

## DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814

JUL 09 1982



July 2, 1982

ALL-COUNTY LETTER NO. 82-65

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: DEPENDENT CARE DISREGARD FOR PART-TIME EMPLOYMENT IN  
AFDC, RCA AND ECA

REFERENCE: EAS 44-113.215(a)

On June 7, 1982, the Office of Administrative Law (OAL) rejected the portion of AB 1X regulations which placed a disregard limit of \$100.00 per month per child or incapacitated adult on dependent care costs to recipients employed less than 100 hours and 13 days a month (44-113.215(a)). The rejection was based on OAL's conclusion that the limitation was inconsistent with Welfare and Institutions Code Section 11451.6 and 45 CFR 233.20(a)(11)(C). Section 11451.6 states, in part, that the "reasonable and necessary costs of child care" shall be allowed. Such costs are defined as "actual costs, not to exceed the maximum allowance under federal law". Federal regulations require only that the amount of the dependent care disregard to be allowed for individuals employed part time be set at a lesser amount than is allowed full-time employees.

The effect of OAL's action is to increase the maximum limit for dependent care costs of part-time employees to \$159.00 per month per child. This is the only change to these regulations. The requirement that child care costs be reasonable and necessary continues to be in force.

The Department of Social Services will issue clarifying regulations as soon as possible. However, the subject regulation now reads:

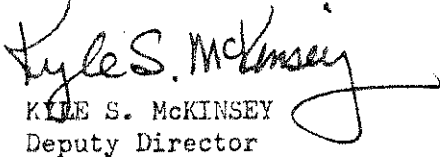
. . . "For each child or incapacitated individual the amount allowed is the least of:

- (a) \$160.00 per child or incapacitated individual if the recipient is employed or self employed at least 100 hours and at least 13 days of the month; or " . . .

The effective date of this repeal is June 7, 1982. This will affect the August grant for ongoing cases and the June grant for cases in which June was the first or second month of aid.

If there are questions, please contact your AFDC Program Management Consultant at (916) 445-4458.

Sincerely,

  
KYLE S. MCKINSEY  
Deputy Director

cc: CWDA  
Medi-Cal Eligibility