



March 10, 2017

To: The Honorable Anthony Portantino  
Chair, Senate Budget Subcommittee No. 1

Honorable Members, Senate Budget Subcommittee No. 1

The Honorable Richard Pan  
Chair, Senate Budget Subcommittee No. 3

Honorable Members, Senate Budget Subcommittee No. 3

From: Frank J. Mecca, Executive Director

**RE: CHILD CARE ELIGIBILITY FOR ABUSED, NEGLECTED  
CHILDREN IN FOSTER CARE**

The County Welfare Directors Association of California (CWDA) respectfully requests your consideration and support for a proposed statutory clarification related to the calculation of foster care grants for children receiving services through the subsidized child care system. This change is needed to ensure abused and neglected children receive appropriate child care and development services without delay.

Specifically, the proposal would clarify that a foster care grant is not considered as income nor counted for purposes of family fees when determining eligibility for child care subsidies. Current California Department of Education (CDE) regulations require that children both have a need and an income determination. Once this occurs, children are placed onto a waiting list for child care subsidies based on their relative need. The concern under this current process is that for children in foster care, a foster care grant (which only covers basic board and care costs) may place them with higher income than other children, therefore delaying, if not denying, their access to subsidies.

Reasonable access to subsidized child care is critical as the State embarks on the Continuum of Care Reform (CCR) effort pursuant to AB 403 (Statutes of 2015). This landmark legislation requires that counties reduce the use of congregate care settings and provide children with the supports and services they need in home-based settings, and to achieve federally-required outcomes of increased safety, permanency and well-being. Both federal and state law confer first priority for subsidized child care services to children who are abused, neglected and at risk of abuse and neglect. Clarification of the existing law is necessary to

minimize inconsistent application of these mandates, and ensure that foster children have timely access to child care and development services and that their foster families have the support they need to provide a nurturing home for children in their care.

This issue was discussed in budget deliberations last year and there was agreement that CDE should modify the existing regulations to clarify the treatment of foster care grants in the determination of eligibility for child care subsidies. The CDE attempted to promulgate revised regulations, but the Department of Finance (DOF) determined that CDE did not have such authority in this case. The DOF's objections to the revised regulations were not on the substance of those regulations, but on procedural grounds. A clarification of existing law is therefore necessary to specify that a foster care grant is not considered as income nor counted for purposes of family fees when determining eligibility for child care subsidies since a regulatory clarification is not possible.

Child care and development services benefit foster children, and are cited by foster parents, relative caregivers, and social work staff as an important supportive service to maintain children in family-based settings. This statutory clarification aligns with the goals of AB 403 to reduce use of congregate care and maintain children in family-based settings.

Thank you for your consideration.

cc: Jennifer Troia, Office of the President Pro Tem  
Kimberly Rodriguez, Office of the President Pro Tem  
Craig Cornett, Office of the Senate President Pro Tempore  
Elisa Wynne, Senate Budget and Fiscal Review Subcommittee No. 1  
Theresa Pena, Senate Budget and Fiscal Review Subcommittee No. 3  
Cheryl Black, Senate Republican Fiscal Office  
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County Caucus