

SHD Paraphrased Regulations - CalWORKs

030 Special Programs

036-1

Current CalWORKs recipients, including: (1) those who are temporarily ineligible for a cash grant for a period not longer than one month and (2) those who are penalized or sanctioned, are eligible for Stage One child care when:

- .211 The client is working; and/or
- .212 The client is participating in a county-approved WtW activity; or
- .213 The client is participating in another county-approved activity, such as job search and assessment or participating as a volunteer.

AND

- .22 There is no parent, legal guardian, or AU member, living in the home, who can provide the care.

(§§47-220.1, .2, .3)

036-2 REVISED 10/04

For purposes of the child care program, "client" means an applicant for or recipient of CalWORKs cash assistance, a former CalWORKs client, a recipient of diversion payments or services, or a Cal-Learn teen, who receives or is eligible to receive child care through the CalWORKs child care program. (§47-110(c)(4))

"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(f)(3))

036-3

In order to be eligible for Stage One child care services, the child must be a member of the AU, or excluded from the AU because of receipt of foster care or SSI/SSP; the child of a Cal-Learn participant; a member of a family with a former CalWORKs client who has become employed; or, at county option, a child who is not in the AU, but without child care the client could not participate in approved CalWORKs or Cal-Learn activities or employment. (§47-201)

In general, the child must be 10 years of age or younger. The child may be age 11 or older (but not older than 19) if the child is physically or mentally incapable of caring for himself/herself (based on documentation from a physician, licensed or certified psychologist, or receipt of SSI/SSP) or under court supervision as specified in W&IC §§601 and 602. (§47-201.2) The child who is 11 or 12 years of age, and not otherwise eligible, may be eligible for Stage One services to the extent funds are available. (§47-201.3)

036-4

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In the child care program, an "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. (§47-110(o)(1))

036-4A

The county shall take steps to promptly correct any overpayment for child care services if it determines that collection is administratively cost effective. (§47-440.1, .11)

There shall be no offset of these overpayments against the CalWORKs grant without the agreement of the recipient. (§47-440.12)

When payments are made to the child care provider for child care "during a period when the client was not eligible for child care because the client was not participating in county-required activities, the client is responsible for the erroneous payment." (§47-440.13) When the child care provider is paid for child care services which were not provided, the child care provider is responsible for the overpayment. (§47-440.14)

036-4B

In general, the county shall issue child-care payments on behalf of the client directly to the child care provider. (§47-420.1, as revised effective August 9, 1999)

However, child-care payments may be made directly to the client, as the employer, if child care is provided in the client's home. In that case, the county shall inform the client of the client's legal and financial reporting requirements. (§47-420.2)

036-4C ADDED 10/04

Examples of a child care overpayment are:

- Child care subsidies for child care services received after the date a recipient ceased working or participating in a work activity.
- Child care subsidies paid in error to a provider after informing the provider that subsidies have been terminated.
- Situations in which fraud exists and the provider or recipient is not eligible to receive the payment.
- Subsidies received while the parent was ineligible for cash aid and the parent does not qualify as a former recipient.
- Providers collecting flat fees for unfilled, not contracted by county, child care slots.
- Recipient ceases work activities but continues to receive child care and, due to administrative error, the county does not discontinue child care or send a notice of action.

(All County Letter 00-53. August 29, 2000)

036-4D ADDED 10/04

Examples where there is no child care overpayment are:

- Child care payments to relatives such as a grandparent, aunt, uncle, adult brother or

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sister.

- Child care payments for care during temporary absences of the provider when someone else provides care.
- Subsidies received by a sanctioned parent who is working.
- Subsidies made to a provider during the allowable absence of a parent from WTW activities (e.g., to go to court or a medical appointment).

(All County Letter 00-53. August 29, 2000)

036-5

"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. (§47-110(u)(1)) The county shall take steps to promptly correct any child care service underpayment. (§47-440.1)

036-6 REVISED 12/07

Effective August 29, 2007, the county shall pay for child care on behalf of a client when a client is participating in county-approved activities, when the client is working, when the client commutes, when a child is ill and requires care from alternate child care provider, or during excused absences of the child or the client. (§§47-401.41-.45)

Excused absences may include, but are not limited to, illness or quarantine of the child or client, court ordered visitations, family emergencies, or court appearances (§47-401.451 Handbook)

Prior to August 29, 2007, at county option, the county could pay for child care when a child is ill and requires care from a different child care provider, or when care is necessary for other required activities. (§§47-401.44, .45 prior to August 29, 2007)

The county shall not pay for child care during the time the child is attending school, or when the child is receiving care in other subsidized child care programs and the child is not ill. (§47-401.5)

036-7

"Family fee" means the amount, if any, that the client is required to pay towards child care costs, based on the fee schedule established by the State, and set forth in §47-401.8. (§47-110(f)(1))

For purposes of calculating the amount of the family fee, determine family income under §§47-230.21-47-230.211(c)(5). Determine family size under §§47-230.22-47-230.232. These regulations are based on Education Code §8263. (§47-240.1)

036-8 REVISED 6/08

For license-exempt child care providers who are required to be Trustline registered:

After February 1, 2008, clients shall be entitled to receive retroactive payment for up to 120 calendar days from the date child care services were requested and services were provided if

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the provider subsequently becomes Trustline registered. The county may issue retroactive child care payments on behalf of the client directly to the provider.

The retroactive payments shall be made by the county or the contracted payment agency to either the client, as the provider's employer, if care is provided in the home of the client, or to the provider. The retroactive payment shall be made for up to the first 120 calendar days from the date child care services were requested and services were provided. (§47-430.2)

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

For licensed, trustline-exempt providers, or existing trustline-registered providers:

Payments for child care services shall not be made for services provided more than 30 calendar days prior to the client's request for child care if the client case file contains copy of the informing notice signed by the client within the last year or a notation that client refused to sign and/or return the informing notice within the last year. (§47-430.21)

The limit on retroactive payments 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. (§47-430.22 effective February 1, 2008))

036-8A ADDED 6/04

Section 47-430 (regarding retroactive child care) shall apply to former CalWORKs clients who receive Stage One child care. (§47-430.3)

036-8B ADDED 6/04

The county shall provide the client with an informing notice that informs the individual of the availability of Stage One child care. The informing notice shall be provided each time the applicant/recipient applies for CalWORKs, at each annual redetermination, and each time the individual signs an original or amended WtW plan. (§§47-301.2 and .23)

036-8C REVISED 6/08

The informing notice for Stage One child care shall contain information that includes among other information the following:

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;

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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;

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.

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;

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;

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;

(§47-301.22 effective February 1, 2008)

036-8D ADDED 6/04

The applicant/recipient shall sign and return the informing notice to the county when the informing notice is provided (§47-301.26)

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. (§47-301.271)

036-8E ADDED 6/08

The following are exempt from Trustline:

Aunts, uncles, grandparents, of the child(ren) in care by blood, marriage or court decree.

- Court decree includes, but is not limited to, adoptions or other court orders impacting family relationships.

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- Counties shall obtain a self-certification declaration that substantiates the relationship of the exempt provider to the child(ren).

A public recreation program as defined in Health and Safety Code Section 1596.792, or a public or private school.

(§47-260.2 effective February 1, 2008)

036-8F ADDED 6/08

Upon completion of the searches of the state Care Provider summary criminal history information and the child abuse index, and, if applicable, the records of the Federal Bureau of Investigations, and if grounds do not exist for denial pursuant to Health and Safety Code Section 1596.607, the provider shall be known as a "registered Trustline child care provider."

(§47-602(r)(1) effective February 1, 2008)

036-9 ADDED 6/08

Trustline Registry means a computer based registry of license-exempt child care providers, including providers who care for the children of parents eligible for subsidized child care, members of the public who choose to voluntarily apply, employment agency placements, and transport escort services person, who have had a background check to ensure that the child care providers have no disqualifying criminal convictions, substantiated reports of child abuse, certain arrests that may pose a risk to the health and safety of children in care, a past revocation of a license issued by the Department of Social Services or certificate to be a certified family home, a past exclusion from a licensed facility or a past denial of an application for licensure or certification of approval to be a certified family home. (§47-602(t)(1) effective February 1, 2008)

036-9A REVISED 6/08

The Trustline Registry system, (Trustline) is a registry of license-exempt child care providers, including those who care for children eligible for CalWORKs Stage One child care, whose Trustline application, upon completion of a background check, has been approved. Specified license-exempt child care providers, after submission of a completed Trustline application and fingerprints must be registered Trustline child care providers as defined in Health and Safety Code Section 1596.605(b)(1) in order to receive subsidized payment for CalWORKs child care services. (§47-601)

036-9B REVISED 6/08

Prior to February 1, 2008, the following were exempt from the requirement to apply for Trustline: aunts, uncles, grandparents, great grandparents, great aunts, and great uncles of the children in care, by blood, marriage or court decree; a public or private school or public recreation program, and all providers whose fees were reimbursed through income disregard prior to January 1, 1998 unless the provider began to provide child care to an eligible family for which he or she

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had not provided care or there was a subsequent lapse in care. (§47-610 repealed effective February 1, 2008. For those exempt from Trustline effective February 1, 2008, see §47-260.2)

036-9C REVISED 6/08

All clients requesting child care by a provider who is subject to Trustline shall be provided a Trustline Registry application package, which includes a Trustline Registry application, prior conviction statement, and Livescan forms and instructions.

The provider shall submit a completed Trustline application within seven calendar days, or as soon as possible, from the date they began to provide child care to the local child care resource and referral program for processing. (§47-620.1)

036-10 ADDED 10/04

"Intercounty transfer" means the transfer of responsibility for determination and payment of Stage One child care services from one county to another. (§47-110(i)(1))

036-10A ADDED 10/04

"First county" means the county from which the client will move or has moved. (§47-110(f)(2))

"Second county" means the county to which the client will move or has moved to make his/her home. (§47-110 (s)(1))

036-10B ADDED 10/04

Upon notification of the CalWORKs child care client transferring to a new county, the first county shall inform the client in writing of the responsibility to apply for child care in the second county and the payment responsibility information specified in §47-310.3 in order to avoid a break in child care services.

The second county shall:

- Establish a child care case as soon as the client applies for and meets the child care eligibility requirements specified in §47-220 (working, participating in required WTW or other county approved activities and having no parent, legal guardian or adult AU member able and available to provide child care) regardless of the status of the cash aid transfer.
- Refer the child care case to the responsible agency if the second county determines that the child is eligible for State Two or Stage Three child care.
- Provide child care in Stage One until child care provided in Stage Two or Stage Three, unless the family is otherwise ineligible.

(§§47-310.1,.2)

036-10C ADDED 10/04

There shall be no delay in child care payments when the county receives from the client the necessary child care payment information including the number of hours of child care provided,

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cost per child as verified by the child care provider and a signed statement by the client and child care provider under penalty of perjury. (§§47-301.3, 47-420.21)

036-10D ADDED 10/04

When the client moves and is changing providers, the first county shall pay for child care through the last day the existing provider provides services. The second county shall become responsible to pay child care to the new provider regardless of the completion of a cash aid transfer period.

When the client moves and does not change providers, the first county shall continue to pay child care until the cash aid transfer period is completed, or sooner with mutual agreement between both counties. When the county is off cash aid, the first county shall continue to pay child care for up to 30 days from the date the client moves out of the county. At that time the second county assumes payment responsibility.

(§47-310.3)

036-11 ADDED 11/05

CDSS has established an optional Foster Parent Child Care program. The funds are Title IV-E funds for federally eligible child care as allowed by §475(4)(A) of the Social Security Act, 45 CFR 1355.20(a)(1) and Senate Bill 1612 (Statutes of 2004).

Funding for child care on behalf of non-federally eligible Foster Care children are county responsibility. There are no state funds for this program. Counties that choose to operate this program must follow standardized instructions.

(ACL 05-23, August 19, 2005)

038-1 ADDED 7/12

Nonminor Dependents (NMD) are eligible to receive extended CalWORKs benefits past 18 years of age. In order to be eligible, the NMD must:

1. Meet one or more of the five participating conditions (see ACL No. 11-69);
2. Enter and adhere to the Mutual Agreement (state form SOC 162); and
3. Cooperate with the six-month review of the Transitional Independent Living Case Plan (TILCP), the Transitional Independent Living Plan (TILP), as well as Court status review hearings (see ACL Nos. 11-69, 12-12).
4. The NMD must continue to live with the relative caregiver.

Starting January 1, 2012, the maximum age for extended CalWORKs will be:

1. January 1, 2012, until the age of 19 years;

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2. Effective January 1, 2013, this age is extended to 20 years;
3. Effective January 1, 2014, the age is extended to 21 years (contingent upon Legislative approval). (ACL No. 12-27, issued Jun. 12, 2012.; and, question 20.)

038-2 ADDED 7/12

In order to be eligible for Extended CalWORKs, the nonminor dependent (NMD) must meet one or more of five participating conditions, which include:

(1) The NMD must be enrolled in secondary education, such as a high school, adult education classes, or any course of study leading towards completion of a high school diploma, GED, high school proficiency certificate, or high school completion certificate. (2) The NMD must be enrolled at least half-time in an institution providing post-secondary or vocational education.

(3) the NMD must be participating in a program or activity designed to promote or remove barriers to employment, which is an individualized program based on a youth-centered assessment of skills and needs, such as unpaid employment, volunteer activities, internships, apprenticeships, drug or alcohol addiction programs, etc. Also, the NMD will be deemed to meet this condition if participating in regular meetings with his or her case manager to develop and implement the Transitional Independent Living Program (TILP).

(4) The NMD must be employed for at least 80 hours each month. OR,

(5) The NMD must have a medical condition rendering the NMD incapable of participating in the prior 4 conditions as verified in writing by a health care provider. The NMD will not be required to undertake remedial measures to cure the medical condition. An NMD who is eligible for a disability program such as SSI, Social Security Disabled Adult Child benefits, State Disability Insurance, or Regional Center services, is deemed sufficient to meet this condition, and would not be required to provide a written verification from a health care provider establishing the medical condition. (ACL No. 11-61, issued Nov. 4, 2011; referencing the California Fostering Connections to Success Act, Stats. 2010, c. 559, [A.B. 12]; Welf. & Inst. Code, §11403; ACL No. 11-69, issued Oct. 13, 2011; ACL No. 12-27, issued Jun. 12, 2012.)

038-3 ADDED 7/12

In addition to the extended CalWORKs under AB 12, an 18 year old youth also has the option to continue receiving regular CalWORKs as a fulltime student anticipated to complete education by age 19 years with benefits continuing until either completing education or 19 years of age, whichever occurs first. (ACL No. 12-27, issued Jun. 12, 2012; question 1.)

038-4 ADDED 7/12

A relative caretaker may only receive CalWORKs if another eligible minor lives in the home, or the caretaker is a qualifying pregnant woman. However, if the NMD is the youth in the home, the caretaker is not eligible to receive CalWORKs. (ACL No. 12-27, issued Jun. 12, 2012; question 2.)

038-5 ADDED 7/12

If the minor approaching 18 years of age remains eligible for regular CalWORKs as a fulltime student anticipating to graduate by 19 years of age, a caregiver who has opted into the AU may continue to receive CalWORKs.

However, if the minor wishes to participate in the extended CalWORKs program under AB 12, the nonminor dependent (NMD) shall be discontinued from the caregiver's case on the first of the month following the youth's request for extended benefits with a 10-day Notice of Action, once the signed SOC 161 [Six-Month Certification of Extended Foster Care Participation] form is received. There is no need for the NMD entering extended CalWORKs to execute a SAWS 1 or 2.

An NMD transferring into his or her own AU is a mid-payment period county initiated action. (ACL No. 12-27, issued Jun. 12, 2012; questions 3, 4, 8.)

038-6 ADDED 7/12

The NMD is not subject to either property or income rules, or Welfare-to-Work rules, for eligibility and/or grant computation purposes in receiving extended CalWORKs under AB 12. (ACL No. 12-27, issued Jun. 12, 2012; questions 13, 14, and 16.)

038-7 ADDED 7/12

If the nonminor dependent (NMD) moves to another county of residence, the county of responsibility continues to pay extended CalWORKs under AB 12. There is no inter-county transfer of the case to the new county of residence, unless the minor's Court dependency is transferred to a new county of responsibility. (ACL No. 12-27, issued Jun. 12, 2012; questions 19 and 20.)