

**CHILD CARE AND THE CHILD WELFARE SYSTEM: SUBSIDIES AND CHILD CARE OPTIONS  
REFERENCE CHART FOR TYPE OF PLACEMENT**

Type of Placement	Primary Benefits Available to Parent/Foster Parent/Caregiver	Count as income for child care? <sup>1</sup>	Primary Child Care Subsidy Programs
<b>Open CPS, Home with Parent</b>	<ul style="list-style-type: none"> <li>• <b>CalWORKs</b> (need-based)</li> <li>• <b>SSI</b></li> <li>• <b>Survivor’s Benefits</b></li> </ul>	<p>Yes</p> <p>No</p> <p>Yes</p>	<ul style="list-style-type: none"> <li>• <b>CalWORKs</b> – Parent must be current/former recipient of aid for self<sup>2</sup></li> <li>• <b>CDE (Non-CalWORKs)</b> – Children eligible based on CPS or “at-risk” status have priority enrollment, <i>regardless of income</i>. 12-month limit if eligibility based on CPS, 3- month limit if eligibility based on at-risk status, unless recertified by CCSW for longer period or eligible under other category; both CPS and at-risk status exempt from family fee for up to 12 months<sup>3</sup></li> <li>• <b>State Preschool</b> – Three- and four-year-olds eligible based on CPS or at-risk status qualify for part-time and full-time program, and have priority enrollment, <i>regardless of income</i><sup>4</sup></li> <li>• <b>Head Start</b> – Children in foster care qualify, <i>regardless of income</i><sup>5</sup>; OHS encourages counties to prioritize children in the child welfare system<sup>6</sup></li> <li>• <b>First Five, county or local programs</b> – Check with local R&amp;R<sup>7</sup></li> </ul>
<b>Open CPS, Placed with Relative</b>	<ul style="list-style-type: none"> <li>• <b>CalWORKs</b> (need-based or non-needy relative caregiver assistance)</li> <li>• <b>Federal Foster Care, Youakim</b> (specialized care rates)</li> <li>• <b>State Foster Care</b> (for a relative who is not federally eligible who is planning to adopt when parental rights have been terminated)</li> </ul>	<p>Yes</p> <p>Yes</p> <p>Yes</p>	<ul style="list-style-type: none"> <li>• <b>CalWORKs</b> – Relative caregiver must be current/former recipient of aid for self; non-needy relative caregiver does not qualify<sup>8</sup></li> <li>• <b>CDE (Non-CalWORKs)</b> – Children eligible based on CPS or “at-risk” status have priority enrollment, <i>regardless of income</i>. 12-month limit if eligibility based on CPS, 3- month limit if eligibility based on at-risk status, unless recertified by CCSW for longer period or eligible under other category; both CPS and at-risk status exempt from family fee for up to 12 months<sup>9</sup></li> <li>• <b>State Preschool</b> – Three- and four-year-olds eligible based on CPS or at-risk status qualify for part-time and full-time program, and have priority enrollment, <i>regardless of income</i><sup>10</sup></li> <li>• <b>Head Start</b> – Children in foster care qualify, <i>regardless of income</i><sup>11</sup>; OHS encourages counties to prioritize children in the child welfare system<sup>12</sup></li> <li>• <b>Title IV-E</b> – Depends on whether county participates; applies only to federally eligible foster children up to age 13<sup>13</sup></li> </ul>

	<ul style="list-style-type: none"> <li>• <b>SSI</b></li> <li>• <b>Survivor’s Benefits</b></li> </ul>	No Yes	<ul style="list-style-type: none"> <li>• <b>First Five, county or local programs</b> – Check with local R&amp;R<sup>14</sup></li> </ul>
<b>Open CPS, Placed with Non-Relative</b>	<ul style="list-style-type: none"> <li>• <b>CalWORKs</b> (need-based)</li> <li>• <b>Federal Foster Care, AFDC</b> (specialized care rates)</li> <li>• <b>State Foster Care</b> (for a non-relative who is not federally eligible )</li> <li>• <b>Dual Agency, ARM</b></li> <li>• <b>SSI</b></li> <li>• <b>Survivor’s Benefits</b></li> </ul>	Yes  Yes  Yes  N/A <sup>15</sup> No Yes	<ul style="list-style-type: none"> <li>• <b>CalWORKs</b> – Caregiver must be current/former recipient of aid for self<sup>16</sup></li> <li>• <b>CDE (Non-CalWORKs)</b> – Children eligible based on CPS or “at-risk” status have priority enrollment, <i>regardless of income</i>. 12-month limit if eligibility based on CPS, 3- month limit if eligibility based on at-risk status, unless recertified by CCSW for longer period or eligible under other category; both CPS and at-risk status exempt from family fee for up to 12 months<sup>17</sup></li> <li>• <b>State Preschool</b> – Three- and four-year-olds eligible based on CPS or at-risk status qualify for part-time and full-time program, and have priority enrollment, <i>regardless of income</i><sup>18</sup></li> <li>• <b>Head Start</b> – Children in foster care qualify, <i>regardless of income</i><sup>19</sup>; OHS encourages counties to prioritize children in the child welfare system<sup>20</sup></li> <li>• <b>Title IV-E</b> – Depends on whether county participates; applies only to federally eligible foster children up to age 13<sup>21</sup></li> <li>• <b>First Five, county or local programs</b> – Check with local R&amp;R<sup>22</sup></li> <li>•</li> </ul>

<b>Open CPS, dependency Legal Guardianship (relative)</b>	<ul style="list-style-type: none"> <li>• <b>CalWORKs</b> (need-based or non-need relative caregiver assistance)</li> <li>• <b>Federal Foster Care, Youakim</b> (specialized care rates for relative caregivers)</li> <li>• <b>State Foster Care</b> (for a relative who is not federally eligible who is planning to adopt when parental rights have been terminated – unlikely if legal guardianship</li> </ul>	Yes  Yes  Yes	<ul style="list-style-type: none"> <li>• <b>CalWORKs</b> – Relative caregiver must be current/former recipient of aid for self; non-need relative caregiver does not qualify<sup>23</sup></li> <li>• <b>CDE (Non-CalWORKs)</b> – Children eligible based on CPS or “at-risk” status have priority enrollment, <i>regardless of income</i>. 12-month limit if eligibility based on CPS, 3- month limit if eligibility based on at-risk status, unless recertified by CCSW for longer period or eligible under other category; both CPS and at-risk status exempt from family fee for up to 12 months<sup>24</sup></li> <li>• <b>State Preschool</b> – Three- and four-year-olds eligible based on CPS or at-risk status qualify for part-time and full-time program, and have priority enrollment, <i>regardless of income</i><sup>25</sup></li> <li>• <b>Head Start</b> – Children in foster care qualify, <i>regardless of income</i><sup>26</sup>; OHS encourages counties to prioritize children in the child welfare system<sup>27</sup></li> <li>• <b>Title IV-E</b> – Depends on whether county participates; applies only to federally eligible foster children up to age 13<sup>28</sup></li> <li>• <b>First Five, county or local programs</b> – Check with local R&amp;R<sup>29</sup></li> </ul>
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	<p>is the permanent plan)</p> <ul style="list-style-type: none"> <li>• <b>SSI</b></li> <li>• <b>Survivor’s Benefits</b></li> </ul>	<p>No Yes</p>	
<p><b>Open CPS, dependency Legal Guardianship (non-relative)</b></p>	<ul style="list-style-type: none"> <li>• <b>CalWORKs</b> (need-based)</li> <li>• <b>Federal Foster Care, AFDC</b> (specialized care rates)</li> <li>• <b>State Foster Care</b> (for a non-relative who is not federally eligible)</li> <li>• <b>SSI</b></li> <li>• <b>Survivor’s Benefits</b></li> </ul>	<p>Yes Yes Yes No Yes</p>	<ul style="list-style-type: none"> <li>• <b>CalWORKs</b> – Guardian must be current/former recipient of aid for self<sup>30</sup></li> <li>• <b>CDE</b> (Non-CalWORKs) – Children eligible based on CPS or “at-risk” status have priority enrollment, <i>regardless of income</i>. 12-month limit if eligibility based on CPS, 3- month limit if eligibility based on at-risk status, unless recertified by CCSW for longer period or eligible under other category; both CPS and at-risk status exempt from family fee for up to 12 months<sup>31</sup></li> <li>• <b>State Preschool</b> – Three- and four-year-olds eligible based on CPS or at-risk status qualify for part-time and full-time program, and have priority enrollment, <i>regardless of income</i><sup>32</sup></li> <li>• <b>Head Start</b> – Children in foster care qualify, <i>regardless of income</i><sup>33</sup>; OHS encourages counties to prioritize children in the child welfare system<sup>34</sup></li> <li>• <b>Title IV-E</b> – Depends on whether county participates; applies only to federally eligible foster children up to age 13<sup>35</sup></li> <li>• <b>First Five, county or local programs</b> – Check with local R&amp;R<sup>36</sup></li> </ul>
<p><b>Closed CPS, dependency Legal Guardianship (relative)</b></p>	<ul style="list-style-type: none"> <li>• <b>CalWORKs</b> (need-based or non-needy relative caregiver assistance)</li> <li>• <b>KinGap</b></li> <li>• <b>SSI</b></li> <li>• <b>Survivor’s Benefits</b></li> </ul>	<p>Yes Yes No Yes</p>	<ul style="list-style-type: none"> <li>• <b>CalWORKs</b> – Relative caregiver must be current/former recipient of aid for self; non-needy relative caregiver does not qualify<sup>37</sup></li> <li>• <b>CDE</b> (non-CalWORKs) – Requires non-CPS eligibility (e.g. income)<sup>38</sup></li> <li>• <b>State Preschool</b> – Requires non-CPS eligibility (e.g. income)<sup>39</sup></li> <li>• <b>Head Start</b> – Requires non-foster care eligibility (e.g. income)<sup>40</sup></li> <li>• <b>First Five, county or local programs</b> – Check with local R&amp;R<sup>41</sup></li> </ul>
<p><b>Closed CPS, dependency Legal Guardianship (non-relative)</b></p>	<ul style="list-style-type: none"> <li>• <b>CalWORKs</b> (need-based)</li> <li>• <b>State Foster Care</b></li> <li>• <b>SSI</b></li> <li>• <b>Survivor’s Benefits</b></li> </ul>	<p>Yes Yes No Yes</p>	<ul style="list-style-type: none"> <li>• <b>CalWORKs</b> – Guardian must be current/former recipient of aid for self<sup>42</sup></li> <li>• <b>CDE</b> (non-CalWORKs) – Requires non-CPS eligibility (e.g. income)<sup>43</sup></li> <li>• <b>State Preschool</b> – Requires non-CPS eligibility (e.g. income)<sup>44</sup></li> <li>• <b>Head Start</b> – Requires non-foster care eligibility (e.g. income)<sup>45</sup></li> <li>• <b>First Five, county or local programs</b> – Check with local R&amp;R<sup>46</sup></li> </ul>

<b>Open CPS, Adoptive Placement with a relative</b>	<ul style="list-style-type: none"> <li>• <b>CalWORKs</b> (need-based)</li> <li>• <b>AAP</b></li> <li>• <b>SSI</b></li> <li>• <b>Survivor’s Benefits</b></li> </ul>	Yes  No No Yes	<ul style="list-style-type: none"> <li>• <b>CalWORKs</b> – Parent must be current/former recipient of aid for self<sup>47</sup></li> <li>• <b>CDE</b> (Non-CalWORKs) – Children eligible based on CPS or “at-risk” status have priority enrollment, <i>regardless of income</i>. 12-month limit if eligibility based on CPS, 3- month limit if eligibility based on at-risk status, unless recertified by CCSW for longer period or eligible under other category; both CPS and at-risk status exempt from family fee for up to 12 months<sup>48</sup></li> <li>• <b>State Preschool</b> – Three- and four-year-olds eligible based on CPS or at-risk status qualify for part-time and full-time program, and have priority enrollment, <i>regardless of income</i><sup>49</sup></li> <li>• <b>Head Start</b> – Children in foster care qualify, <i>regardless of income</i><sup>50</sup>; OHS encourages counties to prioritize children in the child welfare system<sup>51</sup></li> <li>• <b>First Five, county or local programs</b> – Check with local R&amp;R<sup>52</sup></li> </ul>
<b>Open CPS, Adoptive Placement with a non-relative</b>	<ul style="list-style-type: none"> <li>• <b>CalWORKs</b> (need-based)</li> <li>• <b>AAP</b></li> <li>• <b>SSI</b></li> <li>• <b>Survivor’s Benefits</b></li> </ul>	Yes  No No Yes	<ul style="list-style-type: none"> <li>• <b>CalWORKs</b> – Parent must be current/former recipient of aid for self<sup>53</sup></li> <li>• <b>CDE</b> (Non-CalWORKs) – Children eligible based on CPS or “at-risk” status have priority enrollment, <i>regardless of income</i>. 12-month limit if eligibility based on CPS, 3- month limit if eligibility based on at-risk status, unless recertified by CCSW for longer period or eligible under other category; both CPS and at-risk status exempt from family fee for up to 12 months<sup>54</sup></li> <li>• <b>State Preschool</b> – Three- and four-year-olds eligible based on CPS or at-risk status qualify for part-time and full-time program, and have priority enrollment, <i>regardless of income</i><sup>55</sup></li> <li>• <b>Head Start</b> – Children in foster care qualify, <i>regardless of income</i><sup>56</sup>; OHS encourages counties to prioritize children in the child welfare system<sup>57</sup></li> <li>• <b>First Five, county or local programs</b> – Check with local R&amp;R<sup>58</sup></li> </ul>
<b>Closed CPS, Adopted</b>	<ul style="list-style-type: none"> <li>• <b>CalWORKs</b> (need-based)</li> <li>• <b>AAP</b></li> <li>• <b>SSI</b></li> <li>• <b>Survivor’s Benefits</b></li> </ul>	Yes  No No Yes	<ul style="list-style-type: none"> <li>• <b>CalWORKs</b> – Parent must be current/former recipient of aid for self<sup>59</sup></li> <li>• <b>CDE</b> (non-CalWORKs) – Requires non-CPS eligibility (e.g. income)<sup>60</sup></li> <li>• <b>State Preschool</b> – Requires non-CPS eligibility (e.g. income)<sup>61</sup></li> <li>• <b>Head Start</b> – Requires non-foster care eligibility (e.g. income)<sup>62</sup></li> <li>• <b>First Five, county or local programs</b> – Check with local R&amp;R<sup>63</sup></li> </ul>
<b>Probate Guardianship, relative</b>	<ul style="list-style-type: none"> <li>• <b>CalWORKs</b> (need based or non-needy relative caregiver)</li> <li>• <b>SSI</b></li> </ul>	Yes  No	<ul style="list-style-type: none"> <li>• <b>CalWORKs</b> – Relative caregiver must be current/former recipient of aid for self; non-needy relative caregiver does not qualify<sup>64</sup></li> <li>• <b>CDE</b> (non-CalWORKs) – Requires non-CPS eligibility (e.g. income)<sup>65</sup></li> <li>• <b>State Preschool</b> – Requires non-CPS eligibility (e.g. income)<sup>66</sup></li> </ul>

	<ul style="list-style-type: none"> <li>• <b>Survivor’s Benefits</b></li> </ul>	Yes	<ul style="list-style-type: none"> <li>• <b>Head Start</b> – Requires non-foster care eligibility (e.g. income)<sup>67</sup></li> <li>• <b>First Five, county or local programs</b> – Check with local R&amp;R<sup>68</sup></li> </ul>
<b>Probate Guardianship, non-relative</b>	<ul style="list-style-type: none"> <li>• <b>CalWORKs</b> (need-based)</li> <li>• <b>State Foster Care</b></li> <li>• <b>SSI</b></li> <li>• <b>Survivor’s Benefits</b></li> </ul>	<p>Yes</p> <p>Yes</p> <p>No</p> <p>Yes</p>	<ul style="list-style-type: none"> <li>• <b>CalWORKs</b> – Guardian must be current/former recipient of aid for self<sup>69</sup></li> <li>• <b>CDE</b> (non-CalWORKs) – Requires non-CPS eligibility (e.g. income)<sup>70</sup></li> <li>• <b>State Preschool</b> – Requires non-CPS eligibility (e.g. income)<sup>71</sup></li> <li>• <b>Head Start</b> – Requires non-foster care eligibility (e.g. income)<sup>72</sup></li> <li>• <b>First Five, county or local programs</b> – Check with local R&amp;R<sup>73</sup></li> </ul>

<sup>1</sup> For family size used in income calculation, see CAL. CODE REGS. tit. 5, §§ 18100 (2013) (“For income eligibility and family fee purposes, when a child and his or her siblings are living in a family that does not include their biological or adoptive parent, only the child and related siblings shall be counted to determine family size. In these cases, the adult(s) must meet a need criterion as specified in Education Code section 8263(a)(2).”). For general definition of “family” see § 18078(f) (“‘Family’ means the parents and the children for whom the parents are responsible, who comprise the household in which the child receiving services is living. For purposes of income eligibility and family fee determination, when a child and his or her siblings are living in a family that does not include their biological or adoptive parent, ‘family’ shall be considered the child and related siblings.”). For whether benefit counts as “total countable income” for purposes of determining child care eligibility and family fees, see § 18078 (s) (defining “total countable income” as including “public assistance” [(s)(3)], “survivor’s benefits” [(s)(8)], & “foster care payments” [(s)(11)] ) & 18078(a) (defining “adjusted monthly income” as excluding “SSI”[(A)(9)] and “adoption assistance payments” [(a)(7)] ). CalWORKs and KinGap are public assistance, and not among the benefits listed as excluded from income for purposes of determining adjusted monthly income.

<sup>2</sup> CAL. WELF. & INST. CODE §§ 11323.2 & 11323.25; Dep’t of Social Servs., CalWORKs, <http://www.cdss.ca.gov/calworks/> (last visited August 30, 2013).

<sup>3</sup> CAL. EDUC. CODE 8263 § (b)(1); CAL. CODE REGS. tit. 5, § 18106(a); Cal. Dep’t. of Educ., Management Bulletin 06-14 (2006) (clarifying procedures regarding child development services and fee assessment for children who receive CPS and “at risk” services).

<sup>4</sup> CAL. EDUC. CODE §§ 8235(b), 8239(d), 8236(a); CAL. CODE REGS. tit. 5, § 18131 (a).

<sup>5</sup> 45 C.F.R. § 1305.2(l) (2013).

<sup>6</sup> U.S. Dep’t of Health & Human Srvs., Info. Memorandum 10-04 (2010) (“The purpose of this IM is to reinforce the Head Start commitment to serving abused and neglected children through its grantees and delegate agencies...OHS encourages Head Start/Early Head Start to prioritize children in the public child welfare system when establishing criteria and selecting children and families for Head Start/Early Head Start Services.” The IM defines “child welfare system” as a “[a] system which includes preventative, protective, foster care and adoption services.”).

<sup>7</sup> First Five Website, <http://www.cfcf.ca.gov/> (last visited Aug. 30, 2013); Cal. Child Care Resource & Referral Network, <http://www.rnnetwork.org> (last visited Aug 30, 2013).

<sup>8</sup> CAL. WELF. & INST. CODE §§ 11323.2 & 11323.25; Dep’t of Social Servs., CalWORKs, <http://www.cdss.ca.gov/calworks/> (last visited August 30, 2013); Cal. Manual of Policies and Procedures [hereinafter MPP] § 47-201.123; *see* example 1 MPP § 47-201.124 (“A single parent requests CalWORKs Stage One child care both for her children and her sister's unaided children who are residing with her while her sister is in jail. The children's father is absent. In this case the sister's children meet the requirement in Section 47201.123, that is, children whom the client is responsible to support.”). *See* MPP §§ 47-110(c)(4), 47-220.1-2 (defining eligibility based on parent’s current or past receipt of cash assistance). Non-needy relative caregivers ineligible for childcare because cash grant is based on child’s eligibility, not the caregiver’s eligibility.

<sup>9</sup> CAL. EDUC. CODE 8263 § (b)(1); CAL. CODE REGS. tit. 5, § 18106(a); Cal. Dep’t. of Educ., Management Bulletin 06-14 (2006) (clarifying procedures regarding child development services and fee assessment for children who receive CPS and “at risk” services).

<sup>10</sup> CAL. EDUC. CODE §§ 8235(b), 8239(d), 8236(a); CAL. CODE REGS. tit. 5, § 18131 (a).

<sup>11</sup> 45 C.F.R. § 1305.2(l) (2013).

<sup>12</sup> U.S. Dep’t of Health & Human Srvs., Info. Memorandum 10-04 (2010) (“The purpose of this IM is to reinforce the Head Start commitment to serving abused and neglected children through its grantees and delegate agencies...OHS encourages Head Start/Early Head Start to prioritize children in the public child welfare

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system when establishing criteria and selecting children and families for Head Start/Early Head Start Services.” The IM defines “child welfare system” as a “[a] system which includes preventative, protective, foster care and adoption services.”).

<sup>13</sup> Title IV-E provides for “foster care maintenance payments.” For definition of foster care maintenance payments, see 42 U.S.C. § 675(4)(A). While the payment covers “daily supervision,” CA also gives counties the option to participate in “the Foster Parent Child Care Program” to cover child care specifically. Cal. Dep’t of Soc. Svcs., All County Letter 05-23 (2005) (explaining that the Foster Parent Child Care Program “[i]s available to all counties statewide and is intended to enable a foster parent to receive child care as needed, maintain a stable home environment, and strengthen county foster care recruitment efforts.”). Participating counties as of May 2012 include “Butte, Lassen, Orange, San Francisco, San Mateo, Santa Clara, Siskiyou, San Benito, and Yolo.” DEP’T OF SOCIAL SRVS., LOCAL ASSISTANCE 215 (2012).

<sup>14</sup> First Five Website, <http://www.cafc.ca.gov/> (last visited Aug. 30, 2013); Cal. Child Care Resource & Referral Network, <http://www.rnetwork.org> (last visited Aug 30, 2013).

<sup>15</sup> In practice, for child care eligibility, ARM rates are included in foster care or APP benefits; they are not counted as separate benefits. Email from Candace Gray, Foster Care Eligibility Program Support Analyst, Office of Early Care & Education City & County of San Francisco Human Services Agency, to John Tsutakawa, Program Director, Office of Early Care & Education City & County of San Francisco Human Services Agency (Mar. 19, 2013) (on file with author).

<sup>16</sup> CAL. WELF. & INST. CODE §§ 11323.2 & 11323.25; Dep’t of Social Svcs., CalWORKs, <http://www.cdss.ca.gov/calworks/> (last visited August 30, 2013); Cal. Manual of Policies and Procedures [hereinafter MPP] § 47-201.123; *see* example 1 MPP § 47-201.124 (“A single parent requests CalWORKs Stage One child care both for her children and her sister's unaided children who are residing with her while her sister is in jail. The children's father is absent. In this case the sister's children meet the requirement in Section 47201.123, that is, children whom the client is responsible to support.”). *See* MPP §§ 47-110(c)(4), 47-220.1-2 (defining eligibility based on parent’s current or past receipt of cash assistance).

<sup>17</sup> CAL. EDUC. CODE 8263 § (b)(1); CAL. CODE REGS. tit. 5, § 18106(a); Cal. Dep’t. of Educ., Management Bulletin 06-14 (2006) (clarifying procedures regarding child development services and fee assessment for children who receive CPS and “at risk” services).

<sup>18</sup> CAL. EDUC. CODE §§ 8235(b), 8239(d), 8236(a); CAL. CODE REGS. tit. 5, § 18131 (a).

<sup>19</sup> 45 C.F.R. § 1305.2(l) (2013).

<sup>20</sup> U.S. Dep’t of Health & Human Svcs., Info. Memorandum 10-04 (2010) (“The purpose of this IM is to reinforce the Head Start commitment to serving abused and neglected children through its grantees and delegate agencies...OHS encourages Head Start/Early Head Start to prioritize children in the public child welfare system when establishing criteria and selecting children and families for Head Start/Early Head Start Services.” The IM defines “child welfare system” as a “[a] system which includes preventative, protective, foster care and adoption services.”).

<sup>21</sup> Title IV-E provides for “foster care maintenance payments.” For definition of foster care maintenance payments, see 42 U.S.C. § 675(4)(A). While the payment covers “daily supervision,” CA also gives counties the option to participate in “the Foster Parent Child Care Program” to cover child care specifically. Cal. Dep’t of Soc. Svcs., All County Letter 05-23 (2005) (explaining that the Foster Parent Child Care Program “[i]s available to all counties statewide and is intended to enable a foster parent to receive child care as needed, maintain a stable home environment, and strengthen county foster care recruitment efforts.”). Participating counties as of May 2012 include “Butte, Lassen, Orange, San Francisco, San Mateo, Santa Clara, Siskiyou, San Benito, and Yolo.” DEP’T OF SOCIAL SRVS., LOCAL ASSISTANCE 215 (2012).

<sup>22</sup> First Five Website, <http://www.cafc.ca.gov/> (last visited Aug. 30, 2013); Cal. Child Care Resource & Referral Network, <http://www.rnetwork.org> (last visited Aug 30, 2013).

<sup>23</sup> CAL. WELF. & INST. CODE §§ 11323.2 & 11323.25; Dep’t of Social Svcs., CalWORKs, <http://www.cdss.ca.gov/calworks/> (last visited August 30, 2013); Cal. Manual of Policies and Procedures [hereinafter MPP] § 47-201.123; *see* example 1 MPP § 47-201.124 (“A single parent requests CalWORKs Stage One child care both for her children and her sister's unaided children who are residing with her while her sister is in jail. The children's father is absent. In this case the sister's children meet the requirement in Section 47201.123, that is, children whom the client is responsible to support.”). *See* MPP §§ 47-110(c)(4), 47-220.1-2 (defining eligibility based on parent’s current or past receipt of cash assistance). Non-needy relative caregivers ineligible for childcare because cash grant is based on child’s eligibility, not the caregiver’s eligibility.

<sup>24</sup> CAL. EDUC. CODE 8263 § (b)(1); CAL. CODE REGS. tit. 5, § 18106(a); Cal. Dep’t. of Educ., Management Bulletin 06-14 (2006) (clarifying procedures regarding child development services and fee assessment for children who receive CPS and “at risk” services).

<sup>25</sup> CAL. EDUC. CODE §§ 8235(b), 8239(d), 8236(a); CAL. CODE REGS. tit. 5, § 18131 (a).

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<sup>26</sup> 45 C.F.R. § 1305.2(l) (2013).

<sup>27</sup> U.S. Dep't of Health & Human Svcs., Info. Memorandum 10-04 (2010) (“The purpose of this IM is to reinforce the Head Start commitment to serving abused and neglected children through its grantees and delegate agencies...OHS encourages Head Start/Early Head Start to prioritize children in the public child welfare system when establishing criteria and selecting children and families for Head Start/Early Head Start Services.” The IM defines “child welfare system” as a “[a] system which includes preventative, protective, foster care and adoption services.”).

<sup>28</sup> Title IV-E provides for “foster care maintenance payments.” For definition of foster care maintenance payments, see 42 U.S.C. § 675(4)(A). While the payment covers “daily supervision,” CA also gives counties the option to participate in “the Foster Parent Child Care Program” to cover child care specifically. Cal. Dep't of Soc. Svcs., All County Letter 05-23 (2005) (explaining that the Foster Parent Child Care Program “[i]s available to all counties statewide and is intended to enable a foster parent to receive child care as needed, maintain a stable home environment, and strengthen county foster care recruitment efforts.”). Participating counties as of May 2012 include “Butte, Lassen, Orange, San Francisco, San Mateo, Santa Clara, Siskiyou, San Benito, and Yolo.” DEP'T OF SOCIAL SRVS., LOCAL ASSISTANCE 215 (2012).

<sup>29</sup> First Five Website, <http://www.cfc.ca.gov/> (last visited Aug. 30, 2013); Cal. Child Care Resource & Referral Network, <http://www.rnetwork.org> (last visited Aug 30, 2013).

<sup>30</sup> CAL. WELF. & INST. CODE §§ 11323.2 & 11323.25; Dep't of Social Svcs., CalWORKs, <http://www.cdss.ca.gov/calworks/> (last visited August 30, 2013); Cal. Manual of Policies and Procedures [hereinafter MPP] § 47-201.123; *see* example 1 MPP § 47-201.124 (“A single parent requests CalWORKs Stage One child care both for her children and her sister's unaided children who are residing with her while her sister is in jail. The children's father is absent. In this case the sister's children meet the requirement in Section 47201.123, that is, children whom the client is responsible to support.”). *See* MPP §§ 47-110(c)(4), 47-220.1-2 (defining eligibility based on parent's current or past receipt of cash assistance).

<sup>31</sup> CAL. EDUC. CODE 8263 § (b)(1); CAL. CODE REGS. tit. 5, § 18106(a); Cal. Dep't. of Educ., Management Bulletin 06-14 (2006) (clarifying procedures regarding child development services and fee assessment for children who receive CPS and “at risk” services).

<sup>32</sup> CAL. EDUC. CODE §§ 8235(b), 8239(d), 8236(a); CAL. CODE REGS. tit. 5, § 18131 (a).

<sup>33</sup> 45 C.F.R. § 1305.2(l) (2013).

<sup>34</sup> U.S. Dep't of Health & Human Svcs., Info. Memorandum 10-04 (2010) (“The purpose of this IM is to reinforce the Head Start commitment to serving abused and neglected children through its grantees and delegate agencies...OHS encourages Head Start/Early Head Start to prioritize children in the public child welfare system when establishing criteria and selecting children and families for Head Start/Early Head Start Services.” The IM defines “child welfare system” as a “[a] system which includes preventative, protective, foster care and adoption services.”).

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<sup>37</sup> CAL. WELF. & INST. CODE §§ 11323.2 & 11323.25; Dep't of Social Svcs., CalWORKs, <http://www.cdss.ca.gov/calworks/> (last visited August 30, 2013); Cal. Manual of Policies and Procedures [hereinafter MPP] § 47-201.123; *see* example 1 MPP § 47-201.124 (“A single parent requests CalWORKs Stage One child care both for her children and her sister's unaided children who are residing with her while her sister is in jail. The children's father is absent. In this case the sister's children meet the requirement in Section 47201.123, that is, children whom the client is responsible to support.”). *See* MPP §§ 47-110(c)(4), 47-220.1-2 (defining eligibility based on parent's current or past receipt of cash assistance). Non-needy relative caregivers ineligible for childcare because cash grant is based on child's eligibility, not the caregiver's eligibility.

<sup>38</sup> *See* CAL. EDUC. CODE § 8263(A)(1)(A)-(C), (2)(B)-(2)(B).

<sup>39</sup> *See* CAL. EDUC. CODE §§ 8235(b), 8239(d).

<sup>40</sup> 45 C.F.R. §§ 1305.2(l) & 1305.4 (2013).

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- <sup>42</sup> CAL. WELF. & INST. CODE §§ 11323.2 & 11323.25; Dep't of Social Servs., CalWORKs, <http://www.cdss.ca.gov/calworks/> (last visited August 30, 2013); Cal. Manual of Policies and Procedures [hereinafter MPP] § 47-201.123; *see* example 1 MPP § 47-201.124 (“A single parent requests CalWORKs Stage One child care both for her children and her sister's unaided children who are residing with her while her sister is in jail. The children's father is absent. In this case the sister's children meet the requirement in Section 47201.123, that is, children whom the client is responsible to support.”). *See* MPP §§ 47-110(c)(4), 47-220.1-2 (defining eligibility based on parent's current or past receipt of cash assistance).
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- <sup>47</sup> CAL. WELF. & INST. CODE §§ 11323.2 & 11323.25; Dep't of Social Servs., CalWORKs, <http://www.cdss.ca.gov/calworks/> (last visited August 30, 2013); Cal. Manual of Policies and Procedures [hereinafter MPP] § 47-201.123; *see* example 1 MPP § 47-201.124 (“A single parent requests CalWORKs Stage One child care both for her children and her sister's unaided children who are residing with her while her sister is in jail. The children's father is absent. In this case the sister's children meet the requirement in Section 47201.123, that is, children whom the client is responsible to support.”). *See* MPP §§ 47-110(c)(4), 47-220.1-2 (defining eligibility based on parent's current or past receipt of cash assistance).
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- <sup>49</sup> CAL. EDUC. CODE §§ 8235(b), 8239(d), 8236(a); CAL. CODE REGS. tit. 5, § 18131 (a).
- <sup>50</sup> 45 C.F.R. § 1305.2(l) (2013).
- <sup>51</sup> U.S. Dep't of Health & Human Svcs., Info. Memorandum 10-04 (2010) (“The purpose of this IM is to reinforce the Head Start commitment to serving abused and neglected children through its grantees and delegate agencies...OHS encourages Head Start/Early Head Start to prioritize children in the public child welfare system when establishing criteria and selecting children and families for Head Start/Early Head Start Services.” The IM defines “child welfare system” as a “[a] system which includes preventative, protective, foster care and adoption services.”).
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