

TABLE OF CONTENTS

CHAPTER 46-400 AID RECOVERIES AND SPECIAL CIRCUMSTANCES

	Section
Special Circumstances	46-425
Special Needs - Food, Care, and Maintenance for Assistance Dogs	46-430

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CHAPTER 46-400 AID RECOVERIES AND SPECIAL CIRCUMSTANCES

46-425 SPECIAL CIRCUMSTANCES 46-425

- .1 Administration. County Welfare Departments (CWD's) shall administer this section including establishment of eligibility and payments of benefits.

- .2 Definitions.
 - .21 "Catastrophe" means fire, flood, earthquake or similar disaster.
 - .22 "Emergency" means a special circumstance which requires immediate action to escape an unhealthful or unsafe situation as determined by the CWD.
 - .23 "Eviction" means an official legal action or a written demand by the landlord to vacate rental property or any other action by the landlord which substantially interferes with occupancy by the tenant, such as terminating utility services or removing doors.
 - .24 "Housing" means a dwelling and the land on which it is situated.
 - .25 "Housing modifications" means alterations to a dwelling that change an existing structure or add something new to accommodate physical infirmities or other health or safety needs.
 - .26 "Housing repairs" means restoring an item to a level of adequate function after damage or breakdown. An item needs repair when it is in such a state of disrepair that it is no longer functioning in the way for which it was constructed.
 - .27 "Liquid assets" means resources which are readily converted to cash. This includes cash, negotiable stocks and bonds, bank accounts, etc. Liquid assets do not include the recipient's regular monthly grant or the cash value of insurance policies, burial trusts, automobile or other personal property not readily converted to cash.
 - .28 "Recipients" means SSP recipients.
 - .29 "Special circumstances" means those circumstances which are not common to all recipients and which arise out of need for certain goods or services, and physical infirmities or other conditions peculiar, on a nonrecurring basis, to the individual's situation.

Special circumstances may result in payments for:

- .291 Replacement or repair of essential household furniture and equipment; and replacement of clothing (see Catastrophe Section 46-425.61 and .62).

46-425	SPECIAL CIRCUMSTANCES (Continued)	46-425
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- .292 Housing repairs (see Sections 46-425.26, 46-425.63 and .64).
 - .293 Moving expenses (see Section 46-425.65 and .66).
 - .294 Housing modifications (see Sections 46-425.25 and 46-425.67).
 - .295 Prevention of foreclosure (see Section 46-425.68).
- .3 Utilization of Liquid Assets. The costs of any special circumstances shall be met by first requiring the recipient to utilize all but \$300 of his/her available liquid assets. The recipient shall also be allowed to retain any funds that have been specifically designated for the following future needs:
- .31 Property tax
 - .32 Home insurance
 - .33 Funds which have been specifically committed for known medical expenses already incurred or planned and not covered by Medi-Cal or any other source. Examples include but are not limited to, a surgical operation for an ineligible spouse or purchase of such items as eye glasses or dental plates.
 - .34 Any monies that are being accumulated to satisfy a lien against the home property or a judgment arising out of an automobile accident that otherwise would result in loss of the recipient's driver's license.
 - .35 Funds which have been set aside to fulfill an approved plan of self-support in the SSI/SSP Program.
- .4 Payment of Benefits
- .41 Payment shall not be made for any need which can be met without cost to the recipient.
 - .42 Payment shall be made to the recipient or his/her representative payee except when, in the opinion of the county, vendor payment is more advisable.
 - .43 Vendor payments shall be made no later than thirty days after the vendor's bill is presented to the county.
 - .44 Payment shall not be made for expenses that do not have prior authorization from the county, except as specified in .5 below.

46-425 **SPECIAL CIRCUMSTANCES (Continued)** **46-425**

.5 Exception to the Requirement of Prior Authorization for Payment. Prior county authorization to incur expenses shall not be required when the special circumstance is an emergency.

The recipient shall submit evidence to the county to show that an emergency existed and that the expenses incurred were necessary and reasonable.

.6 Categories of Special Circumstances Payments. Payments under this section shall be limited to the following:

.61 Replacement or repair of essential household furniture, equipment or supplies owned by the recipient which have been lost, damaged or destroyed through catastrophe. Such items shall be replaced, restored or repaired. In nonemergency situations, the recipient shall, upon county request, provide information to determine whether replacement, restoration or repair is most feasible before the county authorizes the expense to be incurred.

.611 The cost shall be prorated among the owners of the items.

.612 The amount of the allowance per catastrophe to the recipient(s) shall be the item's reasonable replacement, restoration or repair cost, including sales tax, or the maximum amount listed below, whichever is less:

.6121 Cook stove, refrigerator, and/or space heater - \$405, combined total,

.6122 Bed, including mattress - \$143

.6123 Other essential furniture, equipment or supplies - \$50 total.

.62 Replacement of clothing lost, damaged, or destroyed through catastrophe.

.621 The allowance shall not exceed a reasonable amount for which needed items can be purchased, or a total amount of \$113 per recipient, whichever is less.

.63 Required housing repairs necessary to provide safe and healthful recipient-owned housing and/or essential appliances. (\$300 maximum allowance.)

.631 These remedies shall include, but shall not be limited to:

.6311 Repairs to the physical structure of the home.

46-425	SPECIAL CIRCUMSTANCES (Continued)	46-425
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- .6312 Removal of a tree which endangers the home.
- .6313 Repair of cesspool or sewer.
- .6314 Fumigation for pests.
- .6315 Repairs to the following recipient-owned essential appliances: stove, heater, water heater, refrigerator. Other appliances (such as air conditioners) may be repaired only if they are essential to safe and healthful housing for the recipient.
- .632 Payment shall not be allowed for items or services which are necessary on a recurring basis solely to maintain the property, unless the health or safety of the recipient is threatened and the recipient could not have reasonably prevented the need for the remedy.
- .633 Payment of the required housing repair allowance shall be permitted when the total cost of necessary repairs exceeds \$10. The allowance shall not exceed a reasonable amount for which adequate repairs can be made. Appliances shall be replaced, restored or repaired. In nonemergency situations, the recipient shall, upon county request, provide information to determine whether replacement, restoration or repair is most feasible before the county authorizes the expense to be incurred. The total allowance for repairs in any 12-month period shall not exceed \$300 per dwelling except as specified in Section 46-425.64. The period begins on the date of application for the current request and covers applications made during the immediately preceding 12-month period.
- .634 The cost of the repairs shall be prorated among the owners of the property or appliance. When ownership is shared with a nonrecipient, the recipient's or recipients' prorated portion of the cost up to the \$300 limit shall be allowed.
- .635 SSP recipients who hold a life estate to the house in which they live are eligible for the required housing repair allowance.
- .64 Supplemental housing repairs which are necessary for safe and healthful housing, but which exceed \$300 total cost.
 - .641 When the cost of required housing repairs exceeds the \$300 standard allowed in Section 46-425.63, an additional payment not to exceed the total cost of the repairs, shall be allowed when all the conditions set forth in Section 46-425.644 are met.

46-425 **SPECIAL CIRCUMSTANCES (Continued)** **46-425**

- .642 The number of payments for supplemental housing repairs shall not be limited provided that the cumulative payment per dwelling does not ever exceed \$450.
- .643 Persons who received a payment under the Unmet Shelter Needs Program (January 1974 through June 1977) shall be eligible for the difference between that payment and the \$450 supplemental housing repair allowance.
- .644 Prior to making any expenditures of the supplemental housing repair allowance, in nonemergency situations, the home shall be evaluated and the following determinations made by the county:
 - .6441 The housing or essential appliance is so defective that continued occupancy or use is not safe or is not healthful.
 - .6442 The housing or essential appliance is worth repairing.
 - .6443 It appears probable the recipient will be able to continue living in the home following its repair.
 - .6444 Total cost to the recipient for adequate alternative housing over a two-year period would exceed the following combined costs:
 - (a) The cost of repairs needed to make the home habitable and,
 - (b) Other probable costs of continued occupancy of such home during a two-year period, i.e., encumbrance payments, taxes, assessments, minor upkeep and insurance.
- .645 The cost of repairs shall be prorated among the owners of the property or essential appliance. When ownership is shared with a nonrecipient, the recipient's or recipients' prorated portion of the cost, up to the maximum, is allowed.
- .65 Required moving expenses, including the cost of packing, storage, and moving, necessary because of eviction or because current housing is unsafe or unhealthful as determined by the CWD.
- .651 The amount allowed shall not exceed \$200 for a recipient or \$300 for two or more recipients. The amount shall never exceed the cost of the services. In nonemergency situations, the recipient shall, upon county request, provide cost estimates to the county prior to authorization of the moving allowance.

46-425	SPECIAL CIRCUMSTANCES (Continued)	46-425
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- .652 Payment for moving expenses shall be limited to one time only for each recipient unless it is determined by the CWD that the applicant did not cause the need for another move.
- .653 No payment shall be made when provisions for moving can be made at no cost to the recipient.
- .654 When the SSP recipient is moving with a nonrecipient(s), payment shall be made for only the SSP recipient's share of the total cost of the move. Proration of costs shall not apply to nonrecipient minors in the home.
- .66 Supplemental moving expenses, including the required costs of securing suitable housing as designated below, necessary because of eviction or because current housing in unsafe or unhealthful as determined by the CWD.

The supplemental moving expense payment is separate from any moving expenses granted under Section 46-425.65. When the SSP recipient is moving with a nonrecipient(s), payment shall be made for only the SSP recipient's share of the total cost of the move. Proration of costs shall not apply to nonrecipient minors in the home.

- .661 Payment for securing housing shall be limited to one time only for each recipient unless it is determined by the CWD that the applicant(s) did not cause the need for another move.
- .662 If the recipient(s) is renting housing, payment up to a maximum of \$300 per move under this section shall be limited to:
 - .6621 Required deposits for gas, water, sewage, electricity including hood-up fees, and installation charges for a telephone.
 - .6622 First and last months' rent when required by the landlord to secure the rental housing. If the recipient(s) has not paid rent out of the current month's check, he/she/they will be required to pay one month's rent, with the balance needed to secure the housing then met through the supplemental moving expense payment.
 - .6623 Cleaning fees and/or security deposits.
- .663 If the recipient(s) is purchasing a home, the combined payments for purchase of a home and the moving allowance under Section 46-425.65 shall not exceed \$750. The cost of home purchase shall be prorated among all purchasers of the home in accordance with Section 46-425.654.

46-425 SPECIAL CIRCUMSTANCES (Continued) 46-425

A payment covering costs listed in Section 46-425.6631 - .6634 may be allowed if:

- (a) The property is a suitable home for the recipient.
- (b) Approval can be obtained for an FHA, Veterans Administration, or other governmental or conventional loan.
- (c) The usual safeguards are observed prior to transfer, i.e., building inspection, property search, termite inspection, etc.
- (d) The total monthly amount for payments on the principal interest, taxes, and other liens on the property, insurance and minor maintenance, is not substantially in excess of the cost of rental or leased housing that would be available for the recipient.
- (e) The recipient(s) can qualify as a transferee for the encumbrance on the property or approval of a renegotiated loan as set forth in (b) above.

Payment may be allowed for:

- .6631 Down payment
 - .6632 Closing costs
 - .6633 Real estate fees; and,
 - .6634 Other costs entailed in real property or mobile home purchase, including required deposits for gas, water, sewage, electricity including hook-up fees, and installation charges for a telephone.
- .67 Housing modifications expense, when modification of a recipient occupied home is necessary to provide safe and healthful housing.
- .671 Payment up to a maximum of \$750 per recipient, not to exceed \$750 per home, shall be allowed to meet the need. The \$750 maximum is cumulative and may be expended in one or more payments. Such a determination shall be based on nonrecurring conditions peculiar to the individual's situation.

46-425 **SPECIAL CIRCUMSTANCES (Continued)** **46-425**

- (a) If two or more recipients live together, the amount allowable shall be limited to a cumulative maximum of \$750 for the common home.
 - (b) Should one recipient move from the common home to a new dwelling, he/she shall be eligible for a renewed \$750 maximum allowance for that dwelling. The individual remaining in the home which was previously held in common shall be eligible for an individual \$750 allowance, less his/her share of any modification allowance previously expended on that dwelling. If the individual remaining in the home did not benefit from modification allowances previously expended on the dwelling, the cost of such modifications shall not be applied to that individual. He/she shall be eligible for the full \$750 per recipient allowance as necessary to accommodate his/her physical infirmities or other health and safety needs in that dwelling.
 - (c) Should the recipients both move from the common home into separate homes, each person shall be eligible for a renewed \$750 maximum allowance for each new dwelling.
- .672 Examples of housing modifications include, but are not limited to, a ramp or other needed fixtures for a disabled person. Modifications also include changes that are required to comply with local building, health or safety codes and which are necessary for safe or healthful housing, such as installation of mobile home skirting and required sewer hook-ups for residences.
- .673 Modification may be made when housing occupied by a recipient is owned by another person if the recipient has obtained the written permission of the owner to complete the modifications.
- .674 Proration may be required for a home modification. If two or more recipients live together, each recipient benefited by a modification shall commit an equal share of his/her allowance to meet the cost; if one recipient is the sole beneficiary of the modification, that person shall bear the cost.
- .68 Payment to Prevent Foreclosure.
- .681 Payment of up to \$750 shall be allowed to prevent foreclosure as a result of delinquent mortgage payments, deeds of trust, or liens resulting from delinquent taxes, bonds, assessment, etc., on a home owned by a recipient or recipients.

46-425 **SPECIAL CIRCUMSTANCES (Continued)** **46-425**

- .682 This allowance shall be limited to one time only per recipient, regardless of whether the maximum is used.

- .683 The allowance shall be prorated among the owners of the property. If the property is owned by more than one person and the other owner(s) do not contribute his/her share of the amount required to prevent foreclosure, the allowance shall not be granted to the SSP recipient(s). When the recipient is the sole owner of the property, and the maximum allowance is not sufficient when added to contributions from other sources to prevent foreclosure, the allowance shall not be granted.

46-430 **SPECIAL NEEDS - FOOD, CARE, AND MAINTENANCE** **46-430**
FOR ASSISTANCE DOGS

.1 Definitions.

For the purpose of the Assistance Dog Special Allowance Program, the following definitions shall apply wherever the terms are used throughout Section 46-430.

- (a) (1) "Assistance Dog" means a guide dog, signal dog, or service dog.

- (b) (1) "Blind Recipient" means any individual who is considered blind as defined in Section 1614(a) of Title XVI of the Social Security Act.

- (c) (1) "Cash Assistance Program Immigrants" (CAPI) means that program provided for under Division 9, Part 6, Chapter 10.3 of the Welfare and Institutions Code (commencing with Section 18937).

- (d) (1) "Disabled Recipient" means any individual who is considered disabled as defined in Section 1614(a) of Title XVI of the Social Security Act or Title II Social Security Act (42 U.S.C. Section 401, et seq.).

- (e) (1) "Eligible Recipient" means any blind or disabled individual who is a recipient of SSI, SSP, CAPI, SSDI, or IHSS, or any combination, and who uses the services of an assistance dog.

- (f) (Reserved)

- (g) (1) "Guide Dog" means a dog that has been specifically trained, and certified by a licensed guide dog trainer under the provisions of Chapter 9.5 (commencing with Section 7200) of Division 3 of the Business and Professions Code for use by a blind person to assist with his/her sight needs.

- (h) (Reserved)

46-430	SPECIAL NEEDS - FOOD, CARE, AND MAINTENANCE FOR ASSISTANCE DOGS (Continued)	46-430
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- (i) (1) "In Home Supportive Services" (IHSS) means that program provided for under Division 9, Chapter 3, Article 7 of the Welfare and Institutions Code (commencing with Section 12300) and further defined in MPP Section 30-700.1).
- (2) "Income" means income as defined in the Code of Federal Regulations, Title 20, Volume 2, Part 416, Subpart K.
- (j) (Reserved)
- (k) (Reserved)
- (l) (Reserved)
- (m) (Reserved)
- (n) (Reserved)
- (o) (Reserved)
- (p) (Reserved)
- (q) (Reserved)
- (r) (1) "Resources" means resources as defined in the Code of Federal Regulations, Title 20, Volume 2, Part 416, Subpart L.
- (s) (1) "CDSS" means the California Department of Social Services.
- (2) "Service Dog" means a dog that has been trained to meet a physically disabled person's requirements including, but not limited to, minimal protection work, rescue work, pulling a wheel chair, or fetching dropped items.
- (3) "Signal Dog" means a dog that has been trained to alert a deaf person or a person whose hearing is impaired, to intruders or sounds.
- (4) "Special Needs Allowance" means an allowance provided by the Assistance Dog Special Allowance Program to pay for dog food and other costs associated with an assistance dog's care and maintenance.
- (5) "Social Security Disability Insurance" (SSDI) means that program provided for under Title II of the federal Social Security Act (42 U.S.C. Section 401, et seq.)

46-430 **SPECIAL NEEDS - FOOD, CARE AND MAINTENANCE** **46-430**
FOR ASSISTANCE DOGS (Continued)

- (6) "Supplemental Security Income" (SSI) means the program provided for under Title XVI of the federal Social Security Act (42 U.S.C. Section 1381, et seq.).
- (7) "State Supplementary Program" (SSP) means that program provided for under Division 9, Part 3, Chapter 3 of the Welfare and Institutions Code (commencing with Section 12000).
- (t) (1) "Termination" means the removal of a current recipient from ADSA Program.
- (u) (Reserved)
- (v) (Reserved)
- (w) (Reserved)
- (x) (Reserved)
- (y) (Reserved)
- (z) (Reserved)

.2 Eligibility

To be eligible for ADSA benefits, a person must complete the application process and meet all the following conditions:

- .21 Reside in the State of California.
- .22 Be disabled as defined in Section 46-430.1(b)(1) or 46-430.1(d)(1).
- .23 Be using the services of an assistance dog as defined in Section 46-430.1(a)(1).
- .24 Be receiving aid or services from one or more of the following programs: SSI, SSP, CAPI, SSDI, or IHSS.
 - .241 Recipients of SSDI must have income and resources equal to or less than the federal poverty level, as defined in MPP Sections 46-430.1(i)(2) and 46-430.1(r)(1).
- .25 Comply with all CDSS application and reporting requirements.

46-430 **SPECIAL NEEDS - FOOD, CARE AND MAINTENANCE** **46-430**
FOR ASSISTANCE DOGS (Continued)

.3 Application

Upon request the Department shall provide an eligibility application.

.31 For recipients of SSI, SSP, CAPI, or IHSS, application shall be made on Form ADSA 1 (Rev. 6/01) to the California Department of Social Services, Assistance Dog Special Allowance Program. The application shall be signed under penalty of perjury.

.32 For recipients of SSDI, application shall be made on Form ADSA 1B (Rev. 6/01) to the California Department of Social Services, Assistance Dog Special Allowance Program. The application shall be signed under penalty of perjury.

.33 Applicants who claim eligibility based on their SSDI status shall provide CDSS with a proof of income statement from the Social Security Administration.

.34 Applicants shall provide any and all information and documentation requested by CDSS in order to verify compliance with Welfare and Institutions Code Sections 12553 and/or 12554.

.35 The Department will approve or deny every application and notify the applicant of the action no more than 30 days after the date the application is received.

.4 Payments

Eligibility begins the first day of the month in which the application is received. If determined eligible, payments shall be made retroactively to the month in which the applicant was first made eligible.

.41 The monthly allowance shall be \$50.

.42 (Reserved)

.5 Redeterminations

Eligibility for this allowance shall be redetermined as follows:

.51 Eligibility for this allowance shall be redetermined at least once every twelve months.

.52 Each recipient shall complete and return the ADSA Renewal Application Form ADSA 1A (Rev. 4/01) to CDSS by the due date shown on the form.

46-430 SPECIAL NEED - FOOD, CARE AND MAINTENANCE FOR ASSISTANCE DOGS (Continued) 46-430

.53 Each recipient shall promptly notify CDSS if he/she:

.531 Ceases to be a recipient of benefits under SSI, SSP, CAPI, SSDI or IHSS.

.532 Ceases using the services of an assistance dog.

.533 Has change in any information provided on the application forms provided to CDSS.

.6 Termination

Recipients , who fail to meet the eligibility requirements as defined in Section 46-430.2, will be terminated from the ADSA Program.

.61 Terminations shall be effective the last day of the month in which it is determined the recipient no longer meets the eligibility requirements for the program.

.62 Notice of Action Denial and Right to Request a State Hearing forms shall be forwarded to the recipient being terminated, along with a new ADSA Application and postage free return envelope.

HANDBOOK BEGINS HERE

.7 County Responsibility

The county welfare department will assist the recipient in completing his/her application for the special allowance when necessary to do so.

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 10553, 10554, 12500, 12553 and 18943, Welfare and Institutions Code. Reference: Sections 10553, 10554, 12500, 12553 and 12554, Welfare and Institutions Code; Section 1614(a)(2), Title XVI of the Social Security Act; Chapter 9.5 (commencing with Section 7200) of Division 3 of the Business and Professions Code; 42 U.S.C. Section 401, et seq.; and Section 54.1, Civil Code; Division 9, Part 6, Chapter 10.3 of the Welfare and Institutions Code (commencing with Section 18937).

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TABLE OF CONTENTS

DIVISION 47 CALWORKS CHILD CARE	Chapter
The Stage One Child Care Program.....	47-100
| Stage One Child Care Eligibility	47-200
| Responsibilities of the County	47-300
Payment for Child Care Services	47-400
Trustline Registry and Health and Safety Requirements	47-600

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TABLE OF CONTENTS**CHAPTER 47-100 THE STAGE ONE CHILD CARE PROGRAM**

	Section
Introduction to the Stage One Child Care Program	47-101
Introduction .....	.1
Intent of the Child Care Program .....	.2
The Goal of the Child Care Program .....	.3
Administration of Stages .....	.4
Child Care Partnerships.....	.5
Stage One Child Care.....	.6
Stage Two Child Care .....	.7
Stage Three Child Care .....	.8
Extent of These Regulations .....	.9
Definitions.....	47-110
Child Care Request Process	47-120
Child Care Request Method1
Required Information2
Approval Process3

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CHAPTER 47-100 THE STAGE ONE CHILD CARE PROGRAM

47-101 INTRODUCTION TO THE STAGE ONE CHILD CARE PROGRAM 47-101

HANDBOOK BEGINS HERE

.1 Introduction

The Thompson-Maddy-Ducheny-Ashburn Welfare-to-Work Act of 1997 (Assembly Bill (AB) 1542, Chapter 270, Statutes of 1997) established the California Work Opportunity and Responsibility to Kids (CalWORKs) Program. CalWORKs replaced the Aid to Families with Dependent Children (AFDC) Program and the Greater Avenues for Independence (GAIN) Program. CalWORKs also replaced a number of separate welfare-related child care programs. These include: GAIN child care, Non-GAIN Education and Training (NET) child care, Cal-Learn Child Care, Supplemental Child Care (SCC), Transitional Child Care (TCC), the California Alternative Assistance Program (CAAP), the At-Risk Child Care Program, and the child care earned income disregard programs.

.2 Intent of the Child Care Program

It is the intent of the Legislature that CalWORKs recipients, and former recipients are connected as soon as possible to local child care resources, make stable child care arrangements, and continue to receive subsidized child care services after they no longer receive aid as long as they require those services and meet the specified eligibility requirements.

In order to move welfare recipients and former recipients from their relationship with county welfare departments to relationships with institutions providing services to working families, it is the intent of the Legislature that families that are former recipients of aid, or are transitioning off aid, receive their child care assistance in the same fashion as other low-income working families.

HANDBOOK CONTINUES

47-101 INTRODUCTION TO THE STAGE ONE CHILD CARE PROGRAM 47-101

HANDBOOK CONTINUES

Therefore, it is the intent of the Legislature that families no longer rely on county welfare departments to obtain child care subsidies beyond the time they are receiving other services from the welfare department. The Legislature intends that counties quickly move recipients out of the first stage of child care after the county determines stability.

In addition, the Legislature intends in enacting this article to provide sufficient funding through an appropriation in the annual Budget Act to fund the estimated cost of providing child care for all individuals who are anticipated to need child care to participate in the welfare-to-work programs and to transition to work.

It is further the intent of the Legislature to ensure that the implementation of Public Law 104-193 does not result in unanticipated outcomes that negatively affect child well-being.

.3 The Goal of the Child Care Program

The goal of the Child Care Program is to provide child care through a seamless system by standardizing child care program requirements under a single three-stage system.

.4 Administration of Stages

Stage One child care is administered by the counties and supervised by the Department of Social Services. Stages Two and Three are administered by Alternative Payment Programs (APP) contracting with the California Department of Education (CDE). California Community Colleges also provide child care services to CalWORKs participants.

HANDBOOK CONTINUES

47-101 INTRODUCTION TO THE STAGE ONE CHILD CARE PROGRAM 47-101
(Continued)

HANDBOOK CONTINUES

- .5 Child Care Partnerships It is the intent of the Legislature that families experience no break in their child care services due to a transition between the three stages of child care. To assure this, the California Department of Social Services (CDSS), CDE and the Chancellor's Office of the California Community Colleges (COCCC) work in collaboration to develop state policy and strategies that will aid in streamlining the program. At the local level, the counties, the Resource and Referral (R&R) Program, the Alternative Payment Program (APP), and the Local Planning Council (LPC) work together to assure that local policies and procedures provide for a smooth transition between the three stages of child care.
- .6 Stage One Child Care Stage One begins upon the entry of a person into the CalWORKs assistance program. A family may receive a child care subsidy for any legal child care chosen by the client.
- | .7 Stage Two Child Care Stage Two may begin when child care is available through a local Stage Two program and: the county determines stability; or when a recipient is transitioning off of aid.
- .8 Stage Three Child Care Stage Three begins when a funded space is available for a CalWORKs child care client, a Diversion client, or an employed former CalWORKs client.
- | .9 Extent of Division 47 Division 47 covers only Stage One child care and transition from Stage One.

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: 42 U.S.C. 9858 et seq.; 42 U.S.C. 9858c(c)(2)(H); AB 1542, Chapter 270, Statutes of 1997; Budget Act: AB 107, Chapter 282, Statutes of 1997, Item 6110-196-0001, Provisions 13 and 14, and Item 6870-101-001, Provision 16(c); Sections 8350 thru 8359.1, and 79202, Education Code; and Section 11323.8, Welfare and Institutions Code.

47-110 **DEFINITIONS** **47-110**

- (a) (1) Alternative Payment Program "Alternative Payment Program (APP)" means an agency that contracts with the California Department of Education, in addition to other activities, to make payments to another agency or child care provider for the provision of child care and development services.
- (2) Assistance Unit "Assistance Unit" means a group of related persons living in the same home who have been determined eligible for CalWORKs cash assistance. [See Section 80-301(a)(9)]
- (b) (Reserved)
- (c) (1) Child Care "Child Care" means care and supervision of a child as specified in the California Code of Regulations, Title 22, Division 12, Section 101152c.(2).
- (2) Co-payment "Co-payment" means the amount the client is responsible to pay, if she or he chooses a child care provider who charges a fee higher than the maximum payment rate specified in Section 47-401.1. The co-payment is distinct from the family fee, as defined in Section 47-110(f)(1).
- (3) Child Care Provider "Child care provider" means a person or organization that provides child care services.
- (4) Client "Client" means an applicant for or recipient of CalWORKs cash assistance, a former CalWORKs client, a recipient of diversion payments or services, and/or a Cal-Learn teen, who receives or is eligible to receive child care through the CalWORKs child care program.
- (5) Commute Hours "Commute hours" means the time it takes for the client to travel from the child care provider to the activity or activities for which child care is being provided and from there back to the child care provider.

47-110 DEFINITIONS (Continued) **47-110**

- (d) (Reserved)
- (e) (1) Eligibility List "Eligibility List" means a waiting list for admission to state and federally subsidized child development services administered by the California Department of Education.
- (2) Exempt from Licensing or License-Exempt "Exempt from licensing" or "license-exempt" means that a child care provider is not required to obtain a child care license, as specified in the California Code of Regulations, Title 22, Division 12, Sections 101158 and 102358.
- (f) (1) Family Fee "Family fee" means the amount, if any, that the client shall be required to pay towards his or her child care costs, based on the fee schedule established by the State. The family fee is distinct from the co-payment, as defined in Section 47-110(c)(2).
- (2) First County "First County" means the county from which the client will move or has moved.
- (3) Former CalWORKs Client "Former CalWORKs client" means an individual who received cash aid under CalWORKs in the prior 24 months and needs child care to continue his or her employment or fulfill his or her county-approved program activity.

47-110 DEFINITIONS (Continued)	47-110
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| (g) (Reserved) | |
| (h) (Reserved) | |
| (i) (1) Intercounty Transfer | <p>"Intercounty Transfer" means the transfer of responsibility for determination and payment of Stage One child care services from one county to another.</p> |
| (j) (Reserved) | |
| (k) (Reserved) | |
| (l) (1) Licensed Provider | <p>"Licensed Provider" means an individual or organization that has obtained a child care license, as specified in the California Code of Regulations, Title 22, Division 12.</p> |
| (m) (Reserved) | |
| (n) (Reserved) | |
| (o) (1) Overpayment | <p>"Overpayment" means payments for child care services in excess of the amount which either the client or the child care provider is eligible to receive.</p> |
| (p) (1) Probation | <p>"Probation" means the period of time that a licensed child care provider is required to comply with specific terms and conditions set forth by the California Department of Social Services (CDSS) in order to stay or postpone the revocation of the provider's license.</p> |
| (q) (Reserved) | |
| (r) (1) Registration Fee | <p>"Registration Fee" means a one-time or periodic service or application fee charged by a child care provider.</p> |
| (2) Resource and Referral Program | <p>"Resource and Referral Program (R & R)" means a program that provides information and referrals for child care, information and referrals for community services, and coordination of community resources.</p> |

47-110 **DEFINITIONS** (Continued) **47-110**

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| | (3) | Revocation | "Revocation" means an administrative action taken by the CDSS to void or rescind the license of a child care provider due to serious or chronic violations by the provider. |
| (s) | (1) | Second County | "Second County" means the county to which the client will move or has moved to make his/her home. |
| \| | (t) | (1) Temporary Suspension Order (TSO) | "Temporary Suspension Order" means an administrative action taken by the CDSS that immediately suspends a child care provider's license for a limited period of time. |
| (u) | (1) | Underpayment | "Underpayment" means payments for child care services that are less than the amount which either the client or the child care provider is eligible to receive. |

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: 42 U.S.C. 9858 et seq.; 42 U.S.C. 9801 Note (b)(4); 42 U.S.C. 9858c(c)(2)(H); 42 U.S.C. 9858c(c)(2)(A) and (c)(5); 42 U.S.C. 9858e; 42 U.S.C. 9858n; 45 CFR 98.15(a)(3); 45 CFR 98.20(b)(3); 45 CFR 98.30; 45 CFR 98.42; Sections 8208, 8208.1, 8212, 8263, 8264, 8354 and 8357, Education Code; Sections 1569.773, 1596.792, and 1596.886, Health and Safety Code; Sections 11320.3, 11323.2, 11323.4, and 11324, Welfare and Institutions Code; Budget Act: AB 107, Chapter 282, Statutes of 1997, Item 6110-196-0001, Provision 9, and Item 6870-101-001, Provision 16(c).

47-120 **CHILD CARE REQUEST PROCESS** **47-120**

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| | .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, 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. | |

47-120	CHILD CARE REQUEST PROCESS (Continued)	47-120
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| .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, 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 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. |
| .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 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 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. |

47-120	CHILD CARE REQUEST PROCESS (Continued)	47-120
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| | .23 | County Responsibility | The county shall assist the client as needed in obtaining the necessary information to determine eligibility. |
| \| | .3 | Approval Process | |
| \| | .31 | Processing Time Frame | The county shall process the child care request and determine the eligibility of the client and child care provider within ten calendar days of receiving the information specified in Section 47-120.2. |
| \| | .311 | 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. |

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 11323.3, Welfare and Institutions Code.

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TABLE OF CONTENTS**CHAPTER 47-200 STAGE ONE CHILD CARE ELIGIBILITY**

	Section
Eligible Children.....	47-201
Eligible Child.....	.1
Age Requirements.....	.2
Other Age Requirements.....	.3
Eligible Clients.....	47-220
Current Recipient of CalWORKs Cash Assistance.....	.1
Stage One Clients.....	.2
Other Stage One Clients.....	.3
Two-Parent Families.....	.4
Eligible Former CalWORKs Clients.....	47-230
Child Care Services for Former CalWORKs Clients.....	.1
Income Eligibility.....	.2
Calculation of Family Fee for Stage One Clients.....	47-240
Calculation of Family Fee for Stage One Clients.....	.1
Eligible Providers.....	47-260
Eligible Child Care Provider Requirements.....	.1
Trustline-Exempt Child Care Providers.....	.2
Parental Choice.....	.3
Eligible Child Care Provider Limitations.....	.4
License-Exempt Provider Information.....	.5

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CHAPTER 47-200 STAGE ONE CHILD CARE ELIGIBILITY

47-201 ELIGIBLE CHILDREN **47-201**

- .1 Eligible Child

A child that is eligible to receive Stage One child care services shall:

 - .11 Assistance Unit Members

Be a member of the assistance unit; or would be a member of the assistance unit but for the receipt of foster care benefits or Supplemental Security Income/State Supplemental Program (SSI/SSP) benefits; or be the child of a Cal-Learn Participant; or be a member of a family with a former CalWORKs client who has become employed.
 - .12 Non-Assistance Unit Members

Be a child that is:

 - .121 Membership

Not in the assistance unit;
 - .122 Effect on Participation

One for whom the lack of child care would result in the client not being able to participate in approved CalWORKs or Cal-Learn activities or employment; and
 - .123 Responsibility for Child

One whom the client is responsible to support.

HANDBOOK BEGINS HERE

- .124 Example 1

A single parent requests CalWORKs Stage One child care both for her children and her sister's unaided children who are residing with her while her sister is in jail. The children's father is absent. In this case the sister's children meet the requirement in Section 47-201.123, that is, children whom the client is responsible to support.
- .125 Example 2

A single parent requests CalWORKs Stage One child care both for her children and the children of her unaided unmarried boyfriend living in the home. The unmarried boyfriend is employed. He is unable to provide care for his children during his hours of employment. In this case the boyfriend's children do not meet the requirement in Section 47-201.123, that is, children whom the client is responsible to support.

HANDBOOK ENDS HERE

47-201 ELIGIBLE CHILDREN (Continued) **47-201**

- .2 Age Requirements The child shall not exceed the age specified in Section 42-101 and shall be:

 - .21 Age Limit 10 years of age or younger; or
 - .22 Disabled 11 years of age or older and require child care or supervision because she or he is physically or mentally incapable of caring for herself or himself based on a written statement of a physician or licensed or certified psychologist or receipt of SSI/SSP; or
 - .23 Court Supervision 11 years of age or older and be under court supervision as specified in Welfare and Institutions Code Section 300, 301, 601 or 602.

- .3 11 –and 12 – Year Old Children 11 – and 12- year- old children may receive services to the extent funds are available.

 - .31 Children with Disabilities The following section on the preferred placement for 11- or 12–year-old children does not apply to 11- or 12 year old children with disabilities per Education Code Section 8263.4.

HANDBOOK BEGINS HERE

- .311 This section does not apply to 11- or 12-year-old children with disabilities, including a child with exceptional needs who has an individual education plan as required by the Individual with Disabilities Education Act (20 U.S.C Section 1400), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. Section 794), or Part 30 Sections 56000 through 56885) of the Education Code.

HANDBOOK ENDS HERE

- .32 Preferred Placement The preferred placement for 11-and 12-year-old children is in a before or after school program as specified by Education Code Section 8263.4.

HANDBOOK BEGINS HERE

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| .33 | Former CalWORKs Clients
Who Have Become Employed | Former CalWORKs clients who have become employed are eligible for child care services in Stage Three. |
| .331 | Child Care Services for
Former CalWORKs Clients
in Stage Two | If child care is not available in Stage Three, former CalWORKs clients receive child care services in Stage Two. |

HANDBOOK ENDS HERE

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| .332 | Child Care Services for
Former CalWORKs Clients
in Stage One | Former CalWORKs clients shall receive child care services in Stage One when child care services are not available in Stage Two or Three child care. |
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HANDBOOK BEGINS HERE

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| .34 | Clients Receiving Lump-Sum
Diversion Payments or
Services in Stage Three | Clients receiving Lump-Sum Diversion Payments or Services, as specified in Section 81-215, are eligible for child care services in Stage Three. If Stage Three child care or other subsidized child care is not available, diversion clients may be served in Stage Two child care. |
| .341 | Lump-Sum Diversion
Payment that Includes
Child Care | The lump-sum diversion payment may include funds to cover child care services during the period of diversion as specified in Section 81-215. |

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| .4 | Two-Parent Families | Two-parent families, even if they do not meet the 55 hours of participation per week in CalWORKs activities shall receive child care services, if otherwise eligible. |
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NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: 42 U.S.C. 601 et seq., 42 U.S.C. 607(c)(1)(B)(ii); 42 U.S.C. 609(a)(3); 42 U.S.C. 9858i(a)(2)(A); 42 U.S.C. 9801 Note (b)(4); Sections 8263, 8350.5, 8351(c), 8353, 8354 and 8357, Education Code; Sections 10540, 10544, 11265.2, 11266.5, 11320.3, 11322.8, 11323.2 and 11323.8, Welfare and Institutions Code.

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." |

HANDBOOK ENDS HERE

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

.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.

HANDBOOK BEGINS HERE

.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."

HANDBOOK ENDS HERE

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
 - .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.

47-260	ELIGIBLE PROVIDERS (Continued)	47-260
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.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.

47-260	ELIGIBLE PROVIDERS (Continued)	47-260
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	.5 License-Exempt Provider Information	If the county or a contractor pays for child care services to a license-exempt provider, all of the following information about the license-exempt provider shall be on file with the county or the contractor:
|	.51 Name, Address, and Telephone Number	The name, address and, if available, a telephone number of the child care provider.
|	.52 Where Care is Provided	The address and, if available, a telephone number where child care is to be provided.
|	.53 Hours of Care and Charges	The hours child care is to be provided and the charge for this care.
|	.54 Social Security Number	Social Security Number. Provision of the social security number is mandatory to enable the county to comply with the federal reporting requirements for an unduplicated count of child care providers under the Child Care and Development Fund. The county shall inform the provider that provision of the social security number is mandatory, and the uses that will be made of this number.
|	.55 Character Reference	The names, addresses, and telephone numbers of two character references.
|	.56 Identification	A copy of a valid California driver's license or other identification to establish that the child care provider is at least 18 years old.
|	.57 Required Statement	A statement from the provider as to her or his health education, experience or other qualification, criminal record, and names and ages of other persons in the home or providing child care.
|	.58 Relationship	Relationship of the child care provider to each eligible child.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: 42 U.S.C. 9858i(a)(2)(A); 42 U.S.C. 9858c(c)(2)(A)(ii) and (c)(2)(H); 42 U.S.C. 9858n; 45 CFR 98.30; Section 76 of the Privacy Act of 1974 (5 U.S.C. Section 552a Note); Sections 8208.1, 8212, 8216, 8357, and 8358(a), Education Code; Sections 1596.60, 1596.605, 1596.67, 1596.792 and 1596.871, Health and Safety Code; Sections 11320.3 and 11324, Welfare and Institutions Code.

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TABLE OF CONTENTS**CHAPTER 47-300 RESPONSIBILITIES OF THE COUNTY**

	Section
Administration of Child Care Services	47-301
County Welfare Department Responsibility .....	.1
Informing Notice Requirement .....	.2
Referral for Child Care Services .....	.3
Information Sharing .....	.4
Transitioning Clients .....	.5
Placement on Eligibility Lists for Subsidized Child Care.....	.6
Referral Priority for Stages Two and Three .....	.7
Contracts to Provide Stage One Child Care .....	.8
Information Collection.....	47-320
County Responsibility.....	.1
Client Responsibility.....	.2

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CHAPTER 47-300 RESPONSIBILITIES OF THE COUNTY

47-301 ADMINISTRATION OF CHILD CARE SERVICES 47-301

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| .1 | County Welfare Department Responsibility | Counties shall inform clients of the availability of child care subsidies. Counties shall ensure that clients have access to child care subsidies whenever the need for child care occurs as a result of employment or participation in any county-approved activities. |
| .2 | Informing Notice Requirement | The county shall provide the client with an informing notice that informs the individual of the availability of Stage One child care. |

HANDBOOK BEGINS HERE

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| .21 | The county is encouraged to also inform families orally of the availability of child care subsidies. |
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| .22 | Informing Notice Content | The informing notice for Stage One child care shall contain the following information: |
| (a) | | A statement that as of February 1, 2008, license-exempt child care providers, except those who are Trustline-exempt as specified in Section 47-260.2, must be registered with Trustline before subsidized payment for child care services can be made. Counties or contracted payment agencies shall not be permitted to begin payments until the license-exempt provider is a registered Trustline child care provider; |
| (b) | | A statement that the client who selects a license-exempt provider who is required to be registered and is granted Trustline registration shall receive retroactive payment for up to the first 120 calendar days from the date child care services were requested and services were provided; |

47-301 ADMINISTRATION OF CHILD CARE SERVICES (Continued) 47-301

- (c) A statement that the client is required, no later than the first day child care services began, to instruct the license-exempt provider of choice to submit a completed Trustline application, including fingerprints, and a Health and Safety certification within seven calendar days or as soon as possible;

HANDBOOK BEGINS HERE

- (1) To facilitate timely retroactive payments, the provider should submit a completed Trustline Application package and a Health and Safety Certificate as soon as possible.
- (2) A completed Trustline application package means that all fields on the application are completed and fingerprints have been submitted.

HANDBOOK ENDS HERE

- (d) A statement that child care payments in CalWORKs Stage One shall not be made for services provided by a licensed or Trustline-exempt child care provider, or a child care provider that is an existing registered Trustline provider more than 30 calendar days prior to the client's request for child care and that the client is responsible for any child care services received prior to this period;
- (e) A statement that the client 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;
- (f) A statement that in order to receive paid child care, the client 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 client and/or child care provider do not provide the required information within 30 calendar days, the child care request may be denied;

47-301 ADMINISTRATION OF CHILD CARE SERVICES (Continued) 47-301

- (g) A statement that the child care provider has to meet certain requirements and that the client is responsible for any child care services received if the child care provider is determined ineligible;
 - (h) A statement that the client 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;
 - (i) A statement that the client 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 client to indicate whether or not they need child care;
 - (j) A statement that the client 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;
 - (k) A statement that the client shall be responsible for informing the county within 30 calendar days from the first and any subsequent child care provider in order to receive payment for the services provided;
 - (l) A statement that the client 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
 - (m) A statement that the client has read and understands the informing notice.
- .23 The informing notice shall be provided each time the client:
- .231 Applies for CalWORKs cash assistance and at annual redetermination;

47-301 ADMINISTRATION OF CHILD CARE SERVICES (Continued) 47-301

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

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

.24 The county shall provide the client with the county's child care request form upon request.

HANDBOOK BEGINS HERE

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

.251 Along with the mailing of the eligibility/status report;

.252 When the county issues a warrant;

.253 When a Notice of Action is sent out to the client, especially one related to an increase in income; or

.254 Each time the client has contact with the county welfare office or worker on any other matter.

HANDBOOK ENDS HERE

.26 Client Responsibility The client shall sign and return the informing notice to the county when the informing notice is provided as required by Section 47-301.23.

.27 County Responsibility When the client 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 client.

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

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

47-301 ADMINISTRATION OF CHILD CARE SERVICES (Continued) 47-301

- .28 Former CalWORKs Clients Former CalWORKs clients who receive child care services in Stage One shall receive and sign the informing notice at least annually.
- .3 Referral for Child Care Services The county shall refer clients needing child care services to the local child care resource and referral program.

HANDBOOK BEGINS HERE

- .31 Local Resource and Referral Responsibility The local resource and referral program assists families in establishing stable child care arrangements as soon as possible. These include licensed and license-exempt care.
- .32 Colocation of Local Resource and Referral Staff Local Resource and Referral staff are required to colocate with the county's case management offices or arrange other means of swift communication with parents and case managers.

HANDBOOK ENDS HERE

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47-301 ADMINISTRATION OF CHILD CARE SERVICES (Continued) 47-301

| .4 Information Sharing

The county shall provide information about the client to the agency administering Stage Two or Three child care to establish eligibility for child care services and to allow the agency to provide child care to the family. This information may be shared with other entities not administering the program when the client has consented in writing that the information may be released.

HANDBOOK BEGINS HERE

| .41 Confidentiality

AB 1542, Chapter 270, Statutes of 1997, did not change the confidentiality provisions in Welfare and Institutions Code Section 10850. All client information is kept confidential and is not open to examination except for purposes directly connected with the administration of public social services, or as otherwise authorized. Alternative Payment Programs (APP), Resource and Referral Programs and child care providers are an integral part of Stage One child care service delivery. Client confidentiality would not be violated as long as the communication with any of these entities is directly related to providing Stage One child care services, or transition to Stage Two or Stage Three. In exchanging client information for purposes of administering the seamless child care program, each of these agencies are bound by the same confidentiality requirements.

HANDBOOK ENDS HERE

| .5 Transitioning Clients

The counties shall manage a client's transition from Stage One to Stage Two or Stage Three when the county determines that the family's situation is stable. The client's child care shall continue in Stage One until child care is provided in Stages Two or Three, unless the family is otherwise ineligible.

47-301 ADMINISTRATION OF CHILD CARE SERVICES **47-301**
(Continued)

- .51 Stage One Time Limit A client shall be served in Stage One for a maximum of six months unless the family's situation is not stable, or child care is not available in Stage Two or Three.

- .52 Extension of Six-Month Time Limit The county shall extend the six-month time limit if the county has not determined stability or if child care is not available in Stage Two or Stage Three.

HANDBOOK BEGINS HERE

- .6 Placement on Eligibility Lists for Subsidized Child Care Stage One clients should be referred for placement on eligibility lists for CDE subsidized child care as soon as possible.

- .7 Referral Priority for Stages Two and Three Former CalWORKs clients should be referred for transition to Stage Two and Stage Three eligibility lists before the county refers other Stage Two or Three eligible clients.

HANDBOOK ENDS HERE

- .8 Contracts to Provide Stage One Child Care The county shall have the option to contract with public or private child care agencies to provide any or all of the Stage One services.

- .81 Compliance with Regulations Public or private child care agencies, including those that contract with the county to provide Stage One child care services shall comply with Division 47.

- .9 Administrative Actions - Licensed Child Care Providers
 - .91 Temporary Suspension Order (TSO) or Revocation of Child Care License When the county is notified by the R&R program that a licensed child care provider's license has been temporarily suspended or revoked, the county shall do the following within two business days:

 - .911 Terminate payment to the child care provider as of the effective date of the TSO or license revocation; and

47-301 ADMINISTRATION OF CHILD CARE SERVICES **47-301**
(Continued)

- .912 Inform the parents and the child care provider in writing that the payment has been terminated and the reason for the termination.

- .92 Probationary Status
 - When the county is notified by the R&R program that a licensed child care provider's license has been placed on probation, the county shall do the following within two business days:
 - Inform the parents in writing that their child care provider has been placed on probation and that they have an option to locate alternate child care arrangements or remain with the provider without risk of subsidy payments being terminated.

NOTE: 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; and Sections 10540, 10850, 11323.3, 11323.4(f) and 11323.8, Welfare and Institutions Code; Section 1596.605, Health and Safety Code.

47-310 INTERCOUNTY TRANSFERS **47-310**

- .1 First County
 - Upon notification of the CalWORKs Child Care client transferring to a new county, the first county shall:
 - .11 Inform Clients
 - Inform the client in writing of the responsibility to apply for child care in the second county and the payment responsibility information specified in Section 47-310.3 in order to avoid a break in child care services.

- .2 Second County
 - The second county shall:
 - .21 Establish a Child Care Case
 - Establish a child care case as soon as the client applies for and meets the child care eligibility requirements as specified in Section 47-220, regardless of the status of the cash aid transfer.

47-310 INTERCOUNTY TRANSFERS (Continued) **47-310**

HANDBOOK BEGINS HERE

.211 Cash Aid Determination If cash aid is approved, the client receives child care as a current CalWORKs client.

If cash aid is denied, the client receives child care as a former CalWORKs client as defined in Section 47-110(f)(3), if otherwise eligible.

HANDBOOK ENDS HERE

.22 Make Appropriate Referral Refer the child care case to the responsible agency as provided in Section 47-301.5, if the second county determines that the client is eligible for Stage Two or Stage Three child care.

.23 Availability of Stages Provide child care in Stage One until child care is provided in Stage Two or Three, as provided by Section 47-301.5, unless the family is otherwise ineligible.

.3 Change in Payment Responsibility There shall be no delay in child care payments when the county receives from the client the necessary child care payment information specified in Section 47-420.21.

.31 When Changing Providers When the client moves and is changing providers:

.311 First County The first county shall pay for child care through the last day the existing provider provides services.

.312 Second County The second county shall become responsible to pay child care to the new provider regardless of the completion of a cash aid transfer period.

47-310 INTERCOUNTY TRANSFERS (Continued) **47-310**

HANDBOOK BEGINS HERE

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| .313 | Cash Aid Transfer Period
as Specified in Section
40-187.16 | The period of time in which the second county
determines eligibility and the first county remains
responsible for payment of aid. |
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| .32 | When Not Changing Providers | When the client moves and does not change
providers: |
| .321 | On Cash Aid | The first county shall continue to pay for child care
until the cash aid transfer period is completed, or
sooner with mutual agreement between both
counties. |
| .322 | Off Cash Aid | The first county shall continue to pay for child care
for up to 30 days from the date the client moves out
of the county, at which time the second county
assumes responsibility for payment. |

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10553 and 10554, Welfare and Institutions Code; and Section 40-187, CDSS Manual of Policies and Procedures.

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47-320 INFORMATION COLLECTION **47-320**

- .1 County Responsibility The county shall obtain from the client information to determine child care eligibility and process payments for child care services. (See Section 40-126.35)

- .2 Client Responsibility The following information shall be provided by the client:
 - .21 Child's Identifying Information Name, age, date of birth, ethnic origin and gender of each child requiring care.
 - .22 School Hours School hours of each child, if applicable.
 - .23 Hours of Care Hours of care needed for each child.
 - .24 Provider Information Name, address and, if available, a telephone number of the child care provider selected by the client.
 - .25 Child's Disability Information needed to obtain verification as specified in Section 41-430.2 about any child 11 years of age or older for whom care is requested due to a physical, mental or developmental disability or other similar condition.
 - .26 Court Supervision Information about any child 11 years of age or older for whom care is requested because the child requires care or supervision because she or he is under court supervision.
 - .27 Change in Family Size and Composition Information about changes in family size and composition when an absent parent of a child receiving child care moves into the home or another child moves into the home, including newborns; or
 - .28 Change in Family Income Information about changes in income that result in the family income reaching or exceeding the family fee thresholds provided in the Family Fee Schedule established by the Superintendent of Public Instruction pursuant to Education Code Section 8263. (See Handbook Section 47-401.8). Information about changes in income that reduce or eliminate the family fee shall also be reported.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: 42 U.S.C. 9858i(a)(2)(A) and (a)(2)(E); 45 CFR 98.20(a)(1)(ii); 45 CFR 98.71(a) and (b); Sections 8208.1, 8263, 8352 and 8357, Education Code; Sections 11054 and 11323.2, Welfare and Institutions Code.

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