

October 1, 2024

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

EXECUTIVE SUMMARY

CHILD CARE BULLETIN (CCB) NO. 24-21

The purpose of this Child Care Bulletin (CCB) is to provide specified child care and development contractors with additional guidance related to determining the eligibility period for a child that is added to the family during an existing eligibility period and when a family voluntarily disenrolls from services, pursuant to Senate Bill (SB) 1047 (Chapter 923, Statutes of 2022), Title 45 Code of Federal Regulations (45 CFR), Part 98.21 and Welfare and Institution Code (WIC) 10271(h)(4), and Title 5, California Code of Regulations Section 18082.3.



KIM JOHNSON
DIRECTOR

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DEPARTMENT OF SOCIAL SERVICES
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October 1, 2024

CHILD CARE BULLETIN (CCB) NO. 24-21

GUIDANCE TYPE: DIRECTIVE

TO: ALL CHILD CARE AND DEVELOPMENT CONTRACTORS

SUBJECT: CCB NO 24-21 GUIDANCE ON DETERMINING THE ELIGIBILITY PERIOD FOR A CHILD WHO IS ADDED DURING AN EXISTING ELIGIBILITY PERIOD AND WHEN A FAMILY VOLUNTARILY DISENROLLS FROM SERVICES

APPLICABLE PROGRAMS: CALIFORNIA ALTERNATIVE PAYMENT PROGRAMS (CAPP); MIGRANT ALTERNATIVE PAYMENT PROGRAMS (CMAP); GENERAL CHILD CARE AND DEVELOPMENT PROGRAMS; (CCTR); FAMILY CHILD CARE HOME EDUCATION NETWORKS (CFCC); MIGRANT CHILD CARE AND DEVELOPMENT PROGRAMS (CMIG); CHILD CARE AND DEVELOPMENT PROGRAMS FOR CHILDREN WITH SPECIAL NEEDS (CHAN); CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITY TO KIDS (CALWORKS) TWO (C2AP), AND THREE (C3AP)

REFERENCE: [SENATE BILL \(SB\) 1047 \(CHAPTER 923, STATUTES OF 2022\); TITLE 45 CODE OF FEDERAL REGULATIONS \(45 CFR\), PART 98.21; WELFARE AND INSTITUTIONS CODE \(WIC\) 10271\(h\)\(4\)](#)

Purpose

The purpose of this Child Care Bulletin (CCB) is to provide specified child care and development contractors with guidance related to determining the eligibility period for a child that is added to the family's child care and development services during an existing eligibility period and when a family voluntarily disenrolls from services, pursuant to Senate

Bill (SB) 1047 (Chapter 923, Statutes of 2022), Title 45 Code of Federal Regulations (45 CFR), Part 98.21 and Welfare and Institutions Code (WIC) 10271(h)(4), and Title 5, California Code of Regulations (5 CCR) Section 18082.3.

Background

Per 45 CFR 98.21(d), **the Lead Agency shall establish policies and processes to incorporate additional eligible children in the family size (e.g., siblings or foster siblings), including ensuring a minimum of 12 months of eligibility between eligibility determination and redetermination** as described in paragraph (a) of this section for children previously determined eligible and for new children who are determined eligible, without placing undue reporting burden on families.

Per WIC Section 10271(h)(4) a family may at any time voluntarily report income or other changes. **This information shall be used, as applicable, to reduce the family's fees, increase the family's services, or extend the period of the family's eligibility before recertification.**

Per SB 1047 (Chapter 923, Statutes of 2022), effective January 1, 2023, [WIC section 10271\(h\)](#) was amended to change the minimum eligibility period in California from 12 months to 24 months for the following programs only: CCTR, CFCC, CMIG, CMAP, CHAN, and CAPP.

Per AB 1808 (Chapter 356, Statutes of 2024), effective January 1, 2025, 24 month eligibility will now extend to CalWORKs Stage 1, Stage 2 (C2AP), and Stage 3 (C3AP) families.

In January 2024, the Administration for Children and Families (ACF) Office of Child Care (OCC) conducted an onsite monitoring visit at the California Department of Social Services (CDSS) as part of their ongoing compliance review of how California as the Lead Agency meets the requirements of the CFR as a recipient of federal Child Care and Development Fund (CCDF) funding. During the monitoring visit, ACF OCC reviewed documentation provided by the Child Care and Development Division (CCDD) and conducted interviews with internal and external partners to verify policies and procedures related to the federal requirement of a minimum of 12 months of eligibility and determined that there are inconsistencies in how contractors in California implemented 24-month eligibility. Specifically, they found inconsistencies with regard to:

1. When it was applied to a child who was added to the family size during an existing eligibility period; and
2. When a family voluntarily reported changes that resulted in a reduction of services

Guidance

Beginning October 1, 2024, when a family requests to add an additional child, that child shall receive no less than 12 months of services and if applicable, the contractor shall

extend the current eligibility period to ensure no less than 12 months is provided to that newly added child.

Contractors are also required to review all initial certifications and recertifications that are scheduled to occur prior to January 2025 which include the addition of a new child, and ensure that changes are made, if necessary, to ensure the added child has or will receive a minimum of 12 months of eligibility before their recertification. If applicable a notice of action (NOA) should reflect that change.

Below are different scenarios with applicable guidance that are intended to provide clarification to reduce inconsistencies in the implementation of the minimum 12-month eligibility period.

Scenario One: When a child is added to the family size and care is requested during an existing eligibility period.

Based on 45 CFR 98.21 a child who has been certified as eligible to receive child care services shall receive those services for a minimum of 12 months. According to WIC 10271, the minimum eligibility period in California is 24 months.

During the January 2024 OCC monitoring visit, OCC determined that when a family voluntarily reports the need to add a child to the family size, the child is added to the family's existing 24-month eligibility period and recertified as part of the recertification process at the end of that 24-month period. This process does not always ensure that the new child is receiving a minimum of 12 months of care as required by 45 CFR, section 98.21.

The following example #1 demonstrates how in some instances, contractors are **not meeting the minimum 12-month eligibility requirement** per the CFR when adding a new child to the family size.

*A family is determined to meet all need and eligibility requirements and is certified to receive services for 24 months beginning May 1, 2023, through April 30, 2025, when recertification will occur. During this current eligibility period, the family informs the contractor they now need to add their new infant to the family size and want to receive child care and development services for that child. The contractor makes the changes and services for the additional child beginning July 1, 2024, as indicated on a new NOA. The contractor does not indicate any change to the existing certification period which is scheduled to end on April 30, 2025. At the time of recertification, the new child will have only received a total of 10 months of eligibility. **This process does not ensure that the child receives at least 12 months of eligibility** per 45 CFR 98.21.*

The following example #2 describes the **procedures for contractors to follow, effective immediately, as they certify the new child to ensure the child receives a minimum of 12 months of eligibility** as required in 45 CFR, section 98.21.

A family is determined to meet all need and eligibility requirements and is certified to

*receive services for 24 months beginning May 1, 2023, through April 30, 2025, when recertification occurs. During this current eligibility period, the family informs the contractor they now need to add their new infant to the family size and want to receive child care and development services for that child. The contractor makes the changes and services for the additional child beginning July 1, 2024, as indicated on a new NOA. As allowed by WIC 10241(h)(4) the family's eligibility period should be extended until June 30, 2025, and that change should also be included on the new NOA. This **ensures that the new child receives at least 12 months of eligibility** per 45, CFR 98.21 prior to recertification and the other children have received a minimum of 24 months of eligibility per state law.*

Scenario Two: When a family voluntarily disenrolls from services.

During the January 2024 OCC monitoring visit, OCC determined that when a family voluntarily reported a request to be disenrolled, and later requested to be reinstated back to their original service level, there were inconsistencies in how contractors made those changes during the existing 24-month eligibility period.

The following example #1 demonstrates how in some instances, contractors **may not be meeting the minimum 24-month eligibility requirements** per WIC 10271(h)(1) when reinstating a family's service level to the original level after a disenrollment.

*A family is determined to meet all need and eligibility requirements and is certified to receive services for 24 months beginning May 1, 2023, through April 30, 2025, when recertification will occur. During this current eligibility period, the family voluntarily requests to be disenrolled on August 1, 2024. The contractor makes the change and the family is disenrolled effective August 1, 2024, as indicated on a Notice of Action (NOA) provided to the family. In September 2024, the family contacts the contractor and requests to be reinstated as of October 1, 2024. The contractor asks the family to complete an application for services with all supporting documentation. After verification of the documentation the contractor certifies the family for 24 months eligibility effective October 1, 2024, through September 30, 2026, as indicated on the NOA provided to the family. **This process does not ensure that the child receives at least 24 months of eligibility before additional documentation is required per WIC 10271(h)(1)** based on their original certification date which began May 1, 2023, because the family was asked to provide new supporting documentation, and a new eligibility period was established at that point. The family only received a total of 15 months of eligibility from May 1, 2023, through July 31, 2024.*

The following example #2 describes **procedures for contractors to follow, effective immediately, as they reinstate a family during the current eligibility period to ensure the child receives a minimum of 24 months of eligibility** as required in WIC 10271.

A family is determined to meet all need and eligibility requirements and is certified to receive services for 24 months beginning May 1, 2023, through April 30, 2025. During this 24-month eligibility period, the family voluntarily requests to be

disenrolled on August 1, 2024. The contractor makes the change, and the family is disenrolled effective August 1, 2024, as indicated on a Notice of Action (NOA) provided to the family. In September 2024, the family contacts the contractor and requests child care and development services again as of October 1, 2024. The contractor should reinstate the family without collecting any new documentation or another application for services from the family. Additionally, a NOA should be prepared that reinstates the family and ensures the certification period is extended to June 30, 2025, that accounts for the 15 months of service provided before their disenrollment and the remaining nine months of services based on the original certification in May 2023 for a total of 24 months of eligibility.

A contractor is not required to hold a space for a child when a family has voluntarily disenrolled. When the family requests to be reinstated for services at a later time, if the contractor has space, they may begin services immediately. However, if the contractor does not have space, they should do one of the following:

- Place the family on the waitlist and when services are able to be reinstated, the NOA should reflect the remaining time on their eligibility period; or
- Connect the family with a Resource and Referral Agency or another Child Care and Development Contractor that may have space to provide services. If the family chooses to receive services from another contractor and space is available, the agency shall transfer the family file and services shall be reinstated.

The CCDD is currently developing a webinar to provide more technical assistance to ensure the consistent implementation of this requirement. More information will be provided on the date of the webinar through the CCDD Division Updates listserv.

If you are a contractor and have any questions regarding the information in this letter, contact your assigned [Program Quality and Improvement Branch Consultant](#).

Sincerely,

Original Document Signed By

LUPE JAIME-MILEHAM, EdD
Deputy Director
Child Care and Development Division