

**County of San Diego, Health and Human Services Agency (HHSA)
CalWORKs Program Guide**

Child Care Eligibility

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Revision Date:

April 1, 2023

Background:

The CalWORKs Stage One Child Care program is for current and former CalWORKs recipients. The program assists in paying for child care services to a provider of the customer's choice. With the implementation of Senate Bill (SB) 180, as of October 1, 2019, child care services for CalWORKs recipients will be immediately authorized upon CalWORKs approval or upon the customer's indication of need and will be continuously authorized for 12 months or until the customer is transferred to Stage Two Child Care. The authorization of child care services is no longer directly tied to participation in the Employment Services (ES) program.

Purpose:

The purpose of this section is to explain the criteria for CalWORKs Stage One Child Care eligibility. This section has been revised to be reformatted and to reflect the immediate and continuous child care eligibility requirement per SB 80.

Policy:

Customers will have access to 12-months of Stage One Child Care once they are determined eligible for CalWORKs and:

- They are requesting child care services
- They have secured a child care provider
- They are expected to be referred to ES

Eligible Adult

CalWORKs recipients are eligible to receive immediate and continuous child care including customers who are:

- Mandatory ES participants
- Cal-Learn (CL) participants
- Exempt to ES participation but they expressed an intent to voluntarily participate in ES
- Sanctioned but they expressed an intent to cure the sanction
- Penalized due to failure to comply with immunization

Families with no aided adults are not eligible for immediate and continuous child care, for example:

- Adults receiving Supplemental Security Income (SSI) benefits
- Ineligible noncitizen adults
- Non-needy caretaker relatives
- Timed-out adults (Refer to the *Timed-Out and Former CalWORKs Recipients* section of this material for more information)

Timed-Out and Former CalWORKs Recipients

Timed-out adults and former CalWORKs recipients who received aid within the past 24 months may receive child care services through Stage One under the following circumstances:

- The CalWORKs family cannot receive child care services in Stage Two because of program barrier or other administrative issues
- The child care services are not available in Stage Two or Stage Three due to funding

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- The child will benefit in receiving services in Stage One Child Care services. For example, Stage Two child care requests are not retroactive.

Note: This is also referred to as Post Aid child care services.

The timed-out adults including former CalWORKs recipients who received aid within the past 24 months who do not meet the criteria for Stage One listed above will be referred to Stage Two. ES participants who were in long-term sanction, and customers who received CalWORKs in the past 24 months are considered former CalWORKs recipients and are to be referred to Stage Two.

Customers who received Diversion Services will be referred to Stage Two when funded space is not immediately available in Stage Three.

Eligible Children

Children up to age 12 are eligible to receive child care services. Children who are under court supervision may receive services up to age 18. Children with exceptional needs and severely disabled may continue to receive child care services up to age 21.

The child may receive Stage One Child Care when all of the following applies:	And at least one of the following applies:
<ol style="list-style-type: none"> 1. The parent/caretaker has a need for child care services 2. The family is receiving CalWORKs benefits 3. There is no parent or legal guardian or member of the Assistance Unit (AU) living in the home who is able and available to provide care 4. Lack of child care would result in the customer not being able to participate in ES or CL activities or employment 	<ul style="list-style-type: none"> • The child is a member of the assistance unit AU • The child is not a member of the AU because the child is receiving SSI/State Supplementary Payment (SSP) benefits or in the Foster Care program • The child's parent is participating in ES or CL • The child is a member of a family with a former CalWORKs parent/caretaker (who received aid within the past 24 months) who has become employed • The child is a non-AU member but a CalWORKs parent/caretaker is responsible for the care and control of that child (for example exempt step-sibling or half-sibling)

Note: When the child turns 13 years old during the 12-month eligibility period, the child care services will continue until the end of the 12-month certification period.

The preferred placement for 11 and 12- year-old children is in a before or after school program. Subsidized child care should only be utilized for the portion of care needed that is not available in a before or after school program. However, to ensure child care needs are met:

- Children may continue to receive child care subsidized services when a before or after school program is not available

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- Families may combine care provided in a before or after school program with subsidized child care for those hours when the before or after school program does not operate

Children who are physically or mentally incapable of caring for themselves, verified by a physician, licensed or certified psychologist or receipt of SSI/SSP will be considered disabled. The customer must provide verification such as, but not limited to:

- Form 24-707 *Documentation of a Child's Exceptional Needs*
- Written verification from a physical or licensed psychologist
- Verification of SSI benefit
- Individualized Education Program (IEP) and form 24-793 *Statement of Exceptional Needs*

Note: A special rate may apply when the child care provider would have extra costs to meet the special needs of the child. The provider has the responsibility to justify the special needs rate under this criterion.

Two Parent Families

Immediate and continuous child care eligibility will not be granted for two-parent households in which one parent is able and available to provide care for the children. A parent is considered available to provide care unless they are working (or sleeping after working), going to school, participating in an approved ES activity or has a condition that prevents them from caring for the children. When both parents are participating in ES, are working or are otherwise unavailable to care for their children, immediate and continuous child care will be made available to them.

Exempt Volunteer ES Participants

Customers who are exempt ES participants but expressed an intent to participate in ES will be authorized for immediate and continuous Stage One Child Care. The customer may communicate the intent to volunteer in ES in any manner (writing, orally, by phone) but the request must be documented in case comments. The customer will need to sign an ES plan to maintain child care services eligibility. Exempt voluntary participants who do not subsequently sign an ES plan will have their child care authorization discontinued until they become mandatory participants or sign an ES plan.

Sanctioned Customers Who Request to Cure their Sanction

Customers who are sanctioned for not participating in mandatory ES activities and express an intent to cure the sanction are eligible for immediate and continuous Stage One Child Care. The customer does not have to sign a curing plan, form WTW 29 *Plan to Stop a Welfare to Work Sanction*, to be eligible for child care services. Customers will need to agree to an ES curing plan and sign form WTW29 to maintain eligibility to child care services. The child care authorization will discontinue if the customer initially expressed an intent to cure the sanction but later fails to sign a curing plan. When customers are already receiving child care in Stage 2 or 3, they may continue in Stage 2 or 3 if their needs are being met.

Sanctioned Customers Who Do Not Request to Cure their Sanction

Customers who were sanctioned and who do not request to cure their sanction, including those in long-term sanctions are considered former CalWORKs recipients and are eligible for Stage 2 child care services, if they have received CalWORKs within the last 24 months.

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Noncompliance/Sanction

Customers who are mandatory ES or CL participants who become sanctioned after being authorized for 12-months of child care services can continue in Stage One for the remainder of the 12-month period or until they are transferred to Stage 2.

Domestic Violence Waivers

Customers with a domestic violence waiver remain eligible to continuous child care regardless of their participation in ES activities.

CL Program Transition to ES Program

To allow a seamless transition of child care services, customers who were authorized for 12 months of child care services while participating in the CL, will continue for the remainder of the 12-month period when they transitioned to ES.

Program Activities

The program activities for which full time immediate and continuous Stage One Child Care should be authorized include, but are not limited to:

- Any ES activity
- Court Appearances
- Medical or education-related appointments for participants or their dependents

Note: The list of program activities applies to CalWORKs recipients expected to be referred to ES such as mandatory ES participants, exempt customers who expressed an intent to volunteer and sanctioned customers who expressed an intent to cure their sanction.

12-Month Authorization Period

For CalWORKs applicants who provide their child care provider's information during the application process, the beginning of the 12-month authorization period is the beginning date of aid for CalWORKs. For CalWORKs recipients, the 12-month authorization period begins the date the customer provides the child care provider's information. Refer to Processing Guide 10-010.A3 for more information regarding the start and end dates of the 12-month authorization. The start date of the 12-month period of childcare certification is not necessarily the same effective start date of childcare reimbursement.

When customers change child care providers, customers are required to request child care services within 30 days from the first day child care services are received, to be reimbursed for child care services.

Recertification

Customers who are receiving Stage One Child Care services do not need to recertify child care eligibility more frequently than once every 12 months unless the customer indicates at least one of the following:

- The child care needs have increased
- They have a new child who needs care
- They have changed their child care provider
- The eligible child becomes ineligible

The 12-month authorization period restarts whenever the child care eligibility is recertified.

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Child Care Discontinuance

CalWORKs Stage One child care will be discontinued under any of the following circumstances:

- The customer is transferred to Stage Two and the Stage Two agency confirms the enrollment
- The family income exceeds income eligibility of 85% of State Median Income (SMI) for their corresponding family size
- An ES exempt participant initially volunteers to participate but later decides not to participate and does not sign an ES plan

When a family moves to another county in California, refer to CalWORKs Program Guide (CPG) section 40-100.P *Inter-County Transfer* for more information.

Transitioning Child Care from Stage One to Stage Two

Customers who have been receiving child care services in Stage One for at least 60 days will be evaluated by the ES staff to determine if the customer meets the criteria of being stable. Cases identified that meet the criteria of stable will be transferred to Stage Two. Refer to Processing Guide 10-010.A5 for procedures.

Note: The next following sections are only applicable to Post Aid eligibility.

Post Aid Eligibility

CalWORKs recipients who timed-out or discontinued from CalWORKs within the past 24 months are to be evaluated for Post Aid Child Care with Stage One when they do not qualify for Stage Two because of program barriers. Customers may receive Post Aid Child Care services for no more than 24 months. The 24-month limit applies to each instance of CalWORKs discontinuance.

The following are considered in evaluating Post Aid eligibility:

- Customer's need for child care services
- Adjusted monthly income
- Family size

When customers are found eligible for Post Aid Child Care services, some customers may be assessed with a fee based on their adjusted monthly income and family size. The assessed fee is referred to as a family fee. Customers are required to pay the family fee directly to the child care provider.

When a customer who is receiving Stage One Post Aid Child Care then applies for and receives Diversion Services, their 24-month limit of Post Aid Child Care services will be reset to a new 24-month period.

Adjusted Monthly Income

Adjusted monthly income is the total countable income received by the family members included in the family size. This includes unearned income of all the children, siblings and step-siblings who live in the same home and are related by blood, marriage or adoption.

Family Size

Family size is composed of the parents and the children related by blood, marriage, or adoption living in the same home with the child receiving child care services. Parent means a biological parent,

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adoptive parent, step-parent, foster parent, caretaker relative, legal guardian, domestic partner of the parent as defined in Family Code section 297, or any other adult living with a child who has responsibility for the care and wellbeing of the child. When another adult living in the household is neither the parent of the child nor the spouse of the parent, the adult and the adult's children if any, shall be excluded from the calculation of the family size.

When a child and their siblings are living in a family that does not include their biological or adoptive parents, the following must be considered when identifying the family size and income eligibility:

- Only the child and related siblings will be counted in the family size
- The adjusted monthly income of the child and any related siblings, which includes payments specifically for the care and wellbeing of the child that are made payable to and received by the adult who lives with and is responsible for the care and wellbeing of the child, is counted to determine income eligibility
- The adult who lives with and has responsibility for the care and wellbeing of the child must have a child care need

Partners who have filed for domestic partnership with the state are considered the equivalent of a married couple for determination of the family size. Domestic partners are two adults who have chosen to share one another's lives in an intimate and committed relationship of mutual caring.

Refer to Processing Guide 10-010.B1 Post Aid Child Care Eligibility Procedures and to the Family Size Desk Aid for examples of household composition and determining the family size.

Post Aid Income Eligibility

To be income eligible, the family's adjusted monthly income must be at or below 85% of SMI for their corresponding family size.

Verified child support payments paid by the parent whose child or guardian is receiving child care services is subtracted (not counted) from the countable income. Other adjusted deductions, voluntary or involuntary, are to be counted in the adjusted monthly income.

When the income fluctuates, the adjusted monthly income is determined by averaging the total adjusted income received 12 months prior to the month of application or recertification.

Income fluctuation means income that varies due to:

- Migrant, agricultural, or seasonal work
- Intermittent earnings or income, bonuses, commissions, lottery winnings, inheritance, back child support payment, or net proceeds from the sale of real property or stock
- Unpredictable days and hours of employment, overtime, or self-employment

Refer to Processing Guide 10-010.B1 Post Aid Child Care Eligibility Procedures for more information regarding the income calculation process.

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Countable Income includes, but is not limited to, the following:

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| <ul style="list-style-type: none"> • Wages or salary, advances, commission, overtime, tips, bonuses, gambling or lottery winnings • Self-employment earnings (business expenses are not counted) • Wages for migrant, agricultural, or seasonal work • CalWORKs grant • Unemployment • State or Private Disability Payments • Workers Compensation payments • Spousal (Alimony) or Child Support received • Social Security benefits (Retirement, Survivor, Disability) • Dividends, interest on bonds, income from estates or trust, or royalties • Net rental income including rental income for renting a room within the family's residence | <ul style="list-style-type: none"> • Foster care payments for children receiving child care services • Financial assistance received for the care of a child living with an adult who is not the child's biological or adoptive parent • Veterans pension • Pension or annuities • Inheritance • Allowances for housing or automobiles provided as part of compensation • Portion of student grants or scholarships intended for living cost and child care expenses (any portion not identified for educational purposes as tuition, books or supplies) • Insurance or court settlements for lost wages or punitive damages • Net proceeds from the sale of real property, stocks, or inherited property • Other enterprise for gain |
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Non-Countable Income, includes but is not limited to, the following:

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| <ul style="list-style-type: none"> • Earnings of a child under age 18 years • Loans • Any portion of student loan, grants and scholarships intended for educational purposes such as tuition, books, and transportation • CalFresh allotment or other food assistance • Earned Income Tax Credit (EITC) or tax refund • Adoption assistance payments • Non-cash assistance or gifts • Government Issue (GI) Bill entitlements, hardship duty pay, hazardous duty pay, hostile fire pay, or imminent danger pay | <ul style="list-style-type: none"> • All income of SSI and/or State Supplemental Program (SSP) recipient • Insurance or court settlements for pain and suffering • Reimbursement for work-required expenses such as uniforms, mileage, or per diem expenses for food and lodging • Business expense for self-employed • When there is no cash value to the employee, the portion of medical and/or dental insurance documented as paid by the employer and included in the gross pay • Disaster relief grants or payments, except any portion for rental assistance or unemployment |
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Child Support

For families with an absent parent in the home, an active child support order or application for child support for any child receiving child care services is required unless the absent parent is deceased. Former CalWORKs recipients who have met the requirements of completing child support forms prior to being discontinued from CalWORKs are required to verify that the child support order is still active or provide verification of current child support payments. Refer to Processing Guide 10-010.B1 Post Aid Child Care Eligibility Procedures for more information regarding the process.

Procedure:

Processing Guide 10-010.A3 – Child Care Authorization Form – CCP 8

Processing Guide 10-010.A5 – Transitioning Child Care Cases to Stage 2

Processing Guide 10-010.B1 – Post Aid Child Care Eligibility Procedures

Program Impact/s:

Automation

BEnDS 5337 – CalWORKs Immediate and Continuous Child Care

References:

EAS: 47-201, 47-220, 47-230

ACL: 11-52, 19-99

ACIN: I-15-20, I-26-20, I-09-21

5 CCR §: 18078, 18083.1

CCB: 22-04

Sunset Date:

This policy will be reviewed for continuance by April 30, 2026.

Approval for Release:



Rick Wanne, Director
Self-Sufficiency Services