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WELFARE AND INSTITUTIONS CODE - WIC

DIVISION 9. PUBLIC SOCIAL SERVICES [10000 - 18999.98] (*Division 9 added by Stats. 1965, Ch. 1784.*)

PART 1.8. Child Care and Development Services Act [10207 - 10492.2] (*Part 1.8 added by Stats. 2021, Ch. 116, Sec. 260.*)

CHAPTER 12. Family Fees [10290 - 10292] (*Chapter 12 added by Stats. 2021, Ch. 116, Sec. 260.*)

10290. (a) The department, in consultation with the State Department of Education, shall establish a fee schedule for families using preschool and childcare and development services pursuant to this part including families receiving services pursuant to paragraph (1) of subdivision (b) of Section 10271. It is the intent of the Legislature that the new fee schedule shall be simple and easy to implement.

(b) The family fee schedule shall retain a single flat monthly fee per family. The schedule shall differentiate between fees for part-time care and full-time care.

(c) Using the most recently approved family fee schedule pursuant to subdivision (e) of Section 10436, families shall be assessed a single flat monthly fee for all state-subsidized services, including California state preschool program services administered by the State Department of Education, based on income, certified family need for full-time or part-time care services, and enrollment, and shall not be based on actual attendance. No recalculation of a family fee shall occur if attendance varies from enrollment unless a change in need for care is assessed, as requested by the parent.

(d) Family fees shall not be based on the cost of care or amount of subsidy payment.

(e) (1) The department shall design the new family fee schedule based on the most recent census data available on state median family income in the past 12 months, adjusted for family size, according to the methodology provided in subdivision (c) of Section 10271.5. The department shall first submit the adjusted fee schedule to the Department of Finance for approval.

(2) Commencing October 1, 2023, both of the following apply:

(A) The revised fees described in paragraph (1) shall not exceed 1 percent of the family's monthly income.

(B) A family with an adjusted monthly family income below 75 percent of the state median family income shall not be charged or assessed a family fee.

(f) The income of a recipient of federal supplemental security income benefits pursuant to Title XVI of the federal Social Security Act (42 U.S.C. Sec. 1381 et seq.) and state supplemental program benefits pursuant to Title XVI of the federal Social Security Act (42 U.S.C. Sec. 1381 et seq.) and Chapter 3 (commencing with Section 12000) of Part 3 shall not be included in total countable income for purposes of determining the amount of the family fee.

(g) Family fees shall be assessed at initial enrollment and reassessed at update of certification or recertification.

(h) The implementation of this section shall comply with the requirements specified in subdivision (h) of Section 10271.

(i) Notwithstanding any other provision of this chapter, family fees shall not be collected for the 2021–22 fiscal year pursuant to Section 263 of Chapter 116 of the Statutes of 2021.

(j) Notwithstanding any other provision of this chapter, family fees shall not be collected for the 2022–23 fiscal year.

(k) During the 2022–23 fiscal year, contractors shall reimburse subsidized childcare providers for the full amount of the certificate or voucher without deducting family fees.

(l) (1) Notwithstanding any other provision of this chapter, family fees shall not be collected between July 1, 2023, and September 30, 2023, inclusive.

(2) Between July 1, 2023, and September 30, 2023, inclusive, contractors shall reimburse subsidized childcare providers for the full amount of the certificate or voucher without deducting family fees.

(3) Notwithstanding any other law, federal funds that were previously appropriated in Sections 263 and 265 of Chapter 116 of the Statutes of 2021 to expand childcare access slots and provide for family fee waivers and the reimbursement for waived family fees shall be available in the 2023–24 fiscal year in an amount that is equal to the cost to extend family fee waivers between July 1, 2023, and September 30, 2023, inclusive, for all families receiving subsidized childcare services from childcare providers through programs administered by the State Department of Social Services pursuant to Chapter 3 (commencing with Section 10225), Chapter 6 (commencing with Section 10235), Chapter 7 (commencing with Section 10240), Chapter 8 (commencing with Section 10250), Chapter 9 (commencing with Section 10260), Chapter 21 (commencing with Section 10370), and Section 11461.6.

(m) Family fees accrued but uncollected prior to October 1, 2023, may be forgiven and not collected.

(n) (1) A childcare provider paid with childcare subsidies, including, but not limited to, a family childcare home provider participating in a family childcare home education network, shall not absorb a reduction in pay for the contracted childcare space or voucher on account of a waiver of or reduction in family fees.

(2) The number of childcare contracted spaces and vouchers shall not be reduced on account of a reduction in the collection of family fees.

(3) Fifty-six million dollars (\$56,000,000) is hereby appropriated from the General Fund to the State Department of Social Services in fiscal year 2023–24 to reimburse childcare providers described in paragraph (1) for family fees waived or reduced pursuant to paragraph (2) of subdivision (e).

(Amended by Stats. 2023, Ch. 41, Sec. 16. (AB 116) Effective July 10, 2023.)

10291. (a) A family that receives services pursuant to paragraph (1) of subdivision (b) of Section 10271 may be exempt from family fees for up to 12 months.

(b) Notwithstanding any other law, a family receiving CalWORKs cash aid shall not be charged a family fee.

(Added by Stats. 2021, Ch. 116, Sec. 260. (AB 131) Effective July 23, 2021.)

10292. (a) The family fee schedule shall provide, among other things, that a contractor or provider may require parents to provide diapers. A contractor or provider offering field trips either may include the cost of the field trips within the service rate charged to the parent or may charge parents an additional fee. Federal or state money shall not be used to reimburse parents for the costs of field trips if those costs are charged as an additional fee. A contractor or provider that charges parents an additional fee for field trips shall inform parents, before enrolling the child, that a fee may be charged and that no reimbursement will be available.

(b) A contractor or provider may require parents to provide diapers or charge parents for field trips, subject to all of the following conditions:

(1) The contractor or provider has a written policy adopted by the agency's governing board that includes parents in the decisionmaking process regarding both of the following:

(A) Whether or not, and how much, to charge for field trip expenses.

(B) Whether or not to require parents to provide diapers.

(2) The contractor or provider does not charge fees in excess of twenty-five dollars (\$25) per child in a contract year.

(3) The contractor or provider does not deny participation in a field trip due to a parent's inability or refusal to pay the fee.

(4) The contractor or provider does not take adverse action against a parent for the parent's inability or refusal to pay the fee.

(c) A contractor or provider shall establish a payment system that prevents the identification of children based on whether or not a child's family has paid field trip fees.

(d) The contractor or provider shall report expenses incurred and income received for field trips to the department. Income received shall be reported as restricted income.

(Added by Stats. 2021, Ch. 116, Sec. 260. (AB 131) Effective July 23, 2021.)