

NOTICE OF PROPOSED CHANGES IN REGULATIONS OF THE  
CALIFORNIA DEPARTMENT OF SOCIAL SERVICES (CDSS)

ITEM # 1      Retroactive Child Care Payment Limits (AB 444)

CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held August 20, 2003, as follows:

August 20, 2003  
Office Building # 9  
744 P St. Auditorium  
Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The Department will adjourn the hearing immediately following the completion of testimony presentations. The above-referenced facility is accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify the Department at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on August 20, 2003.

CDSS, upon its own motion or at the instance of any interested party, may adopt the proposals substantially as described or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at <http://www.dss.cahwnet.gov/ord>. Additionally, all the information which the Department considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading/perusal at the address listed below.

Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below.

CONTACT: Anthony J. Velasquez, Chief  
Office of Regulations Development  
California Department of Social Services  
744 P Street, MS 7-192  
Sacramento, California 95814

TELEPHONE: (916) 657-2586      FACSIMILE: (916) 654-3286  
E-MAIL: [ord@dss.ca.gov](mailto:ord@dss.ca.gov)

## CHAPTERS

Manual of Policies and Procedures, Division 40 (Reception and Application), Chapter 40-100 (General), Sections 40-107 (County Responsibility), 40-131 (Interview Requirement), and 40-181 (Continuing Activities and Determination of Eligibility); Division 42 (Nonlinking Factors of Public Assistance Eligibility), Chapter 42-700 (Welfare-to-Work), Section 42-711 (Welfare-to-Work Participation Requirements); and Division 47 (CalWORKs Child Care), Chapter 47-100 (The Stage One Child Care Program), Section 47-120 (Child Care Request Process); Chapter 47-300 (Responsibilities of the County), Section 47-301 (Administration of Child Care Services); and Chapter 47-400 (Payment for Child Care Services), Section 47-430 (Retroactive Payments).

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

These proposed regulations implement the retroactive payment limit provisions of Assembly Bill (AB) 444 (Chapter 1022, Statutes of 2002), which added Section 11323.3 to the Welfare and Institutions Code. Section 67.5 of this legislation stated that the California Department of Social Services (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 California Work Opportunity and Responsibility to Kids (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.

#### STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

#### STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

CDSS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

#### SMALL BUSINESS IMPACT STATEMENT

CDSS has determined that there is no impact on small businesses as a result of filing these regulations because these regulations are only applicable to state and county agencies.

#### ASSESSMENT OF JOB CREATION OR ELIMINATION

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

#### STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

#### STATEMENT OF ALTERNATIVES CONSIDERED

CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

#### 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.

#### CDSS REPRESENTATIVE REGARDING RULEMAKING PROCESS OF THE PROPOSED REGULATION

Contact Person: Anthony J. Velasquez (916) 657-2586  
Backup: Maureen M. Miyamura (916) 657-2586

#### EMERGENCY STATEMENT

These regulations are to be adopted on an emergency basis. In order to allow interested persons an opportunity to submit statements or arguments concerning these regulations, they will be considered at public hearing in accordance with Government Code Section 11346.4.

AGENDA ITEM(S) FOR THIS PUBLIC HEARING - August 20, 2003

ITEM #1      ORD #0403-10    Retroactive Child Care Payments Limits (AB 444)

ITEM #2      ORD #403-07      Learning Disabilities Regulations