

FINDING OF EMERGENCY

These regulations are being implemented on an emergency basis for the immediate preservation of the public peace, health and safety, or general welfare, within the meaning of Government Code Section 11346.1.

DESCRIPTION OF SPECIFIC FACTS WHICH CONSTITUTE THE EMERGENCY

1. These regulations implement certain provisions of Assembly Bill (AB) 444 (Chapter 1022, Statutes of 2002) which require that applicants and recipients of the California Work Opportunity and Responsibility to Kids (CalWORKs) program are provided with a written notice that informs them of the availability of subsidized child care. AB 444 requires that this notice be provided both at the time of application and when an original or amended welfare-to-work plan is signed. In addition, the California Department of Social Services (CDSS) has added that the notice be provided at annual redetermination. This would ensure that CalWORKs applicants and recipients are promptly notified of and periodically reminded of the availability of subsidized child care to allow them to be employed or participate in welfare-to-work activities.
2. When this notice is provided to CalWORKs applicants and recipients, child care payment would be limited to services provided no more than 30 days prior to the recipient's request for child care. This would ensure that CalWORKs applicants and recipients are aware of and understand the conditions under which they may claim reimbursement for child care services.
3. AB 444 provides that CDSS may adopt emergency regulations to implement these provisions. It provides that the initial adoption of emergency regulations and one readoption of the initial regulations shall be deemed an emergency and necessary for immediate preservation of public peace, health and safety, or general welfare. The law also provides that the initial emergency regulations and the first readoption of those emergency regulations shall be exempt from review by the Office of Administrative Law and shall remain in effect for no more than 180 days.

INFORMATIVE DIGEST

These proposed regulations implement the retroactive payment limit provisions of AB 444, which added Section 11323.3 to the Welfare and Institutions Code. Section 67.5 of this legislation stated that CDSS shall adopt regulations no later than July 1, 2003 and allowed CDSS to use the All-County Letter (ACL) process to implement these provisions until regulations were adopted. ACL No. 03-10, dated February 27, 2003, provides interim instructions for county welfare departments and will become obsolete with the filing of these regulations with the Secretary of State.

The purpose of this regulation package is to implement provisions of AB 444 which limit retroactive child care payments in the CalWORKs Stage One Child Care Program to 30 days. These provisions require that CalWORKs applicants and recipients be provided with a written

notice that informs them of the availability of subsidized child care both at the time of application and when an original or amended welfare-to-work plan is signed. When this notice is provided, child care payment would be limited to services provided no more than 30 days prior to the applicant's/recipient's request for child care. The proposed regulations will ensure that CalWORKs applicants and recipients are informed of the availability of subsidized child care and the conditions under which they can claim reimbursement for child care services.

The emergency CalWORKs Stage One regulations filed on December 28, 1998 included a section prohibiting retroactive payments for child care prior to the date of applying for or requesting child care. This section was later repealed in the regulations that become effective on August 9, 1999. The proposed regulations adopt a new section which specifies retroactive payment limits.

COST ESTIMATE

1. Costs or Savings to State Agencies: None.
2. Costs to Local Agencies or School Districts: None.
3. Nondiscretionary Costs or Savings to Local Agencies: None.
4. Federal Funding to State Agencies: None.

LOCAL MANDATE STATEMENT

These regulations do impose a mandate on local agencies, but not on local school districts. There are no reimbursable state-mandated costs because these regulations only make technical nonsubstantive or clarifying changes.

AUTHORITY AND REFERENCE CITATIONS

CDSS adopts these regulations under the authority granted in Welfare and Institutions Code Sections 10553 and 10554. Subject regulations implement and make specific Welfare and Institutions Code Section 11323.3.