



Questions and Answers about CalWORKs Child Care INTRODUCTION

1. What is CalWORKs?

CalWORKs cash aid (welfare), is a California program that gives money each month to qualified low-income families.¹ CalWORKs replaced AFDC in 1998.² Time limits and work requirements apply to people who get CalWORKs cash aid.

2. How Long Can I Get CalWORKs?

Adults can get no more than 60 months (5 years) of CalWORKs cash aid in their lifetimes. This time limit starts running either January 1998 or the date that you first start getting CalWORKs cash aid, whichever is later.³ Children can keep getting CalWORKs cash aid even when their parents have reached the time limit.⁴

3. What is CalWORKs Child Care?

Subsidized child care is help paying for child care. CalWORKs child care is the biggest subsidized child care program in California. CalWORKs child care pays monthly child care costs if

- You get CalWORKs cash aid now,
- You got CalWORKs cash aid in the past, *or*
- You got a lump-sum diversion payment to stay off CalWORKs cash aid.⁵

Also, you must have a low income and either be working or be participating in welfare-to-work activities, like school or community service.⁶

4. Who Can Get CalWORKs Child Care?

You have a right to get CalWORKs child care if:

- You get CalWORKs cash aid or CalWORKs Diversion and you do your assigned welfare-to-work activity,⁷ or
- You work while you get CalWORKs cash aid, whether or not the county welfare department helped you find your job,⁸ and
- You got CalWORKs cash aid within the last two years.⁹

Other people may get CalWORKs child care if a funded space is available.¹⁰ If you no longer

receive CalWORKs cash aid, your income must be under a certain level and you must meet other eligibility requirements to get child care. *See* question 6.

Tip: Even children who are not getting CalWORKs cash aid (for example, because they get SSI or they are undocumented) can get CalWORKs child care.¹¹

Tip: Look at your county CalWORKs plan and county regulations for more information. Counties have a lot of discretion to make decisions about some welfare-to-work and child care issues.

5. What Is Welfare-to-Work?

Welfare-to-Work activities are supposed to help you get a job and get off CalWORKs cash aid. Working, going to school, attending approved Self-Initiated Educational Programs (SIPs), training, and other activities such as job club or job search can all count. You have a right to get child care while you participate in these activities, and during travel time. You can do welfare-to-work activities for 18-24 months (called the “welfare-to-work period”) from the time you sign a welfare-to-work contract or plan. Then you must get a job for at least 32 hours per week or do community service (work off your grant) in order to get child care.¹²

6. What Are the Income Limits for CalWORKs Child Care?

If you are getting CalWORKs cash aid and you meet the requirements in question 4, you can usually get child care. If you used to get CalWORKs cash aid, then your income must be below a certain amount (as of August ‘02, \$2925 per month for a family of 3).¹³

7. What Are the Age Limits?

If you have children age 10 or under, you have a right to CalWORKs child care (see Question 3) as long as you meet other requirements. If funding is

available, families with children who are 11, 12, or 13 can get CalWORKs child care.

Tip: Older children who need supervision because of a physical, mental, or developmental disability can also get CalWORKs child care.¹⁴

8. What Are the CalWORKs Child Care Stages?

CalWORKs child care is divided into three Stages. These Stages are supposed to be seamless so that you have no trouble moving from one Stage to the next. The California Department of Social Services is responsible for Stage 1, and the California Department of Education is responsible for Stages 2 and 3. County welfare departments generally run Stage 1, and Alternative Payment Programs generally run Stages 2 and 3.¹⁵

Tip: Look at your Notice of Action to find out what Stage you are in. Different rules apply to the three Stages.

Note: Counties have discretion about which stage to put a family in; check what your county is doing.

9. What is Stage 1?

Stage 1 is for families in welfare-to-work activities that are not stable. Stage 1 is also available for up to two years after a family stops getting CalWORKs cash aid if child care is unavailable in other stages.¹⁶

10. What is Stage 2?

Stage 2 is for families in stable welfare-to-work activities. Families can get Stage 2 for up to two years after they stop getting CalWORKs cash aid.¹⁷

11. What is Stage 3?

Stage 3 is available only for families who used to get CalWORKs cash aid and have now timed out of Stage 2.¹⁸ It has no time limit.

12. Can I Get Help With Child Care Even if I Have Never Gotten CalWORKs?

Yes, many programs can help you, such as preschool programs or subsidized child care centers. However, they often have long waiting lists. It is a good idea to get on the waiting list. Call your Resource and Referral agency for help.

13. What Are Alternative Payment Programs?

Alternative Payment Programs (APP) are agencies that contract with the California Department of Education to help people pay for child care.¹⁹ When you get or are transitioning off CalWORKs cash aid, APPs work closely with the county welfare department to make sure that you get child care if you need it.

Tip: Check which APPs handle child care in your county by calling your Resource and Referral agency.

14. What Kind of Child Care Will CalWORKs Pay for?

CalWORKs lets you choose the type of child care that you think is best for your children.²⁰ You have many options:

- A relative, friend, neighbor, or babysitter who may care for only a few children
- A family child care provider taking care of a small group of children (from 1 to 14) in his or her home,
- Some recreational programs,²¹ or
- A licensed child care center that may serve a large number of children.

Tip: Search for quality child care that best meets your child's needs. Your Resource and Referral agency can help.

Note: CalWORKs will not pay for care by parents or members of your household.²²

15. Must My Provider Be Licensed? Child care providers do not have to be licensed (and are considered "license-exempt") if they²³

- Care for the children of one family other than their own, or
- Care for the children in the children's home, or
- Are recreational programs.

NOTE: CalWORKs will also pay for unlicensed child care providers located on Indian reservations if the providers meet tribal standards.²⁴

Tip: Except for close relatives, most license-exempt child care providers must fill out a Health & Safety Self-Certification form, be fingerprinted, and go through a criminal record check called Trustline.²⁵

16. Do I Have to Pay Anything for Child Care?

Families getting CalWORKs cash aid almost always get free child care.²⁶ If you no longer get CalWORKs cash aid, you may have to pay a fee that depends on your income.²⁷

Tip: The California Department of Education website, www.cde.ca.gov, has the family fee schedule in Management Bulletin 00-14, September 2000. As of June 2002, the family fee for a family of three earning \$2,900 per month is \$10.10 per day.

17. How Will My Child Care Provider Be Paid?

CalWORKs pays most child care providers directly, but if you choose a license-exempt provider, CalWORKs may pay you and tell you to pay your child care provider yourself.²⁸ CalWORKs can pay on a per-month, per-week, per-day, or per-hour basis and should pay child care costs up front if that is how your child care provider operates.²⁹

18. How Much Will CalWORKs Child Care Pay?

Your provider will be paid whatever she usually charges for people who pay for child care themselves, up to the Regional Market Rate.³⁰ This rate, set by a yearly survey, is higher than most child care providers in a community charge.³¹ The payment amount depends on the county, children's age, type of child care provider, and whether or not a child has special needs based on a physical or mental disability.

Example: In June 2002, for center-based care for a child under two years old, CalWORKs will pay up to \$1295.50 in San Francisco County, \$996.50 per month in Los Angeles County, and \$593 in Butte County.

Tip: See the California Department of Social Services website, www.dss.cahwnet.gov, for the Regional Market Rate. As of June 2002, the Regional Market Rate is in DSS All County Letter 01-39.

19. What Help is Available to Find Child Care?

Call your local Resource and Referral agency (R&R). R&Rs are not part of the county welfare department, but often have staff located in the county welfare departments. R&Rs give at least four referrals to CalWORKs parents.³²

20. What if Appropriate Child Care is Unavailable?

You will be excused from participating in CalWORKs welfare-to-work activities for good cause. However, the 60 month lifetime limit for adults to receive CalWORKs cash aid and the 18-24 month welfare-to-work period may continue to run.³³

Tip: Check how your county defines unavailability of appropriate child care. Look for things like distance, reliability, cultural and linguistic appropriateness, safety, and meeting children's special needs.

21. What Happens if I Have a Baby?

If you have a baby, you do not have to participate in welfare-to-work activities until the baby is from 3 to 12 months old, depending on county policy.³⁴ The new baby can get child care even if the Maximum Family Grant rule applies and the baby cannot get CalWORKs cash aid.³⁵

Note: Even though parents with infants do not have to participate in welfare-to-work activities, the 60 month lifetime limit for adults to get cash aid still runs.

22. What is a Notice of Action?

A Notice of Action is a piece of paper that tells you about a decision that the county welfare department or APP has made.³⁶ You have a right to get a Notice of Action after you apply for CalWORKs cash aid or CalWORKs child care. You also have a right to get a Notice of Action if your benefits are changed.

23. What if I Have a Problem Getting or Keeping My CalWORKs Child Care?

Look at the back of your Notice of Action to find out how to appeal the decision. You may ask for a hearing by telephone, but it is better to ask in

writing and keep a copy. Even if you do not get a Notice of Action, you can still appeal.³⁷ You will get a hearing at which you can explain why you think the decision was wrong.³⁸ If you are getting CalWORKs cash aid or child care, and you meet the deadline, your benefits will not change until you get a decision after the hearing.³⁹

Note: If you want a hearing, and you want your benefits to continue while you wait for a hearing decision, you should make sure that you meet the deadline in your Notice of Action. The deadline, and the type of hearing that you have, depend on

which Stage of CalWORKs child care you are in.⁴⁰ In Stage 1, you must appeal within 90 days to get a hearing; you must appeal before the change takes place in order to have your benefits continue unchanged until you get a hearing decision.⁴¹ In Stages 2 and 3, you must appeal within 14 days.⁴² Call legal aid for help.

Note: Child care *providers* have a right to a hearing if the licensing department makes a negative decision, but they do *not* have a right to a hearing if they have trouble receiving payment for a client who gets a child care subsidy.

This document is intended to provide general information about the topic covered and is made available with the understanding that it does not render legal or other professional advice. We believe it is accurate as of May 2002, but the law changes often. If you need legal advice, seek help from a competent attorney.

Useful Resources

- Call **Legal Aid** if you are a low-income CalWORKs participant who needs free help with a problem. Look in the telephone book or call the Coalition of California Welfare Rights Organizations at (916) 736-0616 to find out about the Legal Aid office near you.
- Call your **County Bar Association Referral** service to find a private attorney or Legal Aid. Look in the telephone book or visit the California Bar Association website at www.calbar.org to find the telephone number.
- Call a **Resource and Referral** agency if you are a CalWORKs participant who wants help finding child care, if you are a child care provider who wants CalWORKs participants with child care subsidies to be referred to you, or if you want to find out where to apply for CalWORKs child care. Call the California Resource and Referral Network at (415) 882-0234 or visit their website at www.rrnetwork.org to get information about your local Resource and Referral agency. If you are a parent looking for child care, you can call 1-800-543-7793.
- Call the **Child Care Law Center at (415) 394-7144** for information about child care issues. We are a national and California child care support center for legal services programs, and we:
 - Provide information and referral over the telephone on Mondays, Tuesdays, and Thursdays from 12 to 3.
 - Write useful publications, including the following *Questions and Answers on CalWORKs Child Care: Introduction, Appeals and Hearings*, and *Diversion* (Visit our website at www.childcarelaw.org.)
 - Conduct trainings for CalWORKs recipient groups, community agencies, and others.
 - Provide legal representation only in cases that have an impact on many people.
- Visit the website of the Legal Services of Northern California, www.lsn.net for information about California laws.
- Visit the website of the Western Center on Law and Poverty, www.wclp.org, to read their superb CalWORKs manual.

Endnotes Explanation

The endnotes below are legal citations for the information above. Do not be scared to look up laws that affect you. Try visiting your local law library.

- Health & Safety Code applies to licensed child care providers and to some license exempt providers.
- Educ. Code is the California Education Code. It provides information about child care subsidies, including CalWORKs child care.
- Welf & Inst. Code is the California Welfare & Institutions Code. It covers CalWORKs cash grant and work requirements.
- MPP is the California Department of Social Services (DSS) Manual of Policies and Procedures, the public benefits regulations issued by DSS.
- An ACL is a DSS All County Letter. It gives more detailed information than the MPP; a Management Bulletin is a similar document from the California Department of Education.
- CA Code of Regs. (CCR) are California regulations. Title 22, issued by DSS, applies to licensed care, and Title 5, issued by CDE, applies to subsidized child care.

1. Welf. & Inst. Code §§ 11200 et seq.; MPP § 42-701.1
2. MPP § 42-701.1.
3. Welf. & Inst. Code § 11454; § 11320.15 Time limits run when participant is receiving aid.
4. Welf. & Inst. Code §§ 11454. Time limits run when a participant is receiving aid.
5. Welf. & Inst. Code § 11266.5(i); Educ. Code § 8350.5; DSS All County Letter 97-68, Implementation of the Diversion Program- California Welfare Opportunity and Responsibility to Kids (CalWORKs) Program, Att. 1, October 29 1997.
6. Educ. Code §§ 8263(a)(2), 8202(a), and 8263.1; MPP § 47-101.2.; Welf. & Inst. Code § 11320.1, 11322.9
7. Welf. & Inst. Code § 11323.2(a); MPP §§ 47-220.1, 47-220.2; Diversion: Educ. Code § 8354(a).
8. Welf. & Inst. Code § 11322; MPP § 42-711.52.
9. Welf. & Inst. Code § 11323.2(a)(1)(C); Educ. Code § 8353(a).
10. Educ. Code § 8354(a).

11. Welf. & Inst. Code §§ 11323.2(a)(1)(A) and (B); MPP §§ 47-201.2 and § 47-201.3; Educ. Code § 8201(a)
12. Welf. & Inst. Code §§ 11320.1, 11322.6, 11322.8(a), and 11322.9(c); MPP §§ 47-401.43, 47-110(c)(5), and 42-710.1.
13. Educ. Code § 8263.1; California Department of Education Management Bulletin 00-14, Sept. 1, 2000.
14. Welf. & Inst. Code §11323.2(a)(1)(A).
15. Educ. Code §§ 8350(b), 8351, 8353, 8354; MPP §§ 47-101.3, 47- 101.4; 5 CCR. § 18400(n), (o), (p).
16. Educ. Code §§ 8351, 8353(a); 8354; MPP §§ 47-101.6, 47-220.2. Stage two begins when county determines stability.
17. Educ. Code §§ 8351(b), 8353(a); MPP § 47-101.7; 5 CCR. § 18400(o).
18. Educ. Code §§ 8263; 8354; MPP § 47-101.8; 5 CCR § 18421 (a)(3)(A). Prior to the adoption of regulations in the California Department of Education in Summer 2001, this restriction was imposed by the California budget.
19. Educ. Code § 8220; 5 CCR § 18013(e).
20. 42 U.S.C. § 602(b)(2); Educ. Code §§ 8208.1, 8216, 8225, 8357(a); MPP § 47-260.2, 5 CCR § 18426(a).
21. 1940 DSS ACL 01-22, March 14, 2001; California Department of Education Management Bulletin 00-26, July 2001.
22. MPP § 47-260.3.
23. Health & Safety Code § 1596.7925; 22 CCR §§ 101158; 102358.
24. Educ. Code § 8357(d).
25. Health & Safety Code §§ 1596.66(a); 1596.67(a). For Stage 1: MPP § 47-601; for Stages 2 and 3, 5 CCR § 18426(b)(2).
26. Educ. Code § 8263, MPP §47-101.2; 5 CA Code of Regs. § 18414, 18429; CDE Management Bulletin 00-14, September 2000.
27. MPP § 47-110(f)(1); Calculation of family fee for Stage 1 clients : MPP § 47-240.1.
28. Educ. Code § 8357(e); MPP §§ 47-420.1-.2; 5 CCR. §§ 18411, 18428.
29. Welf. & Inst. Code §§11323.4(a-b); MPP § 47-401.11; 5 CCR § 18414, 18428.
30. Educ. Code § 8266; MPP § 47-401.1; 5 CCR §§ 18414(a), 18428(a).
31. California Department of Education letter, Alternative Payment Reimbursement, June 2001.
32. Educ. Code §§ 8352, 8216.
33. Welf. & Inst. Code §§ 11320.3(f), 11454.5(a); MPP § 42-713
34. Welf & Inst. Code § 11320.3(b)(6)(A)(i) ; MPP § 42-712.472.
35. Welf. & Inst. Code § 11450.04(a)-(b), MPP § 44-314.2, .6, DSS ACL 97-29.
36. MPP § 47-420.3; 5 CCR §§ 18118, 18119(a), 18419, 18434.
37. MPP § 22-003; 5 CCR § 18120(a).
38. MPP § 22-049.7; 5 CCR § 18120(i).
39. MPP § 47-420.32; 5 CCR § 18120(b).
40. Educ. Code §§ 8353(b), 8351(a); MPP § 22-009; 5 CCR §§ 18121, 18120(a).
41. Welf. & Inst. Code § 10951; MPP §§ 22-009.1.
42. 5 CCR § 18121(a); 18418, 18433.