

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814



July 14, 2003

ALL COUNTY LETTER NO. 03-33

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY CHILD CARE COORDINATORS
ALL CalWORKs PROGRAM SPECIALISTS
ALL WELFARE-TO-WORK COORDINATORS

SUBJECT: PUBLICATION OF CALIFORNIA WORK OPPORTUNITY AND
RESPONSIBILITY TO KIDS (CalWORKs) STAGE ONE CHILD
CARE RETROACTIVE PAYMENT EMERGENCY REGULATIONS

REFERENCE: ALL COUNTY LETTER 03-10; ASSEMBLY BILL (AB) 444, Chapter
1022, Statutes of 2002; WELFARE AND INSTITUTIONS CODE
(WIC) SECTION 11323.3

The purpose of this letter is to inform County Welfare Departments (CWD) of the publication of retroactive payment emergency regulations for the CalWORKs Stage One Child Care Program. These regulations implement the retroactive payment limit provisions of Assembly Bill (AB) 444 and establish a child care request process for the Stage One Child Care Program. This letter transmits these regulations and the revised CalWORKs Stage One Child Care Informing Notice and Request Form (CCP 7).

The retroactive payment emergency regulations became effective on July 1, 2003 and made obsolete All County Letter No. 03-10, dated February 27, 2003, which provided interim instructions to counties. The public hearing for these regulations is scheduled for August 20, 2003.

Summary of the Regulations

The chart below summarizes the key provisions of the emergency regulations as provided for in the Manual of Policies and Procedures:

<u>Subject</u>	<u>Regulatory Policy</u>
Child Care Request Process	Specifies the child care request process for the Stage One Child Care Program. (Sec. 47-120)

Approval Process/Timeframe	Requires the county to process child care requests within five working days when the required information needed to determine the eligibility of the client and child care provider is received. (Sec. 47-120.21)
Denial of Request	Allows the county to deny request if the required information is not received within 30 calendar days. (Sec. 47-120.23)
Informing Notice	Requires the county to provide applicants and recipients with an informing notice at the time of CalWORKs application and redetermination, and when an original or amended welfare-to-work plan is signed. (Sec. 47-301.22)
Retroactive Payment Limit	Establishes a 30-calendar day limit on retroactive child care payments if the applicant/recipient case file contains a copy of the informing notice signed within the last year or a notation that the applicant/recipient refused to sign and/or return the notice within the last year. (Sec. 47-430.2)
Payment Limit Exemption	Specifies that the retroactive payment limit cannot be applied to retroactive payment claims submitted prior to the date the applicant/recipient first signed or refused to sign and/or return an informing notice. (Sec. 47-430.22)

CCP 7 Form Modification

The CalWORKs Stage One Child Care Informing Notice and Request Form (CCP 7) has been revised and is now designated as a “Required Form, Substitute Permitted.” This form was originally sent out with ACL 03-10 and is used to inform CalWORKs applicants and recipients of the availability of subsidized child care and the conditions under which they may claim reimbursement for child care services. This form may also be used by clients to request Stage One child care assistance.

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 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) 445-6711 or e-mail your request to lts@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, please contact Pamela Grigsby, Child Care Programs Bureau Analyst, at (916) 654-8273, or Veronica Larkins, Child Care Programs Bureau Analyst, at (916) 653-8712.

Sincerely,

***Original Signed By
Bruce Wagstaff on 07/14/2003***

BRUCE WAGSTAFF
Deputy Director
Welfare to Work Division

Attachments

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

CalWORKs STAGE ONE CHILD CARE INFORMING NOTICE AND REQUEST FORM

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. If you change child care providers, you must also inform your worker within 30 calendar days from the first day you receive services from your provider.

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 and each time I change providers.

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 within 30 calendar days to see whether or not I am eligible. If I cannot get the information, I can ask my worker for help to get the information I need. If I do not give my worker this information within 30 calendar days, my child care request may be denied.

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 I will be responsible for any child care services I receive before the 30 calendar day period.

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 understand that I must be determined eligible in order to receive paid child care.

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

Amend Section 40-107.16 et seq. to read:

40-107 COUNTY RESPONSIBILITY (Continued)

40-107

.1 (Continued)

.16 Applicants shall be informed:

.164 of the availability of paid child care and be given an informing notice (see Section 47-301.2).

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10613, 11209, 11268, 11323.3, 11324.8(a) and (f)(1), AB 312, Chapter 1568, Statutes of 1990, 11454(b) and (e), 11495.1, 11500(b), 11502(b), and 11511(a), Welfare and Institutions Code; 42 USC Sections 608(a)(7), 682(c)(2), (3), (4) and (5); 45 CFR 205.42(d)(2)(v)(A) and (B) as printed in Federal Register, Vol. 57, No. 198, Tuesday, October 13, 1992, page 46808; 45 CFR 205.52(a)(1) and (2); 45 CFR 205.55; 45 CFR 250.20; 45 CFR 250.40(a), (b), (c)(1) and (2); 45 CFR 255.1; 45 CFR 256.1(b), and California Department of Health Services Manual Letter 77-1.

Amend Section 40-131.3(u) to read:

40-131 INTERVIEW REQUIREMENT (Continued)

40-131

.3 Content of Application Interview (Continued)

- u. ~~The availability of supplemental child care payments for working recipients who have child care costs as specified in Section 44-507.111 and provide the Monthly Child Care Eligibility Report (SCC 6) necessary to request the supplemental child care payments as specified in Section 44-507.11. At application and each annual redetermination, applicants/recipients shall receive an informing notice (see Section 47-301.2).~~

Authority Cited: Sections 10553, 10554, 10604, and 18904, Welfare and Institutions Code.

Reference: Sections 10613, 11209, 11253.5, 11265.8, 11280, 11323.3, 11324.8(a), AB 312, Chapter 1568, Statutes of 1990, ~~11451.7~~, 11495.1, 11500(b), and 11511(a), Welfare and Institutions Code; 7 U.S.C. 2020(i), 7 CFR 273.2(j), 42 U.S.C. 616(f), 682(c)(2), (3) and (4), 45 CFR 250.20, 45 CFR 250.40(a) and (b); 45 CFR 255.1; 45 CFR 256.1(b), and Section 301(a)(1)(A) and (B) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193); California's Temporary Assistance for Needy Families State Plan dated October 9, 1996 and effective November 26, 1996.

Amend Section 40-181.1(l) to read:

40-181 CONTINUING ACTIVITIES AND DETERMINATION OF ELIGIBILITY (Continued) 40-181

.1 General County Responsibility (Continued)

- (l) ~~The county shall inform recipients of the availability of supplemental child care payments to all assistance units which have reported earned income as specified in Section 44-507.113 and provide the Monthly Child Care Eligibility Report (SCC 6) necessary to request supplemental child care payments as specified in Section 44-507.11.~~ At each annual redetermination, recipients shall receive an informing notice (see Section 47-301.2).

Authority Cited: Sections 10553, 10554, 10604, 11203, 11265.1, 11369, and 18904, Welfare and Institutions Code.

Reference: 42 U.S.C. 616(b) and (f); 45 CFR 233.28 and 233.29(c); and 45 CFR 235.112(b); 7 CFR 273.16(b); Sections 10063, 10553, 10554, 10604, 11008, 11203, 11253.5, 11254, 11265.8, 11280, 11323.3, 11450.12, 11451.5, ~~11451.7~~, 11486, and 11495.1, Welfare and Institutions Code; and Section 301(a)(1)(A) and (B) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193); California's Temporary Assistance for Needy Families State Plan dated October 9, 1996 and effective November 26, 1996.

Amend Sections 42-711.522(b) and .6 to read:

42-711 WELFARE-TO-WORK PARTICIPATION REQUIREMENTS (Continued) 42-711

.5 Assignment of Recipients to Welfare-to-Work Activities (Continued)

.52 Appraisal (Continued)

.522 Prior to or during the appraisal, the CWD shall inform the individual in writing of the following: (Continued)

(b) A general description of the welfare-to-work program, including available activity components and supportive services, including child care that is available under Section 42-750.111.

(1) Information regarding child care shall include the following:

(A) For an individual to receive child care, he or she must request, and be determined eligible for, the services;

(B) Payments for child care services cannot be made for care provided more than 30 calendar days prior to the applicant's or recipient's request for child care, pursuant to Section 47-430.2; and

(C) The individual is responsible for any child care services received prior to the 30-calendar-day period in Section 42-711.522(b)(1)(B). (Continued)

.6 Welfare-to-Work Plan (Continued)

.63 The plan shall be written in clear and understandable language and have a simple, easy-to-read format.

.631 The plan shall contain at least, but is not limited to, the information provided to the individual pursuant to Sections 42-711.522(b), ~~(e)~~, (c)(1) and (2), and (d)(2). (Continued)

.64 A participant shall be provided written notice of the availability of paid child care, pursuant to Section 47-301.2, when he or she signs an original or amended welfare-to-work plan.

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11203, 11253.5(b), 11320.1, 11320.15, 11320.3, 11322.6, 11322.8, 11322.9, 11323.3, 11324.8(a) and (b), 11325.2, 11325.21, 11325.22, 11325.23(a), (b), (c), (e), and (f), 11325.25, 11325.4, 11325.5, 11325.6, 11325.7, 11325.8, 11326, 11327.4 and .5, 11454(a), 15204.2 and .8, and 16501.1(d) and (f), Welfare and Institutions Code; 42 U.S.C. 607(c)(1)(A), (c)(1)(B)(ii), and (c)(2)(A)(i); 7 U.S.C. 2029(a)(1); 7 U.S.C. 2035; U.S. Department of Labor guidance on FLSA, with attached U.S.D.A., Food and Nutrition Service (FNS) guidance on an SFSP, dated May 22, 1997; and Simplified Food Stamp Program approval letters from FNS to implement the provisions of an SFSP, dated May 5, 2000 and August 3, 2000.

Adopt new Section 47-120 to read:

47-120 CHILD CARE REQUEST PROCESS

47-120

.1 Child Care Request Method

The client may request Stage One child care either verbally or in writing.

.11 Verbal Request

When a client makes a verbal request for child care, the county shall document the request on the informing notice (as specified in Section 47-301.2) on the same day the request is made, keep a copy in the case file, provide a copy to the child care worker, and provide or mail a copy to the client.

.111 Date of Request

The date of the request is the date the county receives the client's verbal request.

.12 Written Request

A written request may include, but is not limited to, the county's child care request form, a notation on the informing notice, SAWS 7, or CW 7, or a letter from a client.

.121 Client Responsibility

The client shall deliver or mail the written request to the county.

.122 County Responsibility

Upon the receipt of a written request, the county shall date stamp the request, retain a copy in the case file, provide a copy to the child care worker, and provide or mail a copy to the client.

.123 Date of Request

The date of request shall be determined as follows:

(a)

If the client hand delivers the written request, the date of the request shall be the date the request is received in the county welfare office.

(b)

If the client mails the request, the date of the request shall be the date postmarked on the envelope. The county shall retain a copy of the envelope in the case file. If the request date cannot be determined by the postmark, the date of the request shall be three days prior to the date the request was received by the county.

.2 Approval Process

.21 <u>Processing Time Frame</u>	<u>The county shall process the child care request and determine the eligibility of the client and child care provider within five working days if the following information is received by the county:</u>
.211 <u>Client Information</u>	<u>Client information as specified in Section 47-320.2; and</u>
.212 <u>Provider Information</u>	<u>Provider information as specified in Section 47-260.</u>
.22 <u>County Responsibility</u>	<u>The county shall assist the client as needed in obtaining the necessary information to determine eligibility.</u>
.23 <u>Denial of Request</u>	<u>If the county has not received the required information from the client and/or the child care provider within 30 calendar days, the county may deny the child care request.</u>

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 11323.3, Welfare and Institutions Code.

Amend Section 47-301 to read:

47-301 ADMINISTRATION OF CHILD CARE SERVICES 47-301

.1 County Welfare Department (Continued)
Responsibility

.2 Informing Notice Requirement The county shall provide the applicant/recipient with an informing notice that informs the individual of the availability of Stage One child care.

.21 Informing Notice Content The informing notice for Stage One child care shall contain the following information:

(a) A statement that the applicant/recipient is eligible for CalWORKs Stage One child care while he or she works or participates in welfare-to-work activities;

(b) A statement that child care payments in CalWORKs Stage One shall not be made for services provided more than 30 calendar days prior to the applicant's/recipient's request for child care and that the applicant/recipient is responsible for any child care services received prior to this period;

(c) A statement that in order to receive paid child care, the applicant/recipient shall request child care from the worker, provide the information specified in Sections 47-320.2 and 47-260 to the worker within 30 calendar days to determine eligibility and be determined eligible. If the applicant/recipient and/or child care provider do not provide the required information within 30 calendar days, the child care request may be denied;

(d) A statement that the child care provider has to meet certain requirements and that the applicant/recipient is responsible for any child care services received if the child care provider is determined ineligible;

(e) A statement that the applicant/recipient shall be responsible for informing the county of their need for Stage One child care as soon as the need arises and each time they change child care providers;

(f) A statement that the applicant/recipient may use the informing notice to request child care if they need it at the time they receive the notice. The informing notice shall include a space for the applicant/recipient to indicate whether or not they need child care;

(g) A statement that the applicant/recipient may request assistance from the county to find and choose a child care provider. The informing notice shall include the name, address and phone number of the local child care resource and referral agency;

(h) A statement that the applicant/recipient shall be responsible for informing the county 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;

(i) A statement that the applicant/recipient may request assistance from their worker if he or she has any questions or needs additional information. The informing notice shall include the worker's name and telephone number; and

(j) A statement that applicant/recipient has read and understands the informing notice.

.22 The informing notice shall be provided each time the applicant/recipient:

.221 Applies for CalWORKs cash assistance and at annual redetermination;

.222 Signs an original welfare-to-work plan; and

.223 Signs an amended welfare-to-work plan.

.23 The county shall have copies of the informing notice available to applicants/recipients at public counters in each county welfare office.

HANDBOOK BEGINS HERE

.24 To ensure that the applicant/recipient is reminded of the availability of Stage One child care, the county may provide the informing notice to the applicant/recipient at any point in time, including the following:

.241 Along with the mailing of the SAWS 7/CW 7 form;

.242 When the county issues a warrant;

.243 When a Notice of Action is sent out to the applicant/recipient, especially one related to an increase in income; or

.244 Each time the applicant/recipient has contact with the county welfare office or worker on any other matter.

HANDBOOK ENDS HERE

.25 Applicant/Recipient Responsibility The applicant/recipient shall sign and return the informing notice to the county when the informing notice is provided as required by Section 47-301.22.

.26 County Responsibility When the applicant/recipient returns the informing notice, the county shall date stamp the notice, retain a copy in the case file, provide a copy to the child care worker, and provide a copy to the applicant/recipient.

.261 Refusal to Sign/Return If the applicant/recipient refuses either verbally or in writing to sign and/or return the informing notice, the county shall document the refusal in the case file. A documented refusal shall have the same effect as a signature.

(a) Failure to sign an informing notice that has been mailed to an applicant/recipient does not in itself constitute a refusal to sign the notice.

.27 Former CalWORKs Clients Former CalWORKs clients who receive child care services in Stage One shall receive and sign the informing notice upon re-entry into Stage One child care and at least annually thereafter.

.23 Referral for Child Care Services (Continued)

HANDBOOK BEGINS HERE

.231 Local Resource and Referral Responsibility (Continued)

.232 Colocation of Local Resource and Referral Staff (Continued)

HANDBOOK ENDS HERE

.34 Information Sharing (Continued)

HANDBOOK BEGINS HERE

.341 Confidentiality (Continued)

HANDBOOK ENDS HERE

~~.4~~
.5 Transitioning Clients (Continued)

~~.41~~
.51 Stage One Time Limit (Continued)

~~.42~~
.52 Extension of Six-Month Time Limit (Continued)

HANDBOOK BEGINS HERE

.56 Placement on Eligibility Lists for (Continued)
Subsidized Child Care

.67 Referral Priority for Stages Two (Continued)
and Three

HANDBOOK ENDS HERE

.78 Contracts to Provide Stage One (Continued)
Child Care

.781 Compliance with Regulations (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: 42 U.S.C. 9801 Note (b)(4); 42 U.S.C. 9858e; 45 CFR 205.50; 45 CFR 98.51(a)(2)(i); Sections 8212, 8350, 8351, 8352, 8354 and 8358.5, Education Code; Sections 10540, 10850, 11323.3, 11323.4(f) and 11323.8, Welfare and Institutions Code.

Adopt new Section 47-430 to read:

47-430 RETROACTIVE PAYMENTS

47-430

HANDBOOK BEGINS HERE

1. Intent

It is the intent of the Legislature that all CalWORKs applicants and recipients be aware of their potential liability for child care payment, and that child care providers be promptly paid for their services to eligible families.

HANDBOOK ENDS HERE

.2 Retroactive Payment Limit

Payments for child care services shall not be made for services provided more than 30 calendar days prior to the applicant's/recipient's request for child care if the applicant/recipient case file contains a copy of the informing notice signed by the applicant/recipient within the last year or a notation that the applicant/recipient refused to sign and/or return the informing notice within the last year.

.21 Payment Limit Application

Each time the applicant/recipient chooses a new child care provider, the retroactive payment limit shall be applied based on the date the applicant/recipient notified the county that they changed providers. However, the county is not required to provide the applicant/recipient with an informing notice each time the applicant/recipient changes providers.

.22 Payment Limit Exemption

The limit on retroactive payment shall not apply to retroactive payment claims submitted by the applicant/recipient prior to the date he or she first signed or refused to sign and/or return an informing notice.

.3 Former CalWORKs Clients

Section 47-430 shall apply to former CalWORKs clients who receive child care services in Stage One.

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Section 11323.3, Welfare and Institutions Code.