

AMENDED IN ASSEMBLY APRIL 3, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1502

Introduced by Assembly Member Mullin

January 13, 2014

An act to amend Sections ~~11201~~, 11250; and 11320.3 of, *and to repeal and add Section 11201 of*, the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1502, as amended, Mullin. CalWORKs: Family Unity Act of 2015.

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 block grant program, state, and county funds. Existing law requires that aid be granted to families with related children under 18 years of age who have been deprived of parental support or care due to the unemployment of a parent. Existing law also provides, however, that a family receiving aid under this chapter with a child who is considered to be deprived of parental support or care due to unemployment may continue to receive assistance regardless of the number of hours his or her parent works provided the family does not exceed the applicable gross or net income limits and is otherwise eligible for assistance.

~~This bill would clarify that a child is deprived of parental support or care, and is therefore eligible to receive assistance, due to the unemployment, underemployment, or low wages of his or her parent,~~

~~provided that the family does not exceed the applicable gross or net income limits.~~

This bill would instead require that aid be granted to a family with a related child who is under 18 years of age if the family meets applicable eligibility requirements, without regard to the employment status of the parent.

As part of the CalWORKs program, ~~participants recipients~~, unless specifically exempted, are required to participate in welfare-to-work activities. Existing law exempts from these welfare-to-work requirements a nonparent caretaker relative who has primary responsibility for providing care for a child who is a dependent or ward of the juvenile court or is at risk of entering foster care, if the county determines that the caretaking responsibilities are beyond those considered normal day-to-day parenting responsibilities such that they impair the caretaker relative’s ability to be regularly employed or to participate in welfare-to-work activities.

This bill would expand that exemption to apply to any nonparent caretaker relative who has primary responsibility for providing care for a child ~~who is a dependent or ward of the juvenile court or is at risk of entering foster care~~. *The bill would also delete obsolete provisions and make other technical and conforming changes.*

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

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

- 1 SECTION 1. This act shall be known, and may be cited, as the
- 2 CalWORKs Family Unity Act of 2015.
- 3 ~~SEC. 2. Section 11201 of the Welfare and Institutions Code is~~
- 4 ~~amended to read:~~
- 5 ~~11201. For the purposes of this chapter, the following shall~~
- 6 ~~apply:~~
- 7 (a) ~~“Unemployed parent” means a natural or adoptive parent~~
- 8 ~~who is unemployed, underemployed, or working poor with an~~
- 9 ~~income that qualifies him or her for assistance and with whom an~~
- 10 ~~eligible child is living.~~
- 11 (b) ~~A child for whom a parent is applying for assistance under~~
- 12 ~~this chapter is deemed deprived of parental support or care due to~~
- 13 ~~the unemployment, underemployment, or low wages of his or her~~

1 parent or parents if the family's income, if any, is within the income
2 limits specified in this chapter.

3 ~~(e) A family receiving aid under this chapter with a child who
4 is deemed deprived of parental support or care due to
5 unemployment, underemployment, or low wages may continue to
6 receive assistance regardless of the number of hours his or her
7 parent works provided the family does not exceed the applicable
8 gross or net income limits and is otherwise eligible for assistance.~~

9 *SEC. 2. Section 11201 of the Welfare and Institutions Code is*
10 *repealed.*

11 ~~11201. For the purposes of this chapter, the following shall~~
12 ~~apply:~~

13 ~~(a) "Unemployed parent" means a natural or adoptive parent~~
14 ~~with whom the child is living.~~

15 ~~(b) A child for whom a parent is applying for assistance under~~
16 ~~this chapter shall be considered to be deprived of parental support~~
17 ~~or care due to the unemployment of his or her parent or parents~~
18 ~~when the parent has worked less than 100 hours in the preceding~~
19 ~~four weeks and meets the requirements concerning an unemployed~~
20 ~~parent in effect on August 21, 1996, as set forth in Section 233.100~~
21 ~~of Title 45 of the Code of Federal Regulations except for the~~
22 ~~provisions of subparagraph (i) to (v), inclusive, of paragraph (3)~~
23 ~~of subsection (a) of that section.~~

24 ~~(c) A family receiving aid under this chapter with a child who~~
25 ~~is considered to be deprived of parental support or care due to~~
26 ~~unemployment may continue to receive assistance regardless of~~
27 ~~the number of hours his or her parent works provided the family~~
28 ~~does not exceed the applicable gross or net income limits and is~~
29 ~~otherwise eligible for assistance.~~

30 *SEC. 3. Section 11201 is added to the Welfare and Institutions*
31 *Code, to read:*

32 *11201. For purposes of this chapter, "parent" means a natural*
33 *or adoptive parent with whom an eligible child is living.*

34 ~~SEC. 3.~~

35 *SEC. 4. Section 11250 of the Welfare and Institutions Code is*
36 *amended to read:*

37 *11250. (a) Aid, services, or both shall be granted under the*
38 *provisions of this chapter, and subject to the regulations of the*
39 *department, to families with related children under the age of 18*
40 *years, except as provided in Section 11253, in need thereof because*

1 ~~they have been deprived of parental support or care due to: thereof,~~
 2 ~~if the family meets the eligibility requirements specified in this~~
 3 ~~chapter.~~

4 ~~(a) The death, physical or mental incapacity, or incarceration~~
 5 ~~of a parent.~~

6 ~~(b) The unemployment, underemployment, or low wages of a~~
 7 ~~parent or parents.~~

8 ~~(c) Continued absence~~

9 ~~(b) For purposes of this chapter, “absence of a parent” means~~
 10 ~~the continued absence of a parent from the home due to divorce,~~
 11 ~~separation, desertion, or any other reason, except absence~~
 12 ~~occasioned solely by reason of the performance of active duty in~~
 13 ~~the uniformed services of the United States. “Continued absence”~~
 14 ~~A continued absence exists when the nature of the absence is such~~
 15 ~~as either to interrupt or to terminate the parent’s functioning as a~~
 16 ~~provider of maintenance, physical care, or guidance for the child,~~
 17 ~~and the known or indefinite duration of the absence precludes~~
 18 ~~counting on the parent’s performance of the function of planning~~
 19 ~~for the present support or care of the child. If these conditions~~
 20 ~~exist, the parent may be absent for any reason, and may have left~~
 21 ~~only recently or some time previously.~~

22 ~~SEC. 4.~~

23 ~~SEC. 5.~~ Section 11320.3 of the Welfare and Institutions Code
 24 is amended to read:

25 11320.3. (a) (1) Except as provided in subdivision (b) or if
 26 otherwise exempt, every individual, as a condition of eligibility
 27 for aid under this chapter, shall participate in welfare-to-work
 28 activities under this article.

29 (2) Individuals eligible under Section 11331.5 shall be required
 30 to participate in the Cal-Learn Program under Article 3.5
 31 (commencing with Section 11331) during the time that article is
 32 operative, in lieu of the welfare-to-work requirements, and
 33 subdivision (b) shall not apply to that individual.

34 (b) The following individuals shall not be required to participate
 35 in welfare-to-work for so long as the condition continues to exist:

36 (1) An individual under 16 years of age.

37 (2) (A) A child attending an elementary, secondary, vocational,
 38 or technical school on a full-time basis.

39 (B) A person who is 16 or 17 years of age, or a person described
 40 in subdivision (d) who loses this exemption, shall not requalify

1 for the exemption by attending school as a required activity under
2 this article.

3 (C) Notwithstanding subparagraph (B), a person who is 16 or
4 17 years of age who has obtained a high school diploma or its
5 equivalent and is enrolled or is planning to enroll in a
6 postsecondary education, vocational, or technical school training
7 program shall also not be required to participate for so long as the
8 condition continues to exist.

9 (D) For purposes of subparagraph (C), a person shall be deemed
10 to be planning to enroll in a postsecondary education, vocational,
11 or technical school training program if he or she, or his or her
12 parent, acting on his or her behalf, submits a written statement
13 expressing his or her intent to enroll in such a program for the
14 following term. The exemption from participation shall not
15 continue beyond the beginning of the term, unless verification of
16 enrollment is provided or obtained by the county.

17 (3) An individual who meets either of the following conditions:

18 (A) The individual is disabled as determined by a doctor's
19 verification that the disability is expected to last at least 30 days
20 and that it significantly impairs the recipient's ability to be
21 regularly employed or participate in welfare-to-work activities,
22 provided that the individual is actively seeking appropriate medical
23 treatment.

24 (B) The individual is of advanced age.

25 (4) A nonparent caretaker relative who has primary
26 responsibility for providing care for ~~a child and is either caring for~~
27 ~~a child who is a dependent or ward of the court or caring for a~~
28 ~~child in a case in which a county determines the child is at risk of~~
29 ~~placement in foster care: any child.~~

30 (5) An individual whose presence in the home is required
31 because of illness or incapacity of another member of the household
32 and whose caretaking responsibilities impair the recipient's ability
33 to be regularly employed or to participate in welfare-to-work
34 activities.

35 (6) A parent or other relative who meets the criteria in
36 subparagraph (A) or (B).

37 (A) (i) The parent or other relative has primary responsibility
38 for personally providing care to a child six months of age or under,
39 except that, on a case-by-case basis, and based on criteria
40 developed by the county, this period may be reduced to the first

1 12 weeks after the birth or adoption of the child, or increased to
 2 the first 12 months after the birth or adoption of the child. An
 3 individual may be exempt only once under this clause.

4 (ii) An individual who received an exemption pursuant to clause
 5 (i) shall be exempt for a period of 12 weeks, upon the birth or
 6 adoption of any subsequent children, except that this period may
 7 be extended on a case-by-case basis to six months, based on criteria
 8 developed by the county.

9 (iii) In making the determination to extend the period of
 10 exception under clause (i) or (ii), the following may be considered:

- 11 (I) The availability of child care.
- 12 (II) Local labor market conditions.
- 13 (III) Other factors determined by the county.

14 (iv) Effective January 1, 2013, the parent or other relative has
 15 primary responsibility for personally providing care to one child
 16 from birth to 23 months, inclusive. The exemption provided for
 17 under this clause shall be available in addition to any other
 18 exemption provided for under this subparagraph. An individual
 19 may be exempt only once under this clause.

20 (B) In a family eligible for aid under this chapter due to the
 21 unemployment, underemployment, or low wages of the principal
 22 wage earner, the exemption criteria contained in subparagraph (A)
 23 shall be applied to only one parent.

24 ~~(7) A parent or other relative who has primary responsibility~~
 25 ~~for personally providing care to one child who is from 12 to 23~~
 26 ~~months of age, inclusive, or two or more children who are under~~
 27 ~~six years of age.~~

28 (8)
 29 (7) A woman who is pregnant and for whom it has been
 30 medically verified that the pregnancy impairs her ability to be
 31 regularly employed or participate in welfare-to-work activities or
 32 the county has determined that, at that time, participation will not
 33 readily lead to employment or that a training activity is not
 34 appropriate. If a pregnant woman is unable to secure this medical
 35 verification, but is otherwise eligible for an exemption from
 36 welfare-to-work requirements under this section, including good
 37 cause for temporary illness related to the pregnancy, she shall be
 38 exempt from participation.

39 (c) Any individual not required to participate may choose to
 40 participate voluntarily under this article, and end that participation

1 at any time without loss of eligibility for aid under this chapter, if
2 his or her status has not changed in a way that would require
3 participation.

4 (d) (1) Notwithstanding subdivision (a), a custodial parent who
5 is under 20 years of age and who has not earned a high school
6 diploma or its equivalent, and who is not exempt or whose only
7 basis for exemption is paragraph (1), (2), (5), (6), (7), or (8) of
8 subdivision (b), shall be required to participate solely for the
9 purpose of earning a high school diploma or its equivalent. During
10 the time that Article 3.5 (commencing with Section 11331) is
11 operative, this subdivision shall only apply to a custodial parent
12 who is 19 years of age.

13 (2) Section 11325.25 shall apply to a custodial parent who is
14 18 or 19 years of age and who is required to participate under this
15 article.

16 (e) Notwithstanding paragraph (1) of subdivision (d), the county
17 may determine that participation in education activities for the
18 purpose of earning a high school diploma or equivalent is
19 inappropriate for an 18 or 19 year old custodial parent only if that
20 parent is reassigned pursuant to an evaluation under Section
21 11325.25, or, at appraisal is already in an educational or vocational
22 training program that is approvable as a self-initiated program as
23 specified in Section 11325.23. If that determination is made, the
24 parent shall be allowed to continue participation in the self-initiated
25 program subject to Section 11325.23. During the time that Article
26 3.5 (commencing with Section 11331) is operative, this subdivision
27 shall only apply to a custodial parent who is 19 years of age.

28 (f) A recipient shall be excused from participation for good
29 cause when the county has determined there is a condition or other
30 circumstance that temporarily prevents or significantly impairs
31 the recipient's ability to be regularly employed or to participate in
32 welfare-to-work activities. The county welfare department shall
33 review the good cause determination for its continuing
34 appropriateness in accordance with the projected length of the
35 condition, or circumstance, but not less than every three months.
36 The recipient shall cooperate with the county welfare department
37 and provide information, including written documentation, as
38 required to complete the review. Conditions that may be considered
39 good cause include, but are not limited to, the following:

40 (1) Lack of necessary supportive services.

1 (2) In accordance with Article 7.5 (commencing with Section
2 11495), the applicant or recipient is a victim of domestic violence,
3 but only if participation under this article is detrimental to or
4 unfairly penalizes that individual or his or her family.

5 (3) Licensed or license-exempt child care for a child 10 years
6 of age or younger is not reasonably available during the
7 individual's hours of training or employment including commuting
8 time, or arrangements for child care have broken down or have
9 been interrupted, or child care is needed for a child who meets the
10 criteria of subparagraph (C) of paragraph (1) of subdivision (a) of
11 Section 11323.2, but who is not included in the assistance unit.
12 For purposes of this paragraph, "reasonable availability" means
13 child care that is commonly available in the recipient's community
14 to a person who is not receiving aid and that is in conformity with
15 the requirements of Public Law 104-193. The choices of child care
16 shall meet either licensing requirements or the requirements of
17 Section 11324. This good cause criterion shall include the
18 unavailability of suitable special needs child care for children with
19 identified special needs, including, but not limited to, disabilities
20 or chronic illnesses.

21 ~~(g) (1) Paragraph (7) of subdivision (b) shall be implemented~~
22 ~~notwithstanding Sections 11322.4, 11322.7, 11325.6, and 11327,~~
23 ~~and shall become inoperative on January 1, 2013.~~

24 ~~(2) The State Department of Social Services, in consultation~~
25 ~~with the County Welfare Directors Association of California, and~~
26 ~~advocates, shall develop a process to assist clients with~~
27 ~~reengagement in welfare-to-work activities, pursuant to subdivision~~
28 ~~(h). Reengagement activities may include notifying clients of the~~
29 ~~expiration of exemptions, reassessments, and identifying necessary~~
30 ~~supportive services.~~

31 ~~(h)~~

32 (g) (1) A recipient who was not required to participate in
33 welfare-to-work activities on December 31, 2012, because, ~~in~~
34 ~~accordance with paragraph (7) of subdivision (b),~~ he or she is a
35 parent or other relative who has primary responsibility for
36 personally providing care to one child who is from 12 to 23 months
37 of age, inclusive, or two or more children who are under six years
38 of age shall not be required to participate until the county welfare
39 department reengages the recipient in welfare-to-work activities.

1 (2) For purposes of this subdivision, reengagement in
2 welfare-to-work activities shall include the development of a
3 welfare-to-work plan in accordance with Section 11325.21 and
4 the provision of necessary supportive services pursuant to Section
5 11323.2.

6 (3) County welfare departments shall reengage all recipients
7 described in paragraph (1) by January 1, 2015, unless the recipient
8 is otherwise eligible for an exemption under subdivision (b).

9 (4) A recipient reengaged in accordance with this subdivision
10 who has received assistance under this chapter, or from any state
11 pursuant to the Temporary Assistance for Needy Families program
12 (Part A (commencing with Section 401) of Title IV of the federal
13 Social Security Act (42 U.S.C. Sec. 601 et seq.)), may continue
14 in a welfare-to-work plan that meets the requirements of Section
15 11322.6 for a cumulative period of 24 months commencing the
16 first day of the first month after he or she is reengaged, unless or
17 until he or she exceeds the 48-month time limitation described in
18 Section 11454.

19 (5) All months of assistance described in paragraph (4) prior to
20 the reengagement of the recipient shall not be applied to the
21 24-month limitation described in paragraph (1) of subdivision (a)
22 of Section 11322.85.