

AMENDED IN ASSEMBLY MARCH 31, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 924

Introduced by Assembly Member Logue

February 18, 2011

~~An act to amend Section 11320 of the Welfare and Institutions Code, relating to public social services. An act to amend Sections 11265.2, 11266.5, 11320.2, and 17021 of, to amend and repeal Section 11454 of, to repeal Section 11320.15 of, and to repeal and amend Section 11327.5 of, the Welfare and Institutions Code, relating to public social services.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 924, as amended, Logue. CalWORKs: ~~welfare-to-work~~ eligibility: time limits.

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 program, under which each county provides cash assistance and other benefits to qualified low-income families. Existing law provides that a parent or caretaker relative shall not be eligible for CalWORKs aid when he or she has received aid for a cumulative total of 60 months. Existing law excludes any month in which certain conditions exist from being counted as a month of receipt of aid for these purposes.

This bill would revise the requirements for providing aid under the CalWORKs program, including reducing the existing time limits on receipt of aid with a 48-month limit for parents and caregiver relatives,

and requiring a parent or caregiver relative who has reached that time limit to satisfy federal work requirements in order for his or her child to continue to receive CalWORKs aid, except as specified. This bill would require counties to provide specified notice of the 48-month time limit. The bill would make these changes operative on the first day of the first month following 90 days after the effective date of the bill, or July 1, 2011, whichever is later. This bill would make various related conforming changes. By increasing county duties in administering the CalWORKs program, the bill would impose a state-mandated local 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.

Existing law requires each county to provide cash assistance and other social services to needy families through the California Work Opportunity and Responsibility to Kids (CalWORKs) program using federal Temporary Assistance to Needy Families (TANF) block grant program, state, and county funds. Existing law requires, with certain exceptions, that an individual participate in work activities, as defined, in order to remain eligible for CalWORKs benefits.

This bill would make a technical, nonsubstantive change to a provision relating to CalWORKs welfare-to-work activities.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes. State-mandated local program: ~~no~~-yes.

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

- 1 SECTION 1. Section 11265.2 of the Welfare and Institutions
- 2 Code is amended to read:
- 3 11265.2. (a) The grant amount a recipient shall be entitled to
- 4 receive for each month of the quarterly reporting period shall be
- 5 prospectively determined as provided by this section. If a recipient
- 6 reports that he or she does not anticipate any changes in income
- 7 during the upcoming quarter, compared to the income the recipient
- 8 reported actually receiving on the quarterly report form, the grant

1 shall be calculated using the actual income received. If a recipient
2 reports that he or she anticipates a change in income in one or more
3 months of the upcoming quarter, the county shall determine
4 whether the recipient's income is reasonably anticipated. The grant
5 shall be calculated using the income that the county determines is
6 reasonably anticipated in each of the three months of the upcoming
7 quarter.

8 (b) For the purposes of the quarterly reporting, prospective
9 budgeting system, income shall be considered to be "reasonably
10 anticipated" if the county is reasonably certain of the amount of
11 income and that the income will be received during the quarterly
12 reporting period. The county shall determine what income is
13 "reasonably anticipated" based on information provided by the
14 recipient and any other available information.

15 (c) If a recipient reports that their income in the upcoming
16 quarter will be different each month and the county needs
17 additional information to determine a recipient's reasonably
18 anticipated income for the following quarter, the county may
19 require the recipient to provide information about income for each
20 month of the prior quarter.

21 (d) Grant calculations pursuant to subdivision (a) may not be
22 revised to adjust the grant amount during the quarterly reporting
23 period, except as provided in Section 11265.3 and subdivisions
24 (e), (f), (g), and (h), and as otherwise established by the department.

25 (e) Notwithstanding subdivision (d), statutes and regulations
26 relating to (1) the ~~60-month~~ *48-month* time limit, (2) age limitations
27 for children under Section 11253, and (3) sanctions and financial
28 penalties affecting eligibility or grant amount shall be applicable
29 as provided in ~~such~~ *those* statutes and regulations. Eligibility and
30 grant amount shall be adjusted during the quarterly reporting period
31 pursuant to ~~such~~ *those* statutes and regulations effective with the
32 first monthly grant after timely and adequate notice is provided.

33 (f) Notwithstanding Section 11056, if an applicant applies for
34 assistance for a child who is currently aided in another assistance
35 unit, and the county determines that the applicant has care and
36 control of the child, as specified by the department, and is
37 otherwise eligible, the county shall discontinue aid to the child in
38 the existing assistance unit and shall aid the child in the applicant's
39 assistance unit effective as of the first of the month following the
40 discontinuance of the child from the existing assistance unit.

1 (g) If the county is notified that a child for whom CalWORKs
2 assistance is currently being paid has been placed in a foster care
3 home, the county shall discontinue aid to the child at the end of
4 the month of placement. The county shall discontinue the case if
5 the remaining assistance unit members are not otherwise eligible.

6 (h) If the county determines that a recipient is no longer a
7 California resident, pursuant to Section 11100, the recipient shall
8 be discontinued. The county shall discontinue the case if the
9 remaining assistance unit members are not otherwise eligible.

10 *SEC. 2. Section 11266.5 of the Welfare and Institutions Code*
11 *is amended to read:*

12 11266.5. (a) Every applicant for aid under this chapter shall
13 be informed of the availability of lump-sum diversion services to
14 resolve the circumstances that require the family to apply for
15 assistance prior to the family's approval for aid.

16 (b) When an applicant is determined to be eligible for assistance
17 under this chapter, the county shall assess whether the applicant
18 would benefit from the lump-sum diversion program. The county
19 shall make this determination in its sole discretion. In making this
20 determination, the county shall consider whether the applicant is
21 likely to be able to avoid the need for extended assistance beyond
22 the diversion period if the family was provided one-time assistance.
23 In making this determination, the county may consider any of the
24 following:

25 (1) The applicant's employment history.

26 (2) The likelihood of the applicant obtaining immediate full-time
27 employment.

28 (3) The applicant's general prospect for obtaining full-time
29 employment.

30 (4) The applicant's need for cash assistance to pay for housing
31 or substantial and unforeseen expenses or work-related expenses.

32 (5) Housing stability.

33 (6) The adequacy of the applicant's child care arrangements, if
34 applicable.

35 (c) If the county determines, pursuant to subdivision (b), that
36 an applicant could benefit from a lump-sum diversion payment,
37 the county shall inform the applicant of its determination.

38 (d) An applicant for aid under this chapter may either participate
39 in the lump-sum diversion program or decline participation in

1 diversion and, instead, receive aid as otherwise provided for in
2 this chapter.

3 (e) Lump-sum diversion services provided under this section
4 may include any cash or noncash payment and shall be negotiated
5 by the county and the applicant in order to assist the applicant in
6 avoiding the need for aid under this chapter.

7 (f) If, after accepting a diversion payment pursuant to this
8 section, the individual reapplies for aid under this chapter within
9 the amount of time that corresponds with the number of months
10 of aid that would have been received under this chapter that was
11 received as a diversion payment, excluding a partial month, and
12 he or she is determined to be eligible for aid, the county shall, at
13 the option of the recipient, either recoup from the recipient's grant,
14 over a period of time to be determined by the county, the amount
15 of the diversion payment that the recipient received, or count the
16 period of time that corresponds to the number of months of aid
17 that would have been received, excluding a partial month of aid,
18 towards the ~~60-month~~ 48-month time limit on aid specified in
19 subdivision ~~(b)~~ (a) of Section 11454.

20 (g) To the extent permitted by federal law, lump-sum diversion
21 payments shall not be considered income for the purpose of
22 determining eligibility for food stamps.

23 (h) Any child support collected by the applicant or recovered
24 by the county shall not be used to offset the diversion payment.

25 (i) During the period of the diversion, the applicant family shall
26 be eligible for Medi-Cal and child care assistance pursuant to
27 Article 15.5 (commencing with Section 8350) of Chapter 2 of Part
28 6 of the Education Code, if otherwise eligible.

29 *SEC. 3. Section 11320.15 of the Welfare and Institutions Code*
30 *is repealed.*

31 ~~11320.15. After a participant has received aid for a total of 60~~
32 ~~months, pursuant to Section 11454, he or she shall be removed~~
33 ~~from the assistance unit for the purposes of calculation of aid under~~
34 ~~Section 11450 and he or she shall no longer be required to~~
35 ~~participate in welfare-to-work activities. Additional~~
36 ~~welfare-to-work services may be provided to the recipient, at the~~
37 ~~option of the county. If the county provides services to the recipient~~
38 ~~after the 60-month limit has been reached, the recipient shall~~
39 ~~participate in community service.~~

1 *SEC. 4. Section 11320.2 of the Welfare and Institutions Code*
2 *is amended to read:*

3 11320.2. (a) Commencing July 1, 2011, subject to subdivision
4 (g), the county shall conduct self-sufficiency reviews with all aided
5 caretaker relatives and the adult caretaker or minor parent
6 head-of-household in child-only cases, except for individuals who
7 are exempt from welfare-to-work activities pursuant to Section
8 11320.3. Reviews shall be conducted every six months, except as
9 otherwise provided in this subdivision. For an assistance unit
10 determined to be eligible under this chapter on or after July 1,
11 2011, reviews shall be conducted at the end of the assistance unit's
12 second and fourth quarterly reporting periods. The review at the
13 fourth quarterly reporting period shall be conducted with the annual
14 redetermination, on the same day and in the same location. The
15 notice, scheduling, and accommodation requirements used for the
16 annual redetermination shall be utilized uniformly for the
17 self-sufficiency reviews. For an assistance unit determined to be
18 eligible under this chapter prior to July 1, 2011, reviews shall be
19 conducted starting at the end of each assistance unit's second
20 quarterly reporting period and with the next regularly scheduled
21 redetermination, and then annually thereafter.

22 (b) The county shall provide notification to individuals for whom
23 a review has been scheduled, not less than 60 calendar days prior
24 to the appointment, and provide for a process for rescheduling, if
25 necessary, on a date not to exceed 20 calendar days beyond the
26 scheduled review.

27 (c) Self-sufficiency reviews shall be conducted by a county
28 social worker or employment services worker.

29 (d) The purposes of the self-sufficiency review are to determine
30 barriers to participation, including those that may establish the
31 basis for an exemption, to assess needed services and resources,
32 and to provide tools to connect the recipient with the needed
33 services and activities in order to increase his or her work or
34 community service participation pursuant to Section 11320.

35 (e) (1) If the recipient fails to attend the review, the county
36 shall provide the recipient with a notice that the county shall reduce
37 the recipient's benefits by 50 percent after 30 calendar days, unless
38 the participant has complied or provided good cause. Prior to
39 reducing benefits by 50 percent, the county shall attempt to make
40 personal contact, consistent with current practice as exercised for

1 the annual redetermination, to remind the recipient that attending
2 the self-sufficiency review is required, or, if contact is not made,
3 shall send a reminder notice to the recipient no later than five days
4 prior to the end of the 30-calendar day period. The county may
5 determine at any time prior to reducing benefits by 50 percent for
6 failure to attend the self-sufficiency review, or after the sanction
7 has been imposed, that a recipient had good cause for failing to
8 attend the self-sufficiency review. A notice regarding a 50-percent
9 reduction in benefits shall be rescinded when the self-sufficiency
10 review is completed.

11 (2) If the participant is found to not comply with the requirement
12 to attend the self-sufficiency review, the benefits shall be reduced
13 by 50 percent.

14 (3) The county may determine, at any time prior to the end of
15 the 30-calendar day period following the reduction of benefits by
16 50 percent for failure to attend the self-sufficiency review, or after
17 the sanction has been imposed, that a recipient had good cause for
18 failing to attend the review. If the county finds a recipient had
19 good cause, it shall rescind the reduction in benefits notice. Good
20 cause exists only when the recipient cannot reasonably be expected
21 to fulfill his or her responsibilities, due to factors beyond the
22 recipient's control.

23 (f) Not later than January 1, 2013, the county shall provide the
24 department with an evaluation of the implementation of the
25 self-sufficiency reviews that addresses the effectiveness of the
26 reviews in meeting the goals stated in subdivision (d). Upon receipt
27 of all of the county evaluations, the department shall forward the
28 evaluations to the relevant fiscal and policy committees of the
29 Legislature for review.

30 (g) An aided adult who is fully meeting the hours of participation
31 required of CalWORKs recipients under applicable state law shall
32 not be subject to self-sufficiency reviews.

33 (h) A review conducted in accordance with this section that
34 occurs at ~~either the 42nd or 54th~~ month of aid pursuant to Section
35 11454 shall include all of the components specified in subdivision
36 (a), and shall also include information and a warning to the
37 individual regarding the upcoming consequences of reaching the
38 ~~48-month or 60-month~~ time ~~limits~~ *limit*, depending on the specific
39 circumstances of the case. The review shall occur six months before
40 the ~~applicable~~ time limit. However, if a recipient returns to aided

1 status when fewer than six months remain before the ~~60-month~~
2 ~~48-month~~ time limit, he or she shall receive a review under this
3 section within a reasonable time prior to the ~~60th~~ ~~48th~~ month, as
4 determined by the county.

5 (i) This section shall become operative on July 1, 2011.

6 *SEC. 5. Section 11327.5 of the Welfare and Institutions Code,*
7 *as amended by Section 2 of Chapter 8 of the 4th Extraordinary*
8 *Session of the Statutes of 2009, is repealed.*

9 ~~11327.5. (a) Sanctions shall be imposed in accordance with~~
10 ~~subdivision (b) or (c), as appropriate, if an individual has failed or~~
11 ~~refused to comply with program requirements without good cause~~
12 ~~and conciliation efforts, as described in Section 11327.4, have~~
13 ~~failed.~~

14 ~~(b) The sanctions provided for in subdivisions (c) and (d) shall~~
15 ~~not apply to an individual who is exempt from the requirements~~
16 ~~of this article but is voluntarily participating in the program. If that~~
17 ~~individual engages in conduct that would bring about the actions~~
18 ~~provided for in subdivisions (c) and (d), except for his or her status~~
19 ~~as a voluntary program participant, the individual shall not be~~
20 ~~given priority so long as other individuals are actively seeking to~~
21 ~~participate.~~

22 ~~(c) Financial sanctions for failing or refusing to comply with~~
23 ~~program requirements without good cause shall cause a reduction~~
24 ~~in the family's grant by removing the noncomplying family~~
25 ~~member from the assistance unit for a period of time specified in~~
26 ~~subdivision (d).~~

27 ~~(1) For families that qualify for aid due to unemployment of the~~
28 ~~family's primary wage earner, the sanctioned parent shall be~~
29 ~~removed from the assistance unit. Unless the spouse or the family's~~
30 ~~second parent meets the provisions of subparagraph (A) of~~
31 ~~paragraph (2), if the sanctioned parent's spouse or the family's~~
32 ~~second parent is not participating in the program, both the~~
33 ~~sanctioned parent and the spouse or second parent shall be removed~~
34 ~~from the assistance unit. The county shall notify the spouse of the~~
35 ~~noncomplying participant or second parent in writing at the~~
36 ~~commencement of conciliation of his or her own opportunity to~~
37 ~~participate and the impact on sanctions of that participation.~~

38 ~~(2) (A) Except as provided in subparagraph (B), exemption~~
39 ~~criteria specified in Section 11320.3, conciliation specified in~~
40 ~~Section 11327.4, and good cause criteria specified in Section~~

1 11320.31 and subdivision (f) of Section 11320.3 shall apply to the
2 sanctioned parent's spouse or the family's second parent.

3 (B) Exemption criteria specified in paragraphs (5) and (6) of
4 subdivision (b) of Section 11320.3 do not apply to a spouse or
5 second parent who is participating to avoid the sanction of the
6 noncomplying parent.

7 (C) If the sanctioned parent's spouse or the family's second
8 parent chooses to participate to avoid the noncomplying parent's
9 sanction, subsequently fails or refuses to participate without good
10 cause, and does not conciliate, he or she shall be removed from
11 the assistance unit for a period of time specified in subdivision
12 (d).

13 (D) If the sanctioned parent's spouse or the family's second
14 parent is under his or her own sanction at the time of the first
15 parent's sanction, the spouse or second parent shall not be provided
16 the opportunity to avoid the first parent's sanction until the spouse
17 or second parent's sanction is completed.

18 (3) For families that qualify due to the absence or incapacity of
19 a parent, only the noncomplying parent shall be removed from the
20 assistance unit.

21 (4) If the noncomplying individual is the only dependent child
22 in the family, his or her needs shall not be taken into account in
23 determining the family's need for assistance and the amount of
24 the assistance payment.

25 (5) If the noncomplying individual is one of several dependent
26 children in the family, his or her needs shall not be taken into
27 account in determining the family's need for assistance and the
28 amount of the assistance payment.

29 (d) An instance of noncompliance without good cause shall
30 result in a financial sanction. This sanction shall terminate at any
31 point if the noncomplying participant performs the activity or
32 activities he or she previously refused to perform.

33 (e) Sanctions shall become effective on the first day of the first
34 payment month that the sanctioned individual's needs are removed
35 from aid under this chapter.

36 (f) In the event this section conflicts with federal law, the
37 department shall adopt regulations to conform to federal law.

38 (g) This section shall remain in effect only until July 1, 2011,
39 and as of that date is repealed.

1 *SEC. 6. Section 11327.5 of the Welfare and Institutions Code,*
 2 *as added by Section 3 of Chapter 8 of the 4th Extraordinary Session*
 3 *of the Statutes of 2009, is amended to read:*

4 11327.5. (a) Sanctions shall be imposed in accordance with
 5 subdivision (b) or (c), as appropriate, if an individual has failed or
 6 refused to comply with program requirements without good cause
 7 and conciliation efforts, as described in Section 11327.4, have
 8 failed.

9 (b) The sanctions provided for in subdivisions (c) and (d) shall
 10 not apply to an individual who is exempt from the requirements
 11 of this article but is voluntarily participating in the program. If that
 12 individual engages in conduct that would bring about the actions
 13 provided for in subdivisions (c) and (d), except for his or her status
 14 as a voluntary program participant, the individual shall not be
 15 given priority so long as other individuals are actively seeking to
 16 participate.

17 (c) Financial sanctions for failing or refusing to comply with
 18 program requirements without good cause shall cause a reduction
 19 in the family’s grant, in accordance with subdivision (d).

20 (1) For families that qualify for aid due to unemployment of the
 21 family’s primary wage earner, the sanctioned parent shall be
 22 removed from the assistance unit. Unless the spouse or the family’s
 23 second parent meets the provisions of subparagraph (A) of
 24 paragraph (2), if the sanctioned parent’s spouse or the family’s
 25 second parent is not participating in the program, both the
 26 sanctioned parent and the spouse or second parent shall be removed
 27 from the assistance unit. The county shall notify the spouse of the
 28 noncomplying participant or second parent in writing at the
 29 commencement of conciliation of his or her own opportunity to
 30 participate and the impact on sanctions of that participation.

31 (2) (A) Except as provided in subparagraph (B), exemption
 32 criteria specified in Section 11320.3, conciliation specified in
 33 Section 11327.4, and good cause criteria specified in Section
 34 11320.31 and subdivision (f) of Section 11320.3 shall apply to the
 35 sanctioned parent’s spouse or the family’s second parent.

36 (B) Exemption criteria specified in paragraphs (5) and (6) of
 37 subdivision (b) of Section 11320.3 do not apply to a spouse or
 38 second parent who is participating to avoid the sanction of the
 39 noncomplying parent.

1 (C) If the sanctioned parent's spouse or the family's second
2 parent chooses to participate to avoid the noncomplying parent's
3 sanction, subsequently fails or refuses to participate without good
4 cause, and does not conciliate, he or she shall be removed from
5 the assistance unit for a period of time specified in subdivision
6 (d).

7 (D) If the sanctioned parent's spouse or the family's second
8 parent is under his or her own sanction at the time of the first
9 parent's sanction, the spouse or second parent shall not be provided
10 the opportunity to avoid the first parent's sanction until the spouse
11 or second parent's sanction is completed.

12 (3) For families that qualify due to the absence or incapacity of
13 a parent, only the noncomplying parent shall be removed from the
14 assistance unit.

15 (4) If the noncomplying individual is the only dependent child
16 in the family, his or her needs shall not be taken into account in
17 determining the family's need for assistance and the amount of
18 the assistance payment.

19 (5) If the noncomplying individual is one of several dependent
20 children in the family, his or her needs shall not be taken into
21 account in determining the family's need for assistance and the
22 amount of the assistance payment.

23 (d) (1) An instance of noncompliance without good cause shall
24 result in a financial sanction, consisting of removing the
25 noncomplying family member from the assistance unit, after the
26 noncompliance persists for three cumulative months. The
27 conciliation process described in Section 11327.4 shall occur
28 during the first 30 days of this three-month period. A sanction
29 under this section shall terminate at any point if the noncomplying
30 participant performs the activity or activities he or she previously
31 refused to perform.

32 (2) (A) If the instance of noncompliance persists for three
33 cumulative months, the county shall review and assess the
34 circumstances of the noncomplying individual in order to determine
35 and identify potential barriers to participation, assess the need for
36 services or resources, and provide tools to connect the individual
37 with services and activities. The review and assessment shall be
38 conducted by a social worker or employment services worker. The
39 county shall make a good faith effort to remediate any barriers that
40 are identified. If barriers relating to substance abuse, mental health,

1 or domestic violence are suspected, the county shall schedule
2 assessments with an employment specialist or social worker for
3 the individual in order to assess and review for treatment. This
4 review shall occur within 30 days after the grant reduction made
5 pursuant to paragraph (1).

6 (B) If the county fails to conduct a review or remediate any
7 issues pursuant to this paragraph, or if the county determines that
8 the individual is in compliance pursuant to paragraph (1), or is
9 exempt from welfare-to-work requirements, the sanction shall
10 terminate. If failure to conduct a review or remediate an issue is
11 the result of the recipient's noncompliance, the sanction shall
12 continue.

13 (3) (A) If the instance of noncompliance persists for an
14 additional three cumulative months after a grant reduction is made
15 pursuant to paragraph (1), the grant shall be decreased by an
16 amount equal to 25 percent of the child-only grant, which already
17 reflects the removal of the parent.

18 (B) If the instance of noncompliance persists for an additional
19 three cumulative months after the family's grant is reduced under
20 subparagraph (A), a second review and assessment shall be
21 conducted in accordance with the requirements of paragraph (2).
22 The second review and assessment shall be conducted within 30
23 days of the most recent grant reduction pursuant to subparagraph
24 (A). After the review and assessment conducted under this
25 paragraph, if the instance of noncompliance persists for an
26 additional three cumulative months after the most recent reduction,
27 the family's aid grant shall be decreased by an amount equal to 50
28 percent of the child-only grant level that existed prior to the
29 25-percent reduction.

30 (C) At any time, if the noncomplying member is determined to
31 be exempt, or comes into compliance with applicable CalWORKs
32 work requirements, the sanction shall terminate and the full aid
33 grant amount shall be restored.

34 (4) (A) With respect to an assistance unit from which the adult's
35 share of the grant has been terminated due to the expiration of the
36 ~~60-month~~ 48-month period provided for pursuant to Section 11454,
37 the county shall impose the sanctions provided for in this section
38 only if the county makes available to the adult necessary child care
39 services, and all applicable exemptions. If the Legislature has made
40 a specific appropriation for transportation services for families

1 who have exceeded the ~~60-month~~ *48-month* time limit and the
2 county has not made this service available to the adult, as
3 necessary, a sanction shall not be imposed. These cases shall
4 receive a review pursuant to subdivision (g) of Section 11320.2 at
5 the ~~42nd or 54th~~ month of aid in preparation for this assessment
6 by the county, including reviewing possible exemptions and
7 discussing possible grant reductions if the family is not in
8 compliance after the ~~60~~ 48 months with the state participation
9 requirements, as determined by the county. The individual shall
10 receive notice of the review, which shall include informing the
11 individual of the risk of having the grant further reduced by 25
12 percent if the parent does not comply with CalWORKs
13 requirements after the ~~48th or 60th~~ month on aid, as well as
14 opportunities to come into compliance and services that may be
15 available from the county.

16 (B) If the county determines after the ~~48th or 60th~~ month on
17 aid that the adult is not in compliance and does not otherwise meet
18 exemption criteria, such as SSI eligibility or being an elderly
19 caregiver, and the service requirements of the county as specified
20 in subparagraph (A) have been met, then the aid grant shall be
21 decreased by an amount equal to 25 percent of the child-only
22 portion of the grant, thus resulting in a grant level equal to 75
23 percent of the child-only grant level in the ~~47th or 59th~~ month, or
24 the month prior to entering the safety net. Review and assessment
25 pursuant to paragraph (2) shall be scheduled with the adult in this
26 assistance unit at this time.

27 (C) If the noncompliance persists for three cumulative months
28 after the grant reduction pursuant to subparagraph (B) the review
29 and assessment conducted pursuant to paragraph (2), and the county
30 has met the service requirements specified in subparagraph (A),
31 then the aid grant shall be decreased by an amount equal to 50
32 percent of the child-only aid grant thus resulting in a grant level
33 equal to 50 percent of the child-only grant level in the ~~47th or 59th~~
34 month, or the month prior to entering the safety net.

35 (D) At any time, if the noncomplying member is determined to
36 be exempt from welfare-to-work activities, or comes into
37 compliance with applicable CalWORKs work requirements, the
38 sanction shall terminate and the full aid grant amount shall be
39 restored.

1 (5) (A) After ~~60~~ 48 full months of aid, with respect to an
2 assistance unit for which there is no adult share due to the adult
3 being (i) not lawfully present in the United States, (ii) a person
4 described by Section 608(a)(9)(A) of Title 42 of the United States
5 Code, or (iii) convicted of any offense classified as a felony by
6 the law of the jurisdiction involved and that has as an element of
7 the possession, use, or distribution of a controlled substance, as
8 defined in Section 802(6) of Title 21 of the United States Code,
9 the county shall apply the sanction provisions contained in
10 subparagraph (B) to the assistance unit allowing for all applicable
11 exemptions. If the county makes available to the adult, at county
12 expense or pursuant to a specific General Fund appropriation,
13 necessary supportive services of child care and transportation, in
14 addition to community service opportunities, and the family is in
15 compliance with work requirements the family shall receive the
16 full child-only grant. These cases shall receive a self-sufficiency
17 review pursuant to subdivision (g) of Section 11320.2 at the 54th
18 month of aid, in preparation for this assessment by the county,
19 including reviewing possible exemptions, and discussing possible
20 grant reductions if the family is not in compliance with the state
21 participation requirements after ~~60~~ 48 months, as determined by
22 the county.

23 (B) If the county determines after the ~~60~~ 48 months of aid that
24 the adult does not otherwise meet exemption criteria, including
25 those that acknowledge the adult's inability to work, such as SSI
26 eligibility or being an elderly caregiver, and the service
27 requirements of the county as specified in subparagraph (A) have
28 been met, then the aid grant shall be decreased by an amount equal
29 to 25 percent of the child-only portion of the grant amount, thus
30 resulting in a grant level equal to 75 percent of the child-only grant
31 level in the 59th month or the month prior to entering the safety
32 net. Review and assessment pursuant to paragraph (2) shall be
33 scheduled with the adult in this assistance unit at this time.

34 (C) If the noncompliance persists for three cumulative months
35 after the review and assessment conducted pursuant to paragraph
36 (2), and the service requirements of the county as specified in
37 subparagraph (A) have been met, the family's aid grant shall be
38 decreased to an amount equal to 50 percent of the child-only
39 portion of the grant amount, thus resulting in a grant level equal

1 to 50 percent of the child-only grant level in the ~~59th~~ 47th month
2 prior to entering the safety net.

3 (D) At any time, if the noncomplying member is determined to
4 be exempt from welfare-to-work activities, or comes into
5 compliance with applicable CalWORKs work requirements, the
6 sanction shall terminate and the full aid grant amount shall be
7 restored.

8 (e) Sanctions shall become effective on the first day of the first
9 payment-month that the sanctioned individual's needs are removed
10 or further reductions are made to aid under this chapter.

11 (f) The additional monetary sanctions imposed in subdivision
12 (d) shall not apply if the only sanctioned individual in the family
13 is a dependent child.

14 (g) The county shall send individuals subject to sanction a notice
15 by the end of their second cumulative month on sanction, and a
16 notice by the end of their fifth cumulative month on sanction,
17 reminding them that their aid will further decrease if the sanction
18 is not cured by the end of the third or sixth month, respectively.

19 (h) In addition to the notice required pursuant to subdivision
20 (d), counties shall attempt to contact the noncompliant individual
21 prior to imposing a sanction reducing the family's aid. This contact
22 may be achieved through telephone calls, letters, home visits, or
23 some combination of these methods.

24 (i) The review and assessment described in paragraph (2) of
25 subdivision (d) shall be deemed to satisfy the requirements for a
26 self-sufficiency review pursuant to Section 11320.2 if the review
27 and assessment occurs within the same month that a
28 self-sufficiency review under Section 11320.2 would have been
29 scheduled. If failure to conduct the review or assessment is the
30 result of the recipient's noncompliance, the sanction or further
31 reduction shall become effective under this chapter.

32 (j) Any review or assessment required under this section may
33 be conducted through face-to-face meetings or home visits.

34 ~~(k) This section shall become operative on July 1, 2011.~~

35 *SEC. 7. Section 11454 of the Welfare and Institutions Code,*
36 *as amended by Section 5 of Chapter 8 of the Fourth Extraordinary*
37 *Session of the Statutes of 2009, is amended to read:*

38 11454. (a) (1) A parent or caretaker relative shall not be
39 eligible for aid under this chapter when he or she has received aid
40 under this chapter or from any state under the Temporary

1 Assistance for Needy Families program (Part A (commencing with
 2 Section 401) of Title IV of the federal Social Security Act (42
 3 U.S.C. Sec. 601 et seq.) for a cumulative total of ~~60~~ 48 months.

4 (2) *After a parent or caretaker relative has received aid for a*
 5 *total of 48 months, pursuant to paragraph (1), he or she shall be*
 6 *removed from the assistance unit for the purposes of calculation*
 7 *of aid under Section 11450, and he or she shall no longer be*
 8 *required to participate in welfare-to-work activities, except to the*
 9 *extent required under subdivision (d).*

10 (b) No month in which aid has been received prior to January
 11 1, 1998, shall be taken into consideration in computing the
 12 ~~60-month~~ 48-month limitation provided for in subdivision (a).

13 (c) Subdivision (a) shall not be applicable when all parent or
 14 caretaker relatives of the aided child who are living in the home
 15 of the child meet any of the following requirements:

- 16 (1) They are 60 years of age or older.
- 17 (2) They meet one of the conditions specified in paragraph (4)
 18 or (5) of subdivision (b) of Section 11320.3.
- 19 (3) They are not included in the assistance unit.
- 20 (4) They are receiving benefits under Section 12200 or Section
 21 12300, State Disability Insurance benefits or Workers'
 22 Compensation Temporary Disability Insurance, if the disability
 23 significantly impairs the recipient's ability to be regularly employed
 24 or participate in welfare-to-work activities.
- 25 (5) They are incapable of maintaining employment or
 26 participating in welfare-to-work activities, as determined by the
 27 county, based on the assessment of the individual and the individual
 28 has a history of participation and full cooperation in
 29 welfare-to-work activities.

30 ~~(d) This section shall remain in effect only until July 1, 2011,~~
 31 ~~and as of that date is repealed.~~

32 (d) *A parent or caregiver relative who has reached the time*
 33 *limit specified in subdivision (a), and who would not be exempt*
 34 *from welfare-to-work activities under subdivision (b) of Section*
 35 *11320.3, shall satisfy federal work requirements during any time*
 36 *that the child of the parent or caregiver relative continues to*
 37 *receive aid under this chapter, or aid to the child shall be*
 38 *terminated.*

1 (e) Counties shall notify families of the reduction in time
2 limitations specified in this section within a reasonable time
3 following the effective date of the act that added this subdivision.

4 SEC. 8. Section 11454 of the Welfare and Institutions Code,
5 as added by Section 6 of Chapter 8 of the Fourth Extraordinary
6 Session of the Statutes of 2009, is repealed.

7 11454. (a) A parent or caretaker relative shall not be eligible
8 for aid under this chapter when he or she has received aid under
9 this chapter or from any state under the Temporary Assistance for
10 Needy Families program (Part A (commencing with Section 401)
11 of Title IV of the federal Social Security Act (42 U.S.C. Sec. 601
12 et seq.) for a cumulative total of 60 months.

13 (b) No month in which aid has been received prior to January
14 1, 1998, shall be taken into consideration in computing the
15 60-month limitation provided for in subdivision (a), or the
16 48-month limitation provided for in subdivision (c).

17 (c) Subdivision (a) shall not be applicable when all parent or
18 caretaker relatives of the aided child who are living in the home
19 of the child meet any of the following requirements:

- 20 (1) They are 60 years of age or older.
- 21 (2) They meet one of the conditions specified in paragraph (4)
22 or (5) of subdivision (b) of Section 11320.3.
- 23 (3) They are not included in the assistance unit.
- 24 (4) They are receiving benefits under Section 12200 or Section
25 12300, State Disability Insurance benefits or Workers'
26 Compensation Temporary Disability Insurance, if the disability
27 significantly impairs the recipient's ability to be regularly employed
28 or participate in welfare-to-work activities.
- 29 (5) They are incapable of maintaining employment or
30 participating in welfare-to-work activities, as determined by the
31 county, based on the assessment of the individual and the individual
32 has a history of participation and full cooperation in
33 welfare-to-work activities.

34 (d) A month in which an individual is under sanction for
35 noncompliance pursuant to Section 11327.5 shall be taken into
36 consideration in computing the 60-month time limit on receipt of
37 cash assistance pursuant to subdivision (a), but shall not be counted
38 for purposes of the receipt of welfare-to-work services pursuant
39 to Section 11320.

1 ~~(e) The 60-month benefit limit provided for in subdivision (a)~~
2 ~~shall apply, except that aid may not be received for more than 48~~
3 ~~cumulative months in any 60-month period. The adult may return~~
4 ~~to the assistance unit 12 months after receiving aid for the 48~~
5 ~~cumulative months. In the absence of a sanction pursuant to Section~~
6 ~~11327.5, the full grant shall be restored at the time the adult returns~~
7 ~~to the assistance unit.~~

8 ~~(f) This section shall become operative on July 1, 2011.~~

9 ~~(g) Counties shall notify families of the reduction in time~~
10 ~~limitations specified in this section, within a reasonable time~~
11 ~~following the effective date of this section.~~

12 *SEC. 9. Section 17021 of the Welfare and Institutions Code is*
13 *amended to read:*

14 17021. (a) Any individual who is not eligible for aid under
15 Chapter 2 (commencing with Section 11200) of Part 3 as a result
16 of the ~~60-month~~ 48-month limitation specified in subdivision (a)
17 of Section 11454 shall not be eligible for aid or assistance under
18 this part until all of the children of the individual on whose behalf
19 aid was received, whether or not currently living in the home with
20 the individual, are 18 years of age or older.

21 (b) Any individual who is receiving aid under Chapter 2
22 (commencing with Section 11200) of Part 3 on behalf of an eligible
23 child, but who is either ineligible for aid or whose needs are not
24 otherwise taken into account in determining the amount of aid to
25 the family pursuant to Section 11450 due to the imposition of a
26 sanction or penalty, shall not be eligible for aid or assistance under
27 this part.

28 (c) This section shall not apply to health care benefits provided
29 under this part.

30 *SEC. 10. Sections 1, 2, 4, 6, 7, and 9 of this act shall become*
31 *operative on July 1, 2011, or the first day of the first month*
32 *following 90 days after the effective date of the act, whichever is*
33 *later.*

34 *SEC. 11. If the Commission on State Mandates determines that*
35 *this act contains costs mandated by the state, reimbursement to*
36 *local agencies and school districts for those costs shall be made*
37 *pursuant to Part 7 (commencing with Section 17500) of Division*
38 *4 of Title 2 of the Government Code.*

39 ~~SECTION 1. Section 11320 of the Welfare and Institutions~~
40 ~~Code is amended to read:~~

1 11320. ~~Any reference to the Greater Avenues for Independence~~
2 ~~program or (GAIN) means the welfare-to-work activities under~~
3 ~~the CalWORKs program provided for in this article.~~

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