

ASSEMBLY BILL

No. 833

Introduced by Assembly Member Yamada

February 17, 2011

An act to amend Section 11450.04 of the Welfare and Institutions Code, relating to public social services, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 833, as introduced, Yamada. CalWORKs: maximum aid payments.

Existing federal law provides for allocation of federal funds through the federal Temporary Assistance for Needy Families (TANF) block grant program to eligible states. Existing law provides for the California Work Opportunity and Responsibility to Kids (CalWORKs) program for the allocation of federal funds received through the TANF block grant program, under which each county provides cash assistance and other benefits to qualified low-income families. Existing law continuously appropriates moneys from the General Fund to defray a portion of county aid grant costs under the CalWORKs program.

Under existing law, for purposes of determining a family's maximum aid payment under the CalWORKs program, the number of needy persons in the same family is not increased for any child born into a family that has received aid under the CalWORKs program continuously for the 10 months prior to the birth of the child, with specified exceptions.

This bill would, commencing January 1, 2012, revise the exceptions to the maximum aid payment provisions described above, also referred

to as the Maximum Family Grant rule (MFG),to include an exception for a child who is disabled, pursuant to specified federal law.

By expanding eligibility under the CalWORKs program, this bill would make an appropriation.

To the extent that this bill affect affects eligibility under the CalWORKs program, the bill would create a state-mandated program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: 2/3. Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 11450.04 of the Welfare and Institutions
2 Code is amended to read:

3 11450.04. (a) For purposes of determining the maximum aid
4 payment specified in subdivision (a) of Section 11450 and for no
5 other purpose, the number of needy persons in the same family
6 shall not be increased for any child born into a family that has
7 received aid under this chapter continuously for the 10 months
8 prior to the birth of the child. For purposes of this section, aid shall
9 be considered continuous unless the family does not receive aid
10 during two consecutive months. This subdivision shall not apply
11 to applicants for, or recipients of, aid unless notification is provided
12 pursuant to this section.

13 (b) This section shall not apply with respect to any of the
14 following children:

15 (1) Any child who was conceived as a result of an act of rape,
16 as defined in Sections 261 and 262 of the Penal Code, if the rape
17 was reported to a law enforcement agency, medical or mental
18 health professional or social services agency prior to, or within
19 three months after, the birth of the child.

20 (2) Any child who was conceived as a result of an incestuous
21 relationship if the relationship was reported to a medical or mental
22 health professional or a law enforcement agency or social services

1 agency prior to, or within three months after, the birth of the child,
2 or if paternity has been established.

3 (3) Any child who was conceived as a result of contraceptive
4 failure if the parent was using an intrauterine device, a Norplant,
5 or the sterilization of either parent.

6 (4) *Commencing January 1, 2012, any child who is disabled,*
7 *pursuant to the federal Individuals with Disabilities Education*
8 *Act (IDEA), 20 U.S.C. Section 1400 et seq. A child who satisfies*
9 *the requirements of this paragraph shall be included as a needy*
10 *person for purposes of calculating aid beginning on the later of;*
11 *January 1, 2012, or the date of diagnosis of the disability.*

12 (c) This section shall not apply to any child born on or before
13 November 1, 1995.

14 (d) (1) This section shall not apply to any child to whom it
15 would otherwise apply if the family has not received aid for 24
16 consecutive months while the child was living with the family.

17 (2) This section shall not apply to any child conceived when
18 either parent was a nonneedy caretaker relative.

19 (3) This section shall not apply to any child who is no longer
20 living in the same home with either parent.

21 (e) One hundred percent of any child support payment received
22 for a child born into the family, but for whom the maximum aid
23 payment is not increased pursuant to this section, shall be paid to
24 the assistance unit. ~~Any such~~ *The* child support payment shall not
25 be considered as income to the family for the purpose of calculating
26 the amount of aid for which the family is eligible under this article.

27 (f) Commencing January 1, 1995, each county welfare
28 department shall notify applicants for assistance under this chapter,
29 in writing, of the provisions of this section. The notification shall
30 also be provided to recipients of aid under this chapter, in writing,
31 at the time of recertification, or sooner. The notification required
32 by this section shall set forth the provisions of this section and
33 shall state explicitly the impact these provisions would have on
34 the future aid to the assistance unit. This section shall not apply
35 to any recipient's child earlier than 12 months after the mailing of
36 an informational notice as required by this subdivision.

37 (g) (1) The department shall seek all appropriate federal waivers
38 for the implementation of this section.

39 (2) The department shall implement this section commencing
40 on the date the Director of Social Services executes a declaration,

1 that shall be retained by the director, stating that the administrative
2 actions required by paragraph (1) as a condition of implementation
3 of this section have been taken by the United States Secretary of
4 Health and Human Services.

5 (h) Subdivisions (a) to (g), inclusive, shall become operative
6 on January 1, 1995.

7 SEC. 2. If the Commission on State Mandates determines that
8 this act contains costs mandated by the state, reimbursement to
9 local agencies and school districts for those costs shall be made
10 pursuant to Part 7 (commencing with Section 17500) of Division
11 4 of Title 2 of the Government Code.

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