

INITIAL STATEMENT OF REASONS

- a) Specific Purpose of the Regulations and Factual Basis for Determination that Regulations Are Necessary

Section 40-107.164

Specific Purpose:

A new Section 40-107.164 is being added to require county welfare departments to provide notice to individuals upon application for CalWORKs of the availability of paid child care.

Factual Basis:

This addition is necessary to comply with Welfare and Institutions Code Section 11323.3 as added by Assembly Bill (AB) 444 (Chapter 1022, Statutes of 2002).

Section 40-131.3(u)

Specific Purpose:

This section is being amended to delete an obsolete requirement and to adopt a new requirement which ensures that the applicant/recipient receives the informing notice.

Factual Basis:

Existing Section 40-131.3(u) is being repealed as a result of changes required by AB 1542 (Chapter 270, Statutes of 1997). AB 1542, Section 140, repealed the SCC Program (Welfare and Institutions Code Section 11451.7). In addition, the emergency CalWORKs Stage One Regulations which became effective on December 28, 1998 (ORD #0598-18) repealed the SCC Program regulations Chapter 44-500 (Sections 44-501 through 44-509). The new requirement is necessary to be in compliance with Welfare and Institutions Code Section 11323.3, as added by AB 444.

Section 40-181.1(l)

Specific Purpose:

This section is being amended to delete an obsolete requirement and to adopt a new requirement that ensures that the applicant/recipient receives the informing notice.

Factual Basis:

Existing Section 40-181.1(l) is being repealed as a result of changes required by AB 1542. AB 1542, Section 140, repealed the SCC Program (Welfare and Institutions Code Section 11451.7). In addition, the emergency CalWORKs Stage One Regulations which became effective on December 28, 1998 (ORD #0598-18) repealed the SCC Program regulations Chapter 44-500 (Sections 44-501 through 44-509). The new requirement is necessary to be consistent with Welfare and Institutions Code Section 11323.3, as added by AB 444.

Section 42-711.522(b)

Specific Purpose:

This section is being amended to require the county welfare department to provide information to individuals about child care which must include the following: for an individual to receive child care, he or she must request and be determined eligible for the services; payments for child care services cannot be made for care provided more than 30 calendar days prior to the applicant's or recipient's request for child care; and the individual is responsible for any child care services received prior to the 30-calendar-day period.

Factual Basis:

This section is being amended to comply with Welfare and Institutions Code Section 11323.3, as added by AB 444.

Sections 42-711.63 and .64

Specific Purpose:

Section 42-711.631 is being amended to make a technical correction. The cross-reference to Section 42-711.522(c) is being deleted because it is duplicative of the cross- references to Sections 42-711.522(c)(1) and (2).

Section 42-711.64 is being adopted to require that an individual who applies for or receives CalWORKs benefits be provided a written notice of the availability of paid child care when he or she signs an original or amended welfare-to-work plan.

Factual Basis:

Section 42-711.64 is necessary to comply with Welfare and Institutions Code Section 11323.3(b), as added by AB 444.

Section 47-120

Specific Purpose:

This section is being adopted to specify the requirements for the request for child care services.

Factual Basis:

This section is necessary to implement Welfare and Institutions Code Section 11323.3.

Section 47-120.1

Specific Purpose:

This section specifies that clients may request child care either verbally or in writing.

Factual Basis:

This section is necessary to ensure that clients are given the option to request child care either verbally or in writing.

Section 47-120.11

Specific Purpose:

This section specifies that if the client verbally requests child care, the county is required to document the request on the informing notice, keep a copy in the case file, provide a copy to the child care worker, and provide or mail a copy to the individual.

Factual Basis:

This section is necessary to ensure that the client's verbal request is documented. It will also ensure that the client receives written confirmation of their verbal request.

Section 47-120.111

Specific Purpose:

This regulation specifies that the date the county welfare department receives the verbal request shall constitute the date of the request.

Factual Basis:

This regulation is necessary to ensure that the retroactive payment limit is applied consistently based on the date the verbal request is received by the county.

Section 47-120.12

Specific Purpose:

This section specifies the options that clients have to make a written request for child care.

Factual Basis:

This section is necessary to ensure that clients are given the option to make a written request for child care using any type of written request, including the documents specified.

Section 47-120.121

Specific Purpose:

This regulation specifies that the client is required to return the written request to the county.

Factual Basis:

This section is necessary to ensure that the county receives the client's written request for child care assistance.

Section 47-120.122

Specific Purpose:

This regulation specifies that when the client submits a written request, the county is required to date stamp the request, retain a copy in the case file, provide a copy to the child care worker, and provide a copy to the client.

Factual Basis:

This regulation is necessary to ensure that the county's records reflect the written request made by the client. It also ensures that the client is provided confirmation of their written child care request.

Section 47-120.123

Specific Purpose:

This section specifies that if the client hand-delivers the written request, the date of request is the date the request is received by the county. If the client mails the request, the date of request is the date postmarked on the envelope. If the date of request cannot be determined by the postmark, the date of request shall be three days prior to the date the request is received by the county.

Factual Basis:

This regulation is necessary to ensure that the date of the request is determined consistently throughout the state and to avoid disagreements regarding when a request is made. It also ensures that if the date of the request cannot be determined by the postmark, the date of the request shall be three days prior to the date the request is received. The three days is approximately the length of time for the request to be delivered by the postal service.

Section 47-120.2 et seq.

Specific Purpose:

This section specifies the time frame for processing the child care request if certain requirements are met, requires counties to assist the client as needed to obtain the necessary information to determine eligibility, and specifies that if the required information is not received within 30 calendar days, the request may be denied.

Factual Basis:

This regulation is necessary to ensure that child care requests are processed in a timely manner so that clients have access to paid child care when they need it to be employed or participate in a county approved activity. It also provides counties with adequate time to process child care requests. In addition, it ensures that the client understands that in order for their request to be processed they are responsible for submitting certain information. It requires the county to assist the client as needed to determine eligibility. This section also allows the county to deny the request if the necessary information is not received within 30 calendar days. This provides the client and/or child care provider adequate time to submit the required information to the county.

Sections 47-301.2 through .223

Specific Purpose:

These sections are being adopted to require that counties provide applicants and recipients with an informing notice. These sections specify the required content of the informing notice. The informing notice shall be provided to applicants/recipients at the time of CalWORKs application and redetermination, and when they sign an original or amended welfare-to-work plan.

Factual Basis:

These regulations are necessary to comply with Welfare and Institutions Code Section 11323.3(b), which requires that applicants/recipients be provided with a written notice informing them of the availability of Stage One child care. These regulations will ensure that applicants/recipients are promptly and regularly reminded of the availability of Stage One child care to allow them to be employed or participate in welfare-to-work activities. If

child care is not provided, CalWORKs applicants and recipients may be unable to achieve self-sufficiency and may fail to meet work participation requirements.

These regulations are also necessary to ensure that applicants/recipients understand the conditions under which they may claim reimbursement for child care and their potential liability for child care payment.

Section 47-301.23

Specific Purpose:

This section requires that counties make copies of the informing notice available to applicants/recipients in each county welfare office.

Factual Basis:

This regulation will ensure that applicants/recipients have access to the informing notice which provides information about the availability of Stage One child care. This section is necessary to comply with Welfare and Institutions Code Section 11323.3(a), as added by AB 444.

Handbook Section 47-301.24 et seq.

Specific Purpose/Factual Basis:

This handbook section specifies that counties have the option to provide the informing notice to applicants/recipients at other points in time. This section is not regulatory in nature and is being incorporated as handbook. It provides options for counties to ensure that applicants/recipients are periodically reminded of the availability of Stage One child care to allow them to be employed or participate in welfare-to-work activities.

Section 47-301.25

Specific Purpose:

This regulation requires applicants/recipients to sign and return the informing notice to the county as required by Section 47-301.22.

Factual Basis:

This regulation is necessary to comply with Welfare and Institutions Code Section 11323.3(c), which specifies that applicants/recipients shall be required to sign the informing notice verifying that they have been informed of and understand the notice.

Section 47-301.26

Specific Purpose:

This regulation specifies that once the applicant/recipient returns the informing notice, the county is required to 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 applicant/recipient.

Factual Basis:

This regulation is necessary to comply with Welfare and Institutions Code Section 11323.3(c), which requires that the signed informing notice be retained in the applicant/recipient case file. The signed informing notice also serves as dated confirmation that the applicant/recipient received the informing notice.

Sections 47-301.261 and .261(a)

Specific Purpose:

Section 47-301.261 specifies that if the applicant/recipient refuses either verbally or in writing to sign the informing notice, the county welfare department must make a notation in the case file documenting the applicant's/recipient's refusal. A documented refusal shall have the same effect as a signature. Section 47-301.261(a) specifies that failure to sign the notice that was mailed to the applicant/recipient cannot in itself constitute a refusal.

Factual Basis:

These sections are necessary to document that the applicant/recipient was properly informed of the availability of Stage One child care and to allow the county to apply the retroactive payment limit.

Section 47-301.27

Specific Purpose:

This section specifies that former CalWORKs clients who receive Stage One child care must receive and sign the informing notice upon re-entry into Stage One and at least once a year thereafter.

Factual Basis:

This regulation is necessary to ensure that former CalWORKs clients are informed upon re-entry into Stage One and on an annual basis thereafter of the availability of Stage One child care and the conditions under which they may claim reimbursement.

Sections 47-301.3 through .8 (Renumbered from Sections 47-301.2 through .7.)

Specific Purpose/Factual Basis:

These sections are being renumbered to accommodate the addition of new Section 47-301.2.)

Section 47-430

Specific Purpose:

This section is being adopted to specify the retroactive payment requirements in the CalWORKs Stage One Child Care Program.

Factual Basis:

This section is necessary to implement Welfare and Institutions Code Section 11323.3.

Handbook Section 47-430.1

Specific Purpose/Factual Basis:

Handbook Section 47-430.1 is being added to provide the legislative intent for enacting the legislation.

Section 47-430.2

Specific Purpose:

This regulation establishes a time frame for child care payment for services already received by the applicant/recipient. It specifies that Stage One child care payments shall not be made for services provided more than 30 calendar days prior to the individual's child care request. This section also specifies that in order for the retroactive payment limit to be applied, the case file must contain a copy of the informing notice signed by the applicant/recipient within the last year or a notation that the applicant/recipient refused to sign and/or return the notice within the last year.

Factual Basis:

This regulation is necessary to comply with Welfare and Institutions Code Section 11323.3(d), which states that no payment shall be made for child care services provided more than 30 calendar days prior the applicant's/recipient's initial request for payment for Stage One child care, when the individual has received the informing notice. This section clarifies that the applicant's/recipient's refusal to sign the informing notice does not nullify notification and the retroactive payment limit shall still be applied.

Section 47-430.21

Specific Purpose:

This section specifies that the retroactive payment limit must be applied each time the applicant/recipient chooses a new child care provider.

Factual Basis:

This section is necessary to clarify that the 30-day retroactive payment limit must be applied consistently to every new child care provider chosen by the applicant/recipient.

Section 47-430.22

Specific Purpose:

This regulation specifies when the retroactive payment limit shall not be applied.

Factual Basis:

This section is necessary to ensure that the limit on retroactive payment is not applied prior to the applicant/recipient being properly informed for the first time of the availability of child care using the informing notice.

Section 47-430.3

Specific Purpose:

This section specifies that Section 47-430 applies to former CalWORKs clients.

Factual Basis:

This regulation is necessary to ensure that the retroactive payment limit applies to former CalWORKs clients who are receiving child care services in Stage One.

b) Identification of Documents Upon Which Department Is Relying

Assembly Bill 444 (Chapter 1022, Statutes of 2002)
Assembly Bill 1542 (Chapter 270, Statutes of 1997)

c) 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.

d) 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.

e) 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.