

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



March 5, 2004

ALL COUNTY LETTER NO. 04-07

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY CHILD CARE COORDINATORS
ALL WELFARE-TO-WORK COORDINATORS

SUBJECT: FINAL CHILD CARE RETROACTIVE PAYMENT LIMITS
REGULATIONS

REFERENCE: ALL COUNTY LETTER NO. 03-33

This letter is to provide notice of recent changes to the California Work Opportunity and Responsibility to Kids (CalWORKs) Stage One Child Care regulations. Assembly Bill 444, Chapter 1022, Statutes of 2002 limited the payment of retroactive child care benefits and established a child care request process for the Stage One Child Care Program. Emergency regulations regarding retroactive payments were filed with Office of Administrative Law (OAL) on June 23, 2003, and became effective July 1, 2003.

In response to public testimony, the emergency regulations were modified. The modified regulations were submitted to OAL and have become effective as of February 2, 2004 (enclosed). The changes to the emergency regulations are summarized below.

- Manual of Policy and Procedures (MPP) Section 47-120.31 was amended to extend the timeframe for counties to process child care requests from five working days to ten calendar days.
- MPP Section 47-301.21 was added to encourage counties to inform families orally of the availability of child care subsidies.
- MPP Section 47-301.24 has been amended to require counties to provide applicants/recipients with the county's child care request form upon request.

Implementation

The CalWORKs Stage One Child Care Informing Notice CCP7 (6/03) is to be used to inform CalWORKs applicants and recipients of the availability of subsidized child care and the conditions under which they may claim

REASON FOR THIS TRANSMITTAL

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

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reimbursement for child care services. It can also be used by clients to request Stage One child care assistance. It is designated as a "Required Form, Substitute Permitted."

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

Sincerely,

***Original signed by Bruce Wagstaff on
March 5, 2004***

BRUCE WAGSTAFF
Deputy Director
Welfare to Work Division

Enclosure

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

.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. At application and each annual redetermination, applicants/recipients shall receive an informing notice regarding the availability of Stage One child care (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, 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) At each annual redetermination, recipients shall receive an informing notice_ regarding the availability of Stage One child care (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, 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 Section 42-711.522(b)(1)(A) 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), (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.

Amend 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 from a CalWORKs worker either verbally or in writing upon entry into the CalWORKs assistance program or at any subsequent time.

.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,~~ provide a copy of the documentation to the person responsible for processing child care requests who retains a copy in the child care case file, and provide or mail a written confirmation 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~~ the eligibility/status report, 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~~ person responsible for processing child care requests who retains a copy in the child care case file, and provide or mail a ~~copy~~ written confirmation 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~~ stamped by the county.

(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~~ stamped by the county.

.2 Required Information

The county shall inform clients that the following information must be received in order to process their child care request:

~~.21~~ Client Information

Client information as specified in Section 47-320.2; and

~~.22~~ Provider Information

Provider information as specified in Section 47-260.

~~.223~~ County Responsibility

The county shall assist the client as needed in obtaining the necessary information to determine eligibility.

.23 Approval Process

~~.231~~ Processing Time Frame

The county shall process the child care request and determine the eligibility of the client and child care provider within ~~five ten working~~ calendar days of receiving ~~if the following information is received by the county:~~ specified in Section 47-120.2.

~~.2311~~ Denial of Request

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.

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

Reference: Section 11323.3, Welfare and Institutions Code.

Amend Section 47-301.2 et seq. to read:

47-301 ADMINISTRATION OF CHILD CARE SERVICES

47-301

- | County Welfare Department Responsibility Counties shall inform families of the availability of child care subsidies and ensure that families have access to child care subsidies whenever the need for child care occurs resulting from employment or participation in any county-approved activities.
- | 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.

HANDBOOK BEGINS HERE

- .21 The county is encouraged to also inform families orally of the availability of child care subsidies.

HANDBOOK ENDS HERE

- .242 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 approved welfare-to-work activities, including participating as a volunteer, to the extent that he/she meets the eligibility criteria;
 - (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.

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

 - .2231 Applies for CalWORKs cash assistance and at annual redetermination;
 - .2232 Signs an original welfare-to-work plan; and
 - .2233 Signs an amended welfare-to-work plan.

- .234 ~~The county shall have copies of the informing notice available to applicants/recipients at public counters in each county welfare office. The~~ county shall provide the applicant/recipient with the county's child care request form upon request.

HANDBOOK BEGINS HERE

- .245 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:
 - .2451 Along with the mailing of the ~~SAWS 7/CW 7 form~~ eligibility/status report;
 - .2452 When the county issues a warrant;
 - .2453 When a Notice of Action is sent out to the applicant/recipient, especially one related to an increase in income; or
 - .2454 Each time the applicant/recipient has contact with the county welfare office or worker on any other matter.

HANDBOOK ENDS HERE

.256 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 47-301.223.

.267 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.

.2671 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.

.278 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~~.

Referral for Child Care Services

(Continued)

HANDBOOK BEGINS HERE

.31 Local Resource and Referral
Responsibility

(Continued)

.32 Colocation of Local Resource
and Referral Staff

(Continued)

HANDBOOK ENDS HERE

Information Sharing

(Continued)

HANDBOOK BEGINS HERE

.41 Confidentiality

(Continued)

HANDBOOK ENDS HERE

Transitioning Clients

(Continued)

.51 Stage One Time Limit (Continued)

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

HANDBOOK BEGINS HERE

Placement on Eligibility Lists for
Subsidized Child Care (Continued)

Referral Priority for Stages Two
and Three (Continued)

HANDBOOK ENDS HERE

Contracts to Provide Stage One
Child Care (Continued)

.81 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.

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.