

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

Child Care Notices of Action

Number

10-010.F

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Revision Date:

August 1, 2021

Background:

Notices of Action (NOAs) are written notices that inform CalWORKs Stage One Child Care customers of intended County actions regarding their child care request or case. NOAs must be provided to customers with adequate information, must be language-compliant and timely.

Purpose:

The purpose of this revision is to include the required NOAs per Assembly Bill (AB) 121 relating to the CalWORKs Stage One Child Care program and to reflect the policy implementation of Immediate and Continuous Child Care eligibility.

Policy:

A NOA must be issued for approvals, denials, discontinuances, and changes in the child care subsidy paid by the County. All NOAs must include customer specific information that is sufficient for customers to determine what the issue is, be able to understand the action taken, and decide if a request for a hearing is warranted. A NOA issued to the customer must include information on how to appeal the action (NA Back 9). Only State or County approved NOAs are to be used.

Adequate Notice

An adequate notice is a written notice informing the customer of:

- An intended case action
- The specific reason(s) for the action
- The regulation(s) that support the intended action
- The customer's right to request a state hearing
- The circumstances under which aid will be continued if a hearing is requested (Aid Paid Pending)
- Aid Paid Pending must be repaid if the County action is upheld

Adequate notices are required for customers to have sufficient information to understand the action that is being taken on their application or case. The NOA must also inform the customer of what information or action is needed, when appropriate, to reestablish eligibility or determine the correct amount of aid.

Language-Compliant Notice and Disability Access

NOAs must be written in the customer's preferred language when available. Any extra information that is inserted in the NOA must also be provided in the customer's preferred language.

If the NOA is not available in the customer's preferred language, the English NOA must be provided with the Notice of Language Services form (GEN 1365) and a County contact number. Interpretive services are to be offered and provided to the customer.

Note: Reasonable accommodation must be provided when requested due to disability.

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Timely Notice

A notice of action is considered to be timely when it is mailed, or hand delivered to the customer at least 10 calendar days before a negative action takes effect. The 10-day period does not include the NOA mailing date or the effective date of the negative action.

A timely notice must be provided for negative actions such as discontinuance of child care, increase in Family Fee or any action that will cause benefits to be decreased or terminated with certain exceptions. If timely notice cannot be provided when decreasing or discontinuing aid, the same benefit will be provided until timely notice can be provided and an overpayment will be established when applicable.

Timely notice is not required for denial of a child care request because there was no prior benefit, and no decrease or discontinuance of child care services. Timely notice is not required when child care staff receive:

- Information regarding the death of a customer or provider
- A written request signed by the customer to discontinue child care without timely notice (10-Day Waiver)
- Notification of removal of an aided child from the home due to foster care placement
- A certified copy of a Court judgment of conviction as evidence that a provider has been convicted of a crime against children
- Notification from TrustLine Registry that a case file is closed and no further payment can be made to that specific provider
- Denial of a child care application

Note: Although timely notice is not required, adequate notice must be provided no later than the effective date of the intended action.

Readability

NOAs must be written at a 6th grade level and in clear, nontechnical language. Information that is inserted in the NOA must also be written in accordance with the readability requirement.

Provider Notification

A provider must be notified when:

- Child care is approved,
- Hours increased, or
- Any action is taken against a customer that negatively affects the provider payment

Examples of when timely notice cannot be given to a provider include but is not limited to:

- State Child Care Licensed is revoked
- Discontinuance of child care services provided by a license-exempt provider
- Provider is denied or revoked for TrustLine registration
- Provider is no longer available to provide care

References:

MPP: 22-001(a)(1), 22-001(l)(1), 22-001(t)(1), 22-071, 22-072, 47-420.3-4, 47-620.4-7

ACIN: I-02-14

ACL: 19-99, 20-03

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Sunset Date:

This policy will be reviewed for continuance by August 31, 2024.

Approval for Release:



Rick Wanne, Director
Self-Sufficiency Services