

TABLE OF CONTENTS

CHAPTER 47-400 PAYMENT FOR CHILD CARE SERVICES

	Section
Child Care Payment Limits.....	47-401
Maximum Payment Rate.....	.1
Payment Limits .....	.2
Co-Payment.....	.3
Hours of Care .....	.4
Exceptions to Hours of Care .....	.5
Registration Fee .....	.6
Family Fees .....	.7
Family Fee Schedule.....	.8
Services Provided During Other Periods of Nonparticipation .....	.9
Payment of Child Care Costs	47-420
Child Care Payments to Providers .....	.1
Child Care Payments to Clients .....	.2
Notices for Payment.....	.3
Denial of Payment.....	.4
Retroactive Payments.....	47-430
Intent .....	.1
Retroactive Payment Limit .....	.2
Former CalWORKs Clients .....	.3
Overpayments and Underpayments	47-440
Overpayments and Underpayments1

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CHAPTER 47-400 PAYMENT FOR CHILD CARE SERVICES

47-401 CHILD CARE PAYMENT LIMITS 47-401

.1 Maximum Payment Rate The maximum payment rate for all Stage One child care shall be consistent with the rate established by the California Department of Education and as specified by the Budget Act of 2006, Chapter 47 Statutes of 2006, Item 6110-196-0001, Provision 2(b).

HANDBOOK BEGINS HERE

.11 The maximum payment rate for all child care costs shall be up to the 85th percentile of the market rates charged by providers who offer the same type of child care for the same age child in the region where care is provided.

.12 Refer to the California Code of Regulations, Title 5, Division 1, Chapter 19, Subchapter 2.5, Sections 18074 to 18076.3 for the Utilization of the Regional Market Rate Ceiling.

HANDBOOK ENDS HERE

.13 Payment Basis Counties shall calculate payments for child care on a monthly basis, weekly basis, daily basis or hourly basis, depending on the client's needs and the contractual terms used by the child care provider to charge other members of the public receiving the same services.

.2 Payment Limits Payment for Stage One child care services shall not exceed the fee charged to other members of the public receiving the same service.

.21 Exception to Payment Limits Counties shall not be bound by the rate limit described in Section 47-401.1 when there are, in the region, no more than two child care providers of the type needed by the recipient of child care services provided under this Division.

47-401 CHILD CARE PAYMENT LIMITS (Continued) 47-401

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| .5 | Exceptions to Hours of Care | The county shall not pay for child care during: |
| .51 | School Attendance | Time the child is attending school; or |
| .52 | Other Subsidized Programs | Time the child is receiving care in other subsidized child care programs except for the condition described in Sections 47-401.44 and .45 above. |
| .6 | Registration Fee | The county shall pay registration fees charged by child care providers, as long as these fees are the same as those charged to other members of the public for the same purpose. |
| .61 | Maximum Payment Rate | The registration fee plus the regular charge for child care for that month shall not exceed the maximum payment rate. |
| .7 | Family Fees | Family fees, if any, shall be based on the fee schedule established by the State and shall be paid by the client, at county option, directly to the child care provider or the county. |
| .71 | Exemption From Family Fee | The county shall exempt from the family fee any client whose child or children are: |
| .711 | Children at Risk | At risk of abuse, neglect, or exploitation, as determined by a legally qualified professional from a legal, medical, or social services agency, or emergency shelter, for a period of up to three months; or |
| .712 | Children Receiving Child Protective services | Receiving child protective services, at the request of the child welfare services worker, for a period of up to 12 months; or |
| .713 | Children Receiving CalWORKs Cash Aid | Receiving CalWORKs cash aid. |
| .714 | Cumulative Exemption Period. | The cumulative time period for the fee exemption for families specified in Sections 47-401.711 and .712 shall not exceed 12 months. |

47-401 CHILD CARE PAYMENT LIMITS (Continued) 47-401

HANDBOOK BEGINS HERE

- .8 Family Fee Schedule The Family Fee Schedule is established by the Superintendent of Public Instruction pursuant to Education Code Section 8273. Refer to the California Code of Regulations, Title 5, Division 1, Chapter 19, Subchapter 3, Article 5 for the utilization of the family fee schedule.

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: 42 U.S.C. 9858c, 45 CFR 98.43; Budget Act of 2006, Chapter 47, Statutes of 2006, Item 6100-196-0001, Provision 2(b); Sections 8202(g)(3), 8208, 8208.1, 8221, 8222, 8263, 8351, 8357, and 8447(g), Education Code; And Sections 11320.3, 11323.2, 11323.4 and 11323.8, Welfare and Institutions Code.

47-420 PAYMENT OF CHILD CARE COSTS 47-420

- .1 Child Care Payments to Providers The county shall issue child care payments on behalf of the client directly to the child care provider except as provided in Section 47-420.2.
- .11 Timing of Payments to Providers At county option, the child care provider may be paid in advance or after the services are provided, depending on how the child care provider charges the public for the same services.
- .2 Child Care Payments to Clients Child care payments may be made directly to the client, as the employer, if child care is provided in the home of the client. The county shall inform the client of his/her corresponding legal and financial reporting requirements.
- .21 Information Needed for Payment The county shall issue a child care payment only when the client provides the following information on a monthly basis:
- .211 Hours of Care Number of hours of care given per child.
- .212 Cost Per Child Cost per child as verified by the child care provider's rate schedule.
- .213 Signatures Signatures provided by both the child care provider and the client under penalty of perjury, verifying the accuracy of the information.

47-420 PAYMENT OF CHILD CARE COSTS (Continued) 47-420

- .3 Notices for Payment
- The county shall notify the client whenever there is an approval, denial, change or discontinuance in the amount of subsidy paid by the county for child care, as required by Sections 22-001(a)(1), 22-001(t)(1), 22-071 and 22-072.
- .31 State Hearings
- Notices for payment of child care shall contain information on the client's right to a state hearing as required by Sections 22-001(a)(1) and 22-071.1.
- .32 Child Care Pending the Hearing Decision
- When a client requests a hearing within the period of timely notification (see Section 22-022.5) to appeal a suspension, reduction, or termination of CalWORKs child care, or a change in the method of providing such services, the client shall be entitled to a continuation of CalWORKs child care in the same amount or form pending the hearing decision. The client shall not be entitled to such a continuation when the basis of action appealed is the health and safety of the child, including failure of the provider to satisfy health and safety requirements pursuant to Section 47-630, failure of the provider to obtain Trustline Registry pursuant to Chapter 47-600, or if the provider is denied payment pursuant to Section 47-420.4.
- .4 Denial of Payment
- The county shall deny payment for child care services that are exempt from licensure if the child care case file contains credible information that the provider has been convicted of a crime specified in the Penal Code Sections referenced in Health and Safety Code Section 1596.871(f)(1).

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: 45 CFR 98.43; Sections 8352 and 8357, Education Code; Section 1596.871(f)(1), Health and Safety Code; Sections 10950, 11054, 11323.2, 11323.8, and 11324(c), Welfare and Institutions Code.

HANDBOOK BEGINS HERE

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

HANDBOOK ENDS HERE

.2 Retroactive Payment Limit (a) 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 the provider subsequently becomes Trustline registered. The county may issue retroactive child care payments on behalf of the client directly to the provider.

(b) 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.

.21 Payment Limit Application 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.

47-430 RETROACTIVE PAYMENTS (Continued) 47-430

(a) Licensed, Trustline-Exempt Provider, 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 a copy of the informing notice signed by the client within the last year or a notation that the client refused to sign and/or return the informing notice within the last year.

.22 Payment Limit Exemption

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

.3 Former CalWORKs Clients

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

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code. Reference: Section 11323.3, Welfare and Institutions Code; Section 1596.605, Health and Safety Code.

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47-440 OVERPAYMENTS AND UNDERPAYMENTS 47-440

- .1 Overpayments and Underpayments The county shall take steps to promptly correct any overpayment or underpayment for child care services.

- .11 Collection of Overpayments The county shall collect overpayments if it determines that it is administratively cost effective.

- .12 Offset of Overpayments The county shall not offset the child care overpayment against the CalWORKs grant unless the recipient agrees or volunteers to submit to such an offset.

- .13 Services Provided During Periods of Ineligibility If payments are made to a 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.

- .14 Overpayments to Providers In those cases in which the child care provider is paid for child care services that were not provided, the child care provider is responsible for the overpayment.

- .15 Deferring Overpayment Collection The county shall have the option to defer the collection and recovery of an overpayment if the collection and recovery would result in the disruption of child care arrangements, preclude participation in county-approved activities, or prevent employment.

- .16 Tracking and Collection of Overpayments The county shall identify and track any overpayments involving clients or child care providers.

- .17 Overpayments Resulting From Fraud Overpayments resulting from suspected fraud on the part of the client or the child care provider shall be referred for investigation, subject to the county's criteria for fraud referrals.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 11320.3, 11323.2, 11323.4 and 11324, Welfare and Institutions Code.

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TABLE OF CONTENTS

CHAPTER 47-600 TRUSTLINE REGISTRY AND HEALTH AND SAFETY REQUIREMENTS

	Section
Introduction to Trustline Registry and Health and Safety Requirements for CalWORKs License-Exempt Child Care Providers.....	47-601
Introduction.....	.1
Definitions.....	47-602
Trustline Registry Payment Eligibility for License-Exempt Child Care Providers.....	47-610
| Repealed by Manual Letter No. EAS-08-01, effective 2/1/08	
Trustline Registry Application Requirements.....	47-620
Trustline Registry Application Requirements.....	.1
Payment Eligibility.....	.2
Provider Reimbursement Limit.....	.3
Denial or Discontinuance of Payment.....	.4
Discontinuance of Payment.....	.5
Immediate Notification to the Client.....	.6
Timely Notice of Action .....	.7
Health and Safety Requirements for License-Exempt Child Care Providers.....	47-630
Health and Safety Requirements for License-Exempt Child Care Providers.....	.1
Health and Safety Facility Check List.....	.2

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CHAPTER 47-600 TRUSTLINE REGISTRY AND HEALTH AND SAFETY REQUIREMENTS

47-601 INTRODUCTION TO TRUSTLINE REGISTRY AND HEALTH AND SAFETY REQUIREMENTS FOR CALWORKS LICENSE-EXEMPT CHILD CARE PROVIDERS 47-601

HANDBOOK BEGINS HERE

.1 Introduction

The Trustline Registry system, hereafter referred to as "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.

To help ensure the health, safety, and welfare of a child(ren) within a child care arrangement, specified license-exempt child care providers must also meet the Health and Safety requirements of this Chapter to prevent and control infectious diseases and provide building and physical premises safety.

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code; Section 1596.67, Health and Safety Code; Sections 8171(a) and 8181(a), Education Code; and Public Law 104-193, (Personal Responsibility and Work Opportunity Reconciliation Act [PRWORA] of 1996). Reference: Sections 1596.605 and 1596.67, Health and Safety Code; Sections 8171(a) and 8181(a), Education Code; and 42 U.S.C. 9858c.(c)(2)(F).

47-602 DEFINITIONS

47-602

| In addition to Section 47-110(e)(2), the following definitions shall apply:

- a. (Reserved)
- b. (Reserved)
- c. (Reserved)
- d. (Reserved)
- e. (Reserved)
- f. (Reserved)
- g. (Reserved)

h. (1) Health and Safety Requirements

Health and Safety Requirements - means the completion of: 1) the Health and Safety Self-Certification, CCP 4, which certifies that the home where child care is provided meets basic health and safety standards, including the prevention and control of infectious diseases; and 2) the Health and Safety Facility Checklist, CCP 6, which provides parents with a list of suggested questions to ask their child care provider to help ensure that the building and physical premises where child care is provided is a safe and healthy place for their child(ren).

- i. (Reserved)
- j. (Reserved)
- k. (Reserved)
- l. (Reserved)
- m. (Reserved)
- n. (Reserved)
- o. (Reserved)
- p. (Reserved)
- q. (Reserved)

47-602 DEFINITIONS (Continued)**47-602**

- r. (1) Registered Trustline Child Care Provider
Upon completion of the searches of the state 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.”
- s. (Reserved)
- t. (1) Trustline Registry
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.
- u. (Reserved)
- v. (Reserved)
- w. (Reserved)
- x. (Reserved)
- y. (Reserved)
- z. (Reserved)

NOTE: Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code; Section 1596.67, Health and Safety Code; Sections 8171(a) and 8181(a), Education Code; and Public Law 104-193, (Personal Responsibility and Work Opportunity Reconciliation Act [PRWORA] of 1996). Reference: Sections 1596.605 and 1596.67, Health and Safety Code; Sections 8171(a) and 8181(a), Education Code; and 42 U.S.C. 9858c.(c)(2)(F).

CALWORKS CHILD CARE

47-610 TRUSTLINE REGISTRY AND HEALTH AND SAFETY REQUIREMENTS Regulations

47-610 TRUSTLINE REGISTRY PAYMENT ELIGIBILITY FOR LICENSE-EXEMPT CHILD CARE PROVIDERS 47-610

Repealed by Manual Letter No. EAS-08-01, effective 2/1/08.

47-620 TRUSTLINE REGISTRY APPLICATION REQUIREMENTS 47-620

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| .1 | Trustline Registry Application Requirements | 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. |
| .11 | R & R's Receipt of Completed Application Package | The provider shall submit a completed Trustline application package within seven calendar days, or as soon as possible, from the date they began to provide child care services to the local child care resource and referral program (R & R) for processing. |

HANDBOOK BEGINS HERE

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| .111 | Trustline Application Requirements | It is important that the provider submit a completed Trustline application package as soon as possible after child care services are provided. A client who selects a license-exempt provider who is required to be registered with Trustline shall receive retroactive payments for up to 120 calendar days from the date child care services were requested and the services were provided, only if the provider subsequently becomes registered with Trustline. Retroactive payments may be made directly to the child care provider as reimbursement for child care services provided, but in no event would payment exceed 120 calendar days regardless of the number of actual days care was provided. |
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HANDBOOK ENDS HERE

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| .2 | Payment Eligibility | The county or contracted payment agency shall issue child care payments only after the license-exempt provider has become a registered Trustline child care provider as defined in Section 47-602(r)(1). |
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CALWORKS CHILD CARE

Regulations TRUSTLINE REGISTRY AND HEALTH AND SAFETY REQUIREMENTS 47-620 (Cont.)

47-620 TRUSTLINE REGISTRY APPLICATION REQUIREMENTS 47-620
(Continued)

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|-----|--------------------------------------|---|
| .3 | Provider Reimbursement Limit | |
| .31 | County Responsibility | The county or contracted payment agency shall pay the provider, once he/she is registered with Trustline, for child care services provided for up to the first 120 calendar days from the first day that CalWORKs child care services were requested and received. Child care payments may be made directly to the client, as the provider's employer, if child care is provided in the home of the client. |
| .32 | Client Responsibility | The client is responsible for any child care costs incurred until such a time as the provider becomes Trustline registered. |
| .4 | Denial or Discontinuance of Payment | The county or contracted payment agency shall deny or discontinue payment for child care services, as applicable, if any of the following apply: |
| .41 | Conviction of a Crime | The county has a certified copy of the Court's judgment of conviction as evidence that the provider has been convicted of a crime specified in subdivision (f)(1)(A) and (B) of Section 1596.871 of the Health and Safety Code. |
| .42 | Case File Closed | The Trustline case file is closed. |
| .43 | Registration Revoked | The Trustline registration is revoked. |
| .44 | Failure to be Trustline Registered | The Trustline Registry application is denied. |
| .5 | Discontinuance of Payment | Upon notification that a provider has subsequently been convicted of a crime as specified in subdivision (f)(1) of Section 1596.871 of the Health and Safety Code, the county or contractor shall, within two business days, discontinue payment. |
| .6 | Immediate Notification to the Client | Upon receipt that the Trustline Registry application has been denied, the case file closed, registration is revoked, or registration is approved, the county or contractor shall immediately notify the client. |

47-620 TRUSTLINE REGISTRY APPLICATION REQUIREMENTS 47-620
(Continued)

.7 Timely Notice of Action Counties shall issue a timely Notice of Action [see MPP Section 22-001t.(1)] prior to discontinuing child care payment.

NOTE: Authority cited: Sections 10553, 10554, 10604, and 11324, Welfare and Institutions Code; Section 1596.67, Health and Safety Code; Sections 8171(a) and 8181(a), Education Code; and Public Law 104-193, (Personal Responsibility and Work Opportunity Reconciliation Act [PRWORA] of 1996). Reference: Section 11324, Welfare and Institutions Code; Sections 1596.605, 1596.67, 1596.607, and 1596.871, Health and Safety Code; Sections 8171(a), 8181(a), and 8357(e), Education Code; and 42 U.S.C. 9858c.(c)(2)(F).

47-630 HEALTH AND SAFETY REQUIREMENTS FOR LICENSE-EXEMPT CHILD CARE PROVIDERS 47-630

.1 Health and Safety Requirements for License-Exempt Child Care Providers To be eligible for CalWORKs child care, all license-exempt child care providers in a private residence shall complete a Health and Safety Self-Certification with the parent of the child(ren) to be placed in care. This document shall be returned to the county within seven calendar days, or as soon as possible, from the first day that CalWORKs child care services began. The following are exempt from this requirement:

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

.2 Health and Safety Facility Checklist The county shall provide a Health and Safety Facility Checklist to the participant that assists the parent in determining the home where care is to be provided is a safe and healthy place for the child(ren).

NOTE: Authority cited: Sections 10553, 10554, 10604, and 11324, Welfare and Institutions Code; Sections 1596.66 and 1596.67, Health and Safety Code; Sections 8179.5, 8181(a) and 8182.5, Education Code; and Public Law 104-193, (Personal Responsibility and Work Opportunity Reconciliation Act [PRWORA] of 1996). Reference: Section 11324, Welfare and Institutions Code; Sections 1596.66 and 1596.67, Health and Safety Code; Sections 8179.5, 8181(a), 8182.5, and 8358(a), Education Code; 42 U.S.C. 9858c.(c)(2)(F); and Assembly Bill 1542, Chapter 270, Statutes of 1997.

**ELIGIBILITY AND ASSISTANCE STANDARDS
RECORDS**

TABLE OF CONTENTS

	Chapter
DIVISION 48 RECORDS	
Records - General.....	48-000

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**RECORDS
RECORDS - GENERAL**

TABLE OF CONTENTS

CHAPTER 48-000 RECORDS - GENERAL

	Section
Records - General	48-000
County Department Responsibility for Records	48-001
Return of Personal Documents	48-003
Assignment of State Numbers	48-005

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DIVISION 48 RECORDS**CHAPTER 48-000 RECORDS-GENERAL****48-001 COUNTY DEPARTMENT RESPONSIBILITY FOR RECORDS****48-001**

.1 The county shall maintain a record for each applicant and recipient which identifies each individual and family, their address and household composition for CalWORKs. The record shall identify each child and his/her parents, their address and household composition. (See Section 20-005 on record requirements for fraud cases.) The record shall also include:

.11 Records - Eligibility and Grant

.111 The appropriate Form SAWS 2 completed by or on behalf of the applicant.

.112 All evidence obtained to support the linking and the nonlinking factors of eligibility. The county may maintain a copy or a written record of the type of evidence and its pertinent content where the evidence has been returned to the applicant.

.113 The original or a copy of pertinent forms completed during the determination or redetermination of eligibility, i.e., budget work sheets, authorizations, forms relating to intercounty transfers, etc.

.114 The basis for county action granting, denying, changing, not changing following a recipient mid-period report, delaying, cancelling, or discontinuing aid.

.115 The computation of any overpayment and the basis for a conclusion that the overpayment is or is not subject to adjustment or repayment. If the overpayment is subject to repayment, a copy of any demands for repayment, the facts regarding the determination of the debtor's ability to repay and collection activity (unless this information is recorded centrally elsewhere).

.116 The worker's evaluation of the applicant's ability or inability to understand his/her program rights and responsibilities.

.12 Records - Intraprogram Status Change

.121 A record of any intraprogram status change as provided in Section 40-183.

48-001 COUNTY DEPARTMENT RESPONSIBILITY FOR RECORDS (Continued) 48-001

.13 Records - Care in a Medical Institution

.131 For the recipient who is a patient in a public or private medical institution, all pertinent information to support the determination of eligibility or ineligibility. (Chapter 42-500.)

.14 Case Records - Certification for Medi-Cal

.141 A record of the certification and each recertification of the recipient for medical care under the Medi-Cal Program.

.15 Case Records - Narrative

.151 Each notation or entry in the case record whether it be on a form or supplemental narrative shall be dated and the person making the entry shall be identified.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 11265.3, Welfare and Institutions Code.

48-003 RETURN OF PERSONAL DOCUMENTS 48-003

.1 Personal documents shall be returned to the applicant after the pertinent information has been copied or recorded.

48-005 ASSIGNMENT OF STATE NUMBERS 48-005

.1 A state number shall be assigned to each application. (See Sections 23-250 and 23-275.)