

ASSEMBLY BILL

No. 271

Introduced by Assembly Member Mitchell

February 7, 2013

An act to add Section 11270.5 to, and to repeal Section 11450.04 of, the Welfare and Institutions Code, relating to CalWORKs.

LEGISLATIVE COUNSEL'S DIGEST

AB 271, as introduced, Mitchell. CalWORKs: eligibility.

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. 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 repeal that exclusion for purposes of determining the family's maximum aid payment and would expressly prohibit the denial of aid or denial of an increase in the maximum aid payment as a result of the birth of a child. The bill would also prohibit the department from conditioning an applicant or recipient's eligibility for aid on the applicant or recipient's disclosure of specified information regarding rape, incest, or contraception, as specified.

Existing law continuously appropriates moneys from the General Fund to defray a portion of county aid grant costs under the CalWORKs program.

This bill would declare that no appropriation would be made for purposes of the bill.

To the extent that this bill 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: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

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

1 SECTION 1. The Legislature finds and declares that this act
2 is necessary to protect the reproductive and privacy rights of all
3 applicants for, and recipients of, aid under the California Work
4 Opportunity and Responsibility to Kids Act (CalWORKs).

5 SEC. 2. Section 11270.5 is added to the Welfare and
6 Institutions Code, following Section 11270, to read:

7 11270.5. (a) An applicant for or recipient of aid under this
8 chapter shall not be required as a condition of eligibility to do any
9 of the following:

10 (1) Divulge any member of the assistance unit’s status as a
11 victim of rape or incest.

12 (2) Share confidential medical records related to any member
13 of the assistance unit’s rape or incest.

14 (3) Use contraception, choose a particular method of
15 contraception, or divulge the method of contraception any member
16 of the assistance unit uses.

17 (b) An applicant for or recipient of aid under this chapter shall
18 not be denied aid, nor denied an increase in the maximum aid
19 payment, as a result of the birth of a child.

20 SEC. 3. Section 11450.04 of the Welfare and Institutions Code
21 is repealed.

1 ~~11450.04.— (a) For purposes of determining the maximum aid~~
2 ~~payment specified in subdivision (a) of Section 11450 and for no~~
3 ~~other purpose, the number of needy persons in the same family~~
4 ~~shall not be increased for any child born into a family that has~~
5 ~~received aid under this chapter continuously for the 10 months~~
6 ~~prior to the birth of the child. For purposes of this section, aid shall~~
7 ~~be considered continuous unless the family does not receive aid~~
8 ~~during two consecutive months. This subdivision shall not apply~~
9 ~~to applicants for, or recipients of, aid unless notification is provided~~
10 ~~pursuant to this section.~~

11 ~~(b) This section shall not apply with respect to any of the~~
12 ~~following children:~~

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

18 ~~(2) Any child who was conceived as a result of an incestuous~~
19 ~~relationship if the relationship was reported to a medical or mental~~
20 ~~health professional or a law enforcement agency or social services~~
21 ~~agency prior to, or within three months after, the birth of the child,~~
22 ~~or if paternity has been established.~~

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

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

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

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

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

35 ~~(e) One hundred percent of any child support payment received~~
36 ~~for a child born into the family, but for whom the maximum aid~~
37 ~~payment is not increased pursuant to this section, shall be paid to~~
38 ~~the assistance unit. Any such child support payment shall not be~~
39 ~~considered as income to the family for the purpose of calculating~~
40 ~~the amount of aid for which the family is eligible under this article.~~

1 ~~(f) Commencing January 1, 1995, each county welfare~~
 2 ~~department shall notify applicants for assistance under this chapter,~~
 3 ~~in writing, of the provisions of this section. The notification shall~~
 4 ~~also be provided to recipients of aid under this chapter, in writing,~~
 5 ~~at the time of recertification, or sooner. The notification required~~
 6 ~~by this section shall set forth the provisions of this section and~~
 7 ~~shall state explicitly the impact these provisions would have on~~
 8 ~~the future aid to the assistance unit. This section shall not apply~~
 9 ~~to any recipient's child earlier than 12 months after the mailing of~~
 10 ~~an informational notice as required by this subdivision.~~

11 ~~(g) (1) The department shall seek all appropriate federal waivers~~
 12 ~~for the implementation of this section.~~

13 ~~(2) The department shall implement this section commencing~~
 14 ~~on the date the Director of Social Services executes a declaration,~~
 15 ~~that shall be retained by the director, stating that the administrative~~
 16 ~~actions required by paragraph (1) as a condition of implementation~~
 17 ~~of this section have been taken by the United States Secretary of~~
 18 ~~Health and Human Services.~~

19 ~~(h) Subdivisions (a) to (g), inclusive, shall become operative~~
 20 ~~on January 1, 1995.~~

21 SEC. 4. No appropriation pursuant to Section 15200 of the
 22 Welfare and Institutions Code shall be made for the purposes of
 23 this act.

24 SEC. 5. If the Commission on State Mandates determines that
 25 this act contains costs mandated by the state, reimbursement to
 26 local agencies and school districts for those costs shall be made
 27 pursuant to Part 7 (commencing with Section 17500) of Division
 28 4 of Title 2 of the Government Code.