Forms Coordinator changes, please contact FMU at (916) 657-1907 or by e-mail at fmudss@dss.ca.gov.

Your CalWORKs Forms Coordinator is to distribute translated forms and messages to each program and location. Each county shall provide bilingual/interpretive services and written translations to non-English or limited English proficient populations as required by the Dymally Alatorre Bilingual Services Act (Government Code Section 7290 et seq.) and by the state regulations in MPP Division 21, Civil Rights Nondiscrimination, Section 115.

If you have any questions regarding this letter or the CalWORKs Stage One Child Care Program, please contact Pamela Grigsby, Child Care Programs Bureau analyst, at (916) 654-8273.

Sincerely,

*Original signed by
Bruce Wagstaff 2/27/03*

BRUCE WAGSTAFF
Deputy Director
Welfare to Work Division

Attachment

c: California Welfare Directors Association
California Child Care Resource and Referral Network
California Child Care Resource and Referral Agencies

CalWORKs STAGE ONE CHILD CARE REQUEST FORM AND PAYMENT RULES

If you are a California Work Opportunity and Responsibility to Kids (CalWORKs) recipient and you are employed or attending a welfare-to-work activity, you may be eligible for paid child care. Child care payments in Stage One cannot go back more than 30 calendar days from the date you request paid child care from your worker. In order to receive paid child care in Stage One, you must be determined eligible and your provider has to meet certain requirements.

You must sign and return this form to your worker. You may also use this form to request child care if you need it at this time.

Please check one of the following:

- I need paid child care assistance at this time so that I can go to work or attend my welfare-to-work activity.
- I do not need paid child care at this time. I understand that I must request paid child care from my worker if I need it in the future.

I understand that as a CalWORKs recipient, paid child care is available to me to work and attend my welfare-to-work activity.

If I need assistance to find and/or choose a child care provider, I can contact the local Child Care Resource and Referral agency listed below:

Name: _____ Telephone: () _____

Address: _____

I understand that I must inform my worker as soon as I have a need for paid child care. I understand that CalWORKs will help me pay for child care only after I request paid child care. My worker's telephone number is: () _____

I understand that after I ask for help paying for child care, I will have to give my worker certain information to see whether or not I am eligible. I understand that I need to request paid child care within 30 calendar days from the first day I receive services from my provider. This way, my child care provider can be paid for the services s/he provides to me.

I understand that my child care provider has to meet certain requirements in order to get paid, and I must pay for any child care services I receive if my child care provider does not meet these requirements.

I have read this notice or have had it read to me, and I understand that if I have any questions or need additional information regarding this notice, I can ask my worker.

CASE NAME (PLEASE PRINT)	CASE NO.
SIGNATURE	DATE
WORKER NAME	PHONE