

AMENDED IN ASSEMBLY APRIL 22, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1653

Introduced by Assembly Member Garcia

February 11, 2014

An act to amend Sections 11320.3 and 11322.85 of, to repeal Section 11495.1 of, and to repeal and add Sections Section 11495.15 and 11495.25 of, and to add Section 11495.20 to, the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1653, as amended, Garcia. CalWORKs: victims of domestic violence.

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, and state and county funds. ~~As part of the CalWORKs program, participants generally receive 24 months of specified welfare-to-work services and activities, after which they are required to meet federal work participation requirements, as specified.~~ Existing law authorizes a county to excuse a participant from the welfare-to-work requirements for good cause if the person is a victim of domestic violence and participation would be detrimental to or unfairly penalize the individual or his or her family. Existing law also authorizes each county to waive a program requirement at any time for a recipient who is a past or present victim of abuse, as specified.

This bill would require the State Department of Social Services to establish a standard, statewide notice ~~and process to ensure that~~

applicants for, or recipients of, CalWORKs aid who are past or present victims of domestic violence are not placed at further risk or unfairly penalized by program requirements, rules, or procedures *to inform all CalWORKs applicants and recipients that victims of domestic violence have a right to request a waiver of program requirements.* The bill would also require, ~~with specified verification,~~ the county to waive, for applicants or recipients, program requirements ~~that make it more difficult for the victim to escape domestic violence, unfairly penalize the victim or family, or place them at further risk or encourage them to remain with the abuser.~~ The bill would provide that a month in which an individual has been granted an exemption from welfare-to-work requirements due to domestic violence shall not be counted as one of the 24 months of participation in welfare-to-work activities. The bill would require human services agencies to develop a domestic violence service plan that is consistent with federal law *if the county determines that good cause to waive those requirements exists, as specified.* The bill would also require counties to use the standard, statewide notice or an approved county notice, to inform all CalWORKs applicants and recipients of their rights and how to secure a waiver. By increasing the duties of county human services agencies, 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.

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. (a) *In enacting this act, the Legislature*
- 2 *recognizes that some individuals who are in need of public*
- 3 *assistance are, or have been, victims of abuse.*
- 4 (b) *It is the intent of the Legislature to ensure that victims of*
- 5 *abuse and recipients who are past or present victims of abuse are*
- 6 *not placed at further risk or unfairly penalized by program*
- 7 *requirements or procedures.*

1 (c) *The Legislature intends that, in implementing this act, a*
2 *standard, statewide notice to CalWORKs applicants and recipients*
3 *will be established, informing them of rights for domestic violence*
4 *victims and survivors and instructing them how to secure these*
5 *rights, as well as referrals for counseling services.*

6 SEC. 2. *Section 11495.15 of the Welfare and Institutions Code*
7 *is amended to read:*

8 11495.15. A county ~~may~~ *shall* waive a program requirement
9 for a recipient who has been identified as a past or present victim
10 of abuse when it has been determined that good cause exists
11 pursuant to paragraph (2) of subdivision (f) of Section 11320.3.
12 ~~Until implementation of the regulations required pursuant to~~
13 ~~subdivision (b) of Section 11495.1, a county may utilize standards,~~
14 ~~procedures, and protocols currently available, and shall identify~~
15 ~~them in its county plan. Waivers shall be reevaluated in accordance~~
16 ~~with other routine periodic reevaluations~~ *conjunction with the*
17 *annual and semiannual determinations of eligibility completed by*
18 *the county.*

19 SEC. 3. *Section 11495.20 is added to the Welfare and*
20 *Institutions Code, to read:*

21 11495.20. (a) *The department, in consultation with county*
22 *human services agencies, domestic violence and CalWORKs*
23 *advocates, and CalWORKs caseworkers, shall develop a standard,*
24 *statewide notice to inform all CalWORKs applicants and recipients*
25 *that victims of domestic violence have a right to request a waiver*
26 *of program requirements. The notice shall include all of the*
27 *following:*

28 (1) *Examples of the types of program requirements that may be*
29 *waived.*

30 (2) *Space for county-specific instructions for securing a waiver*
31 *and a domestic violence service plan.*

32 (3) *Space for county domestic abuse resources such as local*
33 *hotlines, domestic violence counseling agencies, and mental health*
34 *services.*

35 (4) *A statement addressing the scope of confidentiality.*

36 (5) *A definition of abuse, and other general information*
37 *regarding abuse, such as safety planning.*

38 (6) *Information about how to receive county assistance in*
39 *tailoring welfare-to-work plans to meet the needs of victims who*
40 *do not have a waiver of the welfare-to-work requirements.*

1 (7) A description of the remedies that are available for
2 immigrant domestic violence survivors.

3 (b) A county shall inform all CalWORKs applicants and
4 recipients that a victim of domestic violence has the right to request
5 a waiver of program requirements, using the statewide notice
6 described in this section or a county notice that has been approved
7 by the department. The county shall give the notice, orally and in
8 writing, when a person applies for CalWORKs and during the
9 welfare-to-work planning process. The county shall also give the
10 notice, in writing, when the county redetermines eligibility or sends
11 a notice of action for a sanction resulting from failure to
12 participate in a program requirement, and whenever an applicant
13 or recipient voluntarily discloses that he or she is a victim of abuse.
14 The county shall retain, in a person's case file, proof that the
15 county provided the person with this notice.

16 (c) The department shall not approve a county's notice unless
17 the notice contains, at a minimum, all of the information described
18 in this section.

19 (d) An applicant or recipient shall not be required to disclose
20 his or her status, or the status of another member of the assistance
21 unit, as a victim or domestic violence in order to be eligible for
22 aid. If the recipient of a notice fails to immediately disclose abuse,
23 the county shall not use this fact as an independent basis to find
24 that the recipient is not credible or treat his or her subsequent
25 request for a domestic violence waiver with prejudice.

26 SEC. 4. If the Commission on State Mandates determines that
27 this act contains costs mandated by the state, reimbursement to
28 local agencies and school districts for those costs shall be made
29 pursuant to Part 7 (commencing with Section 17500) of Division
30 4 of Title 2 of the Government Code.

31 ~~SECTION 1. (a) In enacting this act, the Legislature~~
32 ~~recognizes that some individuals who are in need of public~~
33 ~~assistance are, or have been, victims of abuse.~~

34 ~~(b) It is the intent of the Legislature to ensure that victims of~~
35 ~~abuse and recipients who are past or present victims of abuse are~~
36 ~~not placed at further risk or unfairly penalized by program~~
37 ~~requirements or procedures.~~

38 ~~(c) The Legislature intends that, in implementing this act, a~~
39 ~~standard, statewide notice to CalWORKs applicants and recipients~~
40 ~~will be established, informing them of rights for domestic violence~~

1 victims and survivors and instructing them how to secure these
2 rights, as well as referrals for counseling services.

3 ~~(d) It is also the intent of the Legislature that program~~
4 ~~requirements for aid under the CalWORKs program shall not be~~
5 ~~created or applied in a way that would make it more difficult for~~
6 ~~a victim to escape domestic violence or unfairly penalize the~~
7 ~~victim.~~

8 ~~(e) The Legislature further intends that victims of domestic~~
9 ~~abuse have the opportunity to benefit from the services and income~~
10 ~~maintenance available through the CalWORKs program, enabling~~
11 ~~victims and their families to transition to independence and lead~~
12 ~~healthy lives free from domestic abuse.~~

13 ~~(f) Finally, it is the intent of the Legislature that the county~~
14 ~~human services agency refer victims of domestic violence to~~
15 ~~support services, including those provided by the victim's health~~
16 ~~care provider.~~

17 ~~SEC. 2. Section 11320.3 of the Welfare and Institutions Code~~
18 ~~is amended to read:~~

19 ~~11320.3. (a) (1) Except as provided in subdivision (b) or if~~
20 ~~otherwise exempt, every individual, as a condition of eligibility~~
21 ~~for aid under this chapter, shall participate in welfare-to-work~~
22 ~~activities under this article.~~

23 ~~(2) Individuals eligible under Section 11331.5 shall be required~~
24 ~~to participate in the Cal-Learn Program under Article 3.5~~
25 ~~(commencing with Section 11331) during the time that article is~~
26 ~~operative, in lieu of the welfare-to-work requirements, and~~
27 ~~subdivision (b) shall not apply to that individual.~~

28 ~~(b) The following individuals shall not be required to participate~~
29 ~~for so long as the condition continues to exist:~~

30 ~~(1) An individual under 16 years of age.~~

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

33 ~~(B) A person who is 16 or 17 years of age, or a person described~~
34 ~~in subdivision (d) who loses this exemption, shall not requalify~~
35 ~~for the exemption by attending school as a required activity under~~
36 ~~this article.~~

37 ~~(C) Notwithstanding subparagraph (B), a person who is 16 or~~
38 ~~17 years of age who has obtained a high school diploma or its~~
39 ~~equivalent and is enrolled or is planning to enroll in a~~
40 ~~postsecondary education, vocational, or technical school training~~

1 program shall also not be required to participate for so long as the
2 condition continues to exist.

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

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

12 ~~(A) The individual is disabled as determined by a doctor's~~
13 ~~verification that the disability is expected to last at least 30 days~~
14 ~~and that it significantly impairs the recipient's ability to be~~
15 ~~regularly employed or participate in welfare-to-work activities,~~
16 ~~provided that the individual is actively seeking appropriate medical~~
17 ~~treatment.~~

18 ~~(B) The individual is of advanced age.~~

19 ~~(4) A nonparent caretaker relative who has primary~~
20 ~~responsibility for providing care for a child and is either caring for~~
21 ~~a child who is a dependent or ward of the court or caring for a~~
22 ~~child in a case in which a county determines the child is at risk of~~
23 ~~placement in foster care, and the county determines that the~~
24 ~~caretaking responsibilities are beyond those considered normal~~
25 ~~day-to-day parenting responsibilities such that they impair the~~
26 ~~caretaker relative's ability to be regularly employed or to participate~~
27 ~~in welfare-to-work activities.~~

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

33 ~~(6) A parent or other relative who meets the criteria in~~
34 ~~subparagraph (A) or (B):~~

35 ~~(A) (i) The parent or other relative has primary responsibility~~
36 ~~for personally providing care to a child six months of age or under,~~
37 ~~except that, on a case-by-case basis, and based on criteria~~
38 ~~developed by the county, this period may be reduced to the first~~
39 ~~12 weeks after the birth or adoption of the child, or increased to~~

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

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

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

10 (I) ~~The availability of child care.~~

11 (II) ~~Local labor market conditions.~~

12 (III) ~~Other factors determined by the county.~~

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

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

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

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

36 (e) ~~Any individual not required to participate may choose to
37 participate voluntarily under this article, and end that participation
38 at any time without loss of eligibility for aid under this chapter, if
39 his or her status has not changed in a way that would require
40 participation.~~

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

10 ~~(2) Section 11325.25 shall apply to a custodial parent who is~~
11 ~~18 or 19 years of age and who is required to participate under this~~
12 ~~article.~~

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

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

37 ~~(1) Lack of necessary supportive services.~~

38 ~~(2) Licensed or license-exempt child care for a child 10 years~~
39 ~~of age or younger is not reasonably available during the~~
40 ~~individual's hours of training or employment including commuting~~

1 time, or arrangements for child care have broken down or have
2 been interrupted, or child care is needed for a child who meets the
3 criteria of subparagraph (C) of paragraph (1) of subdivision (a) of
4 Section 11323.2, but who is not included in the assistance unit.
5 For purposes of this paragraph, “reasonable availability” means
6 child care that is commonly available in the recipient’s community
7 to a person who is not receiving aid and that is in conformity with
8 the requirements of Public Law 104-193. The choices of child care
9 shall meet either licensing requirements or the requirements of
10 Section 11324. This good cause criterion shall include the
11 unavailability of suitable special needs child care for children with
12 identified special needs, including, but not limited to, disabilities
13 or chronic illnesses.

14 (g) (1) Paragraph (7) of subdivision (b) shall be implemented
15 notwithstanding Sections 11322.4, 11322.7, 11325.6, and 11327,
16 and shall become inoperative on January 1, 2013.

17 (2) The State Department of Social Services, in consultation
18 with the County Welfare Directors Association of California, and
19 advocates, shall develop a process to assist clients with
20 reengagement in welfare-to-work activities, pursuant to subdivision
21 (h). Reengagement activities may include notifying clients of the
22 expiration of exemptions, reassessments, and identifying necessary
23 supportive services.

24 (h) (1) A recipient who was not required to participate in
25 welfare-to-work activities on December 31, 2012, because, in
26 accordance with paragraph (7) of subdivision (b), he or she is a
27 parent or other relative who has primary responsibility for
28 personally providing care to one child who is from 12 to 23 months
29 of age, inclusive, or two or more children who are under six years
30 of age shall not be required to participate until the county welfare
31 department reengages the recipient in welfare-to-work activities.

32 (2) For purposes of this subdivision, reengagement in
33 welfare-to-work activities shall include the development of a
34 welfare-to-work plan in accordance with Section 11325.21 and
35 the provision of necessary supportive services pursuant to Section
36 11323.2.

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

1 ~~(4) A recipient reengaged in accordance with this subdivision~~
 2 ~~who has received assistance under this chapter, or from any state~~
 3 ~~pursuant to the Temporary Assistance for Needy Families program~~
 4 ~~(Part A (commencing with Section 401) of Title IV of the federal~~
 5 ~~Social Security Act (42 U.S.C. Sec. 601 et seq.)), may continue~~
 6 ~~in a welfare-to-work plan that meets the requirements of Section~~
 7 ~~11322.6 for a cumulative period of 24 months commencing the~~
 8 ~~first day of the first month after he or she is reengaged, unless or~~
 9 ~~until he or she exceeds the 48-month time limitation described in~~
 10 ~~Section 11454.~~

11 ~~(5) All months of assistance described in paragraph (4) prior to~~
 12 ~~the reengagement of the recipient shall not be applied to the~~
 13 ~~24-month limitation described in paragraph (1) of subdivision (a)~~
 14 ~~of Section 11322.85.~~

15 ~~SEC. 3. Section 11322.85 of the Welfare and Institutions Code~~
 16 ~~is amended to read:~~

17 ~~11322.85. (a) Unless otherwise exempt, an applicant or~~
 18 ~~recipient shall participate in welfare-to-work activities.~~

19 ~~(1) For 24 cumulative months during a recipient's lifetime, these~~
 20 ~~activities may include the activities listed in Section 11322.6 that~~
 21 ~~are consistent with the assessment performed in accordance with~~
 22 ~~Section 11325.4 and that are included in the individual's~~
 23 ~~welfare-to-work plan, as described in Section 11325.21, to meet~~
 24 ~~the hours required in Section 11322.8. These 24 months need not~~
 25 ~~be consecutive.~~

26 ~~(2) Any month in which the recipient meets the requirements~~
 27 ~~of Section 11322.8, through participation in an activity or activities~~
 28 ~~described in paragraph (3), shall not count as a month of activities~~
 29 ~~for purposes of the 24-month time limit described in paragraph~~
 30 ~~(1).~~

31 ~~(3) After a total of 24 months of participation in welfare-to-work~~
 32 ~~activities pursuant to paragraph (1), an aided adult shall participate~~
 33 ~~in one or more of the following welfare-to-work activities, in~~
 34 ~~accordance with Section 607(e) and (d) of Title 42 of the United~~
 35 ~~States Code as of the operative date of this section, that are~~
 36 ~~consistent with the assessment performed in accordance with~~
 37 ~~Section 11325.4, and included in the individual's welfare-to-work~~
 38 ~~plan, described in Section 11325.21:~~

- 39 ~~(A) Unsubsidized employment.~~
- 40 ~~(B) Subsidized private sector employment.~~

- 1 ~~(C) Subsidized public sector employment.~~
- 2 ~~(D) Work experience, including work associated with the~~
- 3 ~~refurbishing of publicly assisted housing, if sufficient private sector~~
- 4 ~~employment is not available.~~
- 5 ~~(E) On-the-job training.~~
- 6 ~~(F) Job search and job readiness assistance.~~
- 7 ~~(G) Community service programs.~~
- 8 ~~(H) Vocational educational training (not to exceed 12 months~~
- 9 ~~with respect to any individual).~~
- 10 ~~(I) Job skills training directly related to employment.~~
- 11 ~~(J) Education directly related to employment, in the case of a~~
- 12 ~~recipient who has not received a high school diploma or a~~
- 13 ~~certificate of high school equivalency.~~
- 14 ~~(K) Satisfactory attendance at a secondary school or in a course~~
- 15 ~~of study leading to a certificate of general equivalency, in the case~~
- 16 ~~of a recipient who has not completed secondary school or received~~
- 17 ~~such a certificate.~~
- 18 ~~(L) The provision of child care services to an individual who is~~
- 19 ~~participating in a community service program.~~
- 20 ~~(b) Any month in which any of the following conditions exists~~
- 21 ~~shall not be counted as one of the 24 months of participation~~
- 22 ~~allowed under paragraph (1) of subdivision (a):~~
- 23 ~~(1) The recipient is participating in job search in accordance~~
- 24 ~~with Section 11325.22, assessment pursuant to Section 11325.4,~~
- 25 ~~is in the process of appraisal as described in Section 11325.2, or~~
- 26 ~~is participating in the development of a welfare-to-work plan as~~
- 27 ~~described in Section 11325.21.~~
- 28 ~~(2) The recipient is no longer receiving aid, pursuant to Sections~~
- 29 ~~11327.4 and 11327.5.~~
- 30 ~~(3) The recipient has been excused from participation for good~~
- 31 ~~cause, pursuant to Section 11320.3.~~
- 32 ~~(4) The recipient is exempt from participation pursuant to~~
- 33 ~~subdivision (b) of Section 11320.3.~~
- 34 ~~(5) The recipient is only required to participate in accordance~~
- 35 ~~with subdivision (d) of Section 11320.3.~~
- 36 ~~(6) The recipient is participating in family stabilization pursuant~~
- 37 ~~to Section 11325.24, and the recipient would meet the criteria for~~
- 38 ~~good cause pursuant to Section 11320.3. This paragraph may apply~~
- 39 ~~to a recipient for no more than six cumulative months.~~

1 ~~(7) The recipient has been granted a domestic violence waiver~~
2 ~~pursuant to Section 11495.15.~~
3 ~~(e) County welfare departments shall provide each recipient~~
4 ~~who is subject to the requirements of paragraph (3) of subdivision~~
5 ~~(a) written notice describing the 24-month time limitation described~~
6 ~~in that paragraph and the process by which recipients may claim~~
7 ~~exemptions from, and extensions to, those requirements.~~
8 ~~(d) The notice described in subdivision (e) shall be provided at~~
9 ~~the time the individual applies for aid, during the recipient's annual~~
10 ~~redetermination, and at least once after the individual has~~
11 ~~participated for a total of 18 months, and prior to the end of the~~
12 ~~21st month, that count toward the 24-month time limit.~~
13 ~~(e) The notice described in this section shall include, but shall~~
14 ~~not be limited to, all of the following:~~
15 ~~(1) The number of remaining months the adult recipient may~~
16 ~~be eligible to receive aid.~~
17 ~~(2) The requirements that the recipient must meet in accordance~~
18 ~~with paragraph (3) of subdivision (a) and the action that the county~~
19 ~~will take if the adult recipient does not meet those requirements.~~
20 ~~(3) The manner in which the recipient may dispute the number~~
21 ~~of months counted toward the 24-month time limit.~~
22 ~~(4) The opportunity for the recipient to modify his or her~~
23 ~~welfare-to-work plan to meet the requirements of paragraph (3)~~
24 ~~of subdivision (a).~~
25 ~~(5) The opportunity for an exemption to, or extension of, the~~
26 ~~24-month time limitation.~~
27 ~~(f) For an individual subject to the requirements of paragraph~~
28 ~~(3) of subdivision (a), who is not exempt or granted an extension,~~
29 ~~and who does not meet those requirements, the provisions of~~
30 ~~Sections 11327.4, 11327.5, 11327.9, and 11328.2 shall apply to~~
31 ~~the extent consistent with the requirements of this section. For~~
32 ~~purposes of this section, the procedures referenced in this~~
33 ~~subdivision shall not be described as sanctions.~~
34 ~~(g) (1) The department, in consultation with stakeholders, shall~~
35 ~~convene a workgroup to determine further details of the noticing~~
36 ~~and engagement requirements for the 24-month time limit, and~~
37 ~~shall instruct counties via an all-county letter, followed by~~
38 ~~regulations, no later than 18 months after the effective date of the~~
39 ~~act that added this section.~~

1 ~~(2) The workgroup described in paragraph (1) may also make~~
2 ~~recommendations to refine or differentiate the procedures and due~~
3 ~~process requirements applicable to individuals as described in~~
4 ~~subdivision (f).~~

5 ~~(h) (1) Notwithstanding paragraph (3) of subdivision (a) or any~~
6 ~~other law, an assistance unit that contains an eligible adult who~~
7 ~~has received assistance under this chapter, or from any state~~
8 ~~pursuant to the Temporary Assistance for Needy Families program~~
9 ~~(Part A (commencing with Section 401) of Title IV of the federal~~
10 ~~Social Security Act (42 U.S.C. Sec. 601 et seq.)) prior to January~~
11 ~~1, 2013, may continue in a welfare-to-work plan that meets the~~
12 ~~requirements of Section 11322.6 for a cumulative period of 24~~
13 ~~months commencing January 1, 2013, unless or until he or she~~
14 ~~exceeds the 48-month time limitation described in Section 11454.~~

15 ~~(2) All months of assistance described in paragraph (1) prior to~~
16 ~~January 1, 2013, shall not be applied to the 24-month limitation~~
17 ~~described in paragraph (1) of subdivision (a).~~

18 ~~(i) This section shall become operative on January 1, 2014.~~

19 ~~SEC. 4. Section 11495.1 of the Welfare and Institutions Code~~
20 ~~is repealed.~~

21 ~~SEC. 5. Section 11495.15 of the Welfare and Institutions Code~~
22 ~~is repealed.~~

23 ~~SEC. 6. Section 11495.15 is added to the Welfare and~~
24 ~~Institutions Code, to read:~~

25 ~~11495.15. (a) The State Department of Social Services shall~~
26 ~~establish a standard statewide notice and process to ensure that~~
27 ~~applicants for, or recipients of, aid under this chapter who are past~~
28 ~~or present victims of domestic violence are not subject to program~~
29 ~~requirements, rules, or procedures that make it more difficult for~~
30 ~~the victim to escape domestic violence, unfairly penalize the victim,~~
31 ~~place the victim at further risk of abuse, or encourage the victim~~
32 ~~to remain with his or her abuser.~~

33 ~~(b) (1) A county shall, with verification provided pursuant to~~
34 ~~Section 11495.25, temporarily waive a program requirement,~~
35 ~~subject to subdivision (e), at any time for an applicant or recipient~~
36 ~~who is a past or present victim of abuse when it has been~~
37 ~~determined that the requirement makes it more difficult for the~~
38 ~~victim to escape domestic violence, would unfairly penalize the~~
39 ~~victim or the victim's family, places the victim at further risk of~~
40 ~~abuse, or encourages the victim to remain with the abuser.~~

1 ~~(2) A county shall, with verification provided pursuant to Section~~
2 ~~11495.25, permanently waive the child support requirements set~~
3 ~~forth in Section 11477, and any other requirement determined by~~
4 ~~the department, at any time for an applicant or recipient who is a~~
5 ~~past or present victim of abuse when it has been determined that~~
6 ~~the rule or requirement makes it more difficult for the victim to~~
7 ~~escape domestic violence, would unfairly penalize the victim or~~
8 ~~the victim's family, places the victim at further risk of abuse, or~~
9 ~~encourages the victim to remain with the abuser.~~

10 ~~(3) A county shall, with verification provided pursuant to Section~~
11 ~~11495.25, permanently waive the maximum family grant~~
12 ~~requirement set forth in Section 11450.04.~~

13 ~~(e) County human services agencies shall provide, or make a~~
14 ~~referral to, available domestic violence services for an applicant~~
15 ~~or recipient granted a temporary or permanent waiver pursuant to~~
16 ~~this section, unless the applicant or recipient is already in receipt~~
17 ~~of those services.~~

18 ~~(d) County human services agencies shall develop a domestic~~
19 ~~violence service plan that is consistent with Section 260.55(e) of~~
20 ~~Title 45 of the Code of Federal Regulations and shall be prepared~~
21 ~~by a county human services agency employee trained in domestic~~
22 ~~violence.~~

23 ~~(e) (1) A temporary waiver granted pursuant to paragraph (1)~~
24 ~~of subdivision (b) shall be reevaluated by the county human~~
25 ~~services agency every six months following the granting of the~~
26 ~~waiver to determine all of the following:~~

27 ~~(A) If the conditions under which the temporary waiver was~~
28 ~~granted still exist.~~

29 ~~(B) Whether the recipient is participating in domestic violence~~
30 ~~services pursuant to subdivision (e), as documented in writing by~~
31 ~~the domestic violence service provider.~~

32 ~~(C) Whether the recipient needs further domestic violence~~
33 ~~services, as documented in writing by the domestic violence service~~
34 ~~provider.~~

35 ~~(D) Whether the domestic violence service provider documents~~
36 ~~in writing that the recipient needs an additional six months of~~
37 ~~domestic violence services.~~

38 ~~(2) If the county human services agency determines that~~
39 ~~subparagraphs (A) to (D), inclusive, of paragraph (1) have been~~
40 ~~met, the county human services agency may grant additional~~

1 ~~six-month extensions of the temporary waiver of program~~
2 ~~requirements.~~

3 ~~(3) Nothing shall preclude the applicant or recipient from~~
4 ~~contacting the county earlier than the six-month review to request~~
5 ~~information or seek to participate in welfare-to-work activities,~~
6 ~~regardless of whether he or she is waived from the welfare-to-work~~
7 ~~requirements.~~

8 ~~(f) Any month in which an individual has been granted an~~
9 ~~exemption from welfare-to-work requirements under this section~~
10 ~~shall not be counted as one of the 24 months of participation~~
11 ~~allowed under paragraph (1) of subdivision (a) of Section 11322.85.~~

12 ~~(g) County human services agencies shall use the standard~~
13 ~~statewide notice or approved county notice to inform all~~
14 ~~CalWORKs applicants and recipients of their right to request a~~
15 ~~waiver of program requirements as established in this section. The~~
16 ~~notice shall be given, orally and in writing, at the time of~~
17 ~~application and during the welfare-to-work planning process. The~~
18 ~~notice shall be given in writing at redetermination, in each notice~~
19 ~~of action for sanction resulting from failure to participate in a~~
20 ~~program requirement, and whenever an applicant or recipient~~
21 ~~voluntarily discloses that he or she is a victim of abuse. Proof that~~
22 ~~the applicant or recipient was provided with each notice shall be~~
23 ~~retained in his or her case file.~~

24 ~~(h) (1) The notice required by subdivision (g) shall be developed~~
25 ~~by the department, in consultation with county human services~~
26 ~~agencies, domestic violence and CalWORKs advocates, and~~
27 ~~CalWORKs caseworkers, and it shall include all of the following:~~

28 ~~(A) The rights and responsibilities established in this section.~~

29 ~~(B) Examples of the types of program requirement waivers that~~
30 ~~may be requested.~~

31 ~~(C) Space for county-specific instructions for securing a waiver~~
32 ~~and a service plan.~~

33 ~~(D) Space for county domestic abuse resources, including mental~~
34 ~~health services.~~

35 ~~(E) Confidentiality and the limits thereof.~~

36 ~~(F) The good cause exemption to the child support cooperation~~
37 ~~requirement.~~

38 ~~(G) General abuse information such as safety planning.~~

1 ~~(H) Information about how to receive county assistance in~~
2 ~~tailoring welfare-to-work plans to meet the needs of victims when~~
3 ~~they do not have a waiver of the welfare-to-work requirements.~~

4 ~~(I) Remedies available for immigrant domestic violence~~
5 ~~survivors.~~

6 ~~(2) A county that wishes to use a notice it has developed may~~
7 ~~do so with the approval of the department, provided that the notice~~
8 ~~meets the minimum requirements of this subdivision.~~

9 ~~(i) An applicant or recipient of aid shall not be required to~~
10 ~~disclose his or her status, or the status of another member of the~~
11 ~~authorized unit, as a domestic violence victim in order to receive~~
12 ~~aid.~~

13 ~~(j) (1) This section does not limit the authority of a county to~~
14 ~~waive a program rule or requirement retroactively, if the past~~
15 ~~application of the rule or requirement unfairly penalized the~~
16 ~~individual or made it more difficult for the individual to escape~~
17 ~~the abuse. The county shall require the applicant or recipient to~~
18 ~~provide evidence of the past abuse, as described in subdivision (b)~~
19 ~~of Section 11495.25, in order to waive a program requirement~~
20 ~~retroactively, and may assist the applicant or recipient in obtaining~~
21 ~~the evidence, as appropriate. A county shall not retroactively waive~~
22 ~~a program requirement for more than 12 months.~~

23 ~~(2) Notwithstanding paragraph (1), a county shall waive the~~
24 ~~program requirements for more than 12 months if the county failed~~
25 ~~to provide a written notice pursuant to subdivision (g). Retroactivity~~
26 ~~shall be limited to the date the last written notice was provided to~~
27 ~~the applicant or recipient by the county. Notwithstanding this~~
28 ~~provision, retroactivity may be granted beyond the last written~~
29 ~~notice if the county worker failed to assess whether a waiver should~~
30 ~~be granted after the applicant or recipient has requested a waiver~~
31 ~~and provided the appropriate documentation as specified in Section~~
32 ~~11495.25. If denied a waiver, an applicant or recipient shall be~~
33 ~~informed that he or she has a right to a hearing by an administrative~~
34 ~~law judge.~~

35 ~~SEC. 7. Section 11495.25 of the Welfare and Institutions Code~~
36 ~~is repealed.~~

37 ~~SEC. 8. Section 11495.25 is added to the Welfare and~~
38 ~~Institutions Code, to read:~~

1 ~~11495.25.—When determining eligibility for a prospective~~
2 ~~waiver of a program requirement established in Section 11495.15,~~
3 ~~either of the following shall be accepted:~~

4 ~~(a) A sworn statement by an applicant or recipient that past or~~
5 ~~present abuse has occurred shall be sufficient for a prospective~~
6 ~~waiver of program requirements, unless the county human services~~
7 ~~agency documents in writing an independent, reasonable basis to~~
8 ~~find that the applicant or recipient is not credible. If the county~~
9 ~~human services agency documents that the applicant or recipient~~
10 ~~is not credible, the applicant or recipient may provide evidence as~~
11 ~~set further in subdivision (b). The applicant or recipient is not~~
12 ~~precluded from voluntarily providing additional evidence that may~~
13 ~~be available beyond a sworn statement. The evidence shall be~~
14 ~~retained in the case file.~~

15 ~~(b) Evidence required pursuant to subdivision (a) of this section~~
16 ~~and subdivision (j) of Section 11495.15 that abuse, as defined in~~
17 ~~Section 11495.12, is occurring or has occurred in the past shall~~
18 ~~consist of either of the following:~~

19 ~~(1) Police, government agency, or court records or files.~~

20 ~~(2) Documentation from a domestic violence program, legal,~~
21 ~~clerical, medical, or other professional from whom the applicant~~
22 ~~or recipient is seeking or has sought assistance regarding the abuse.~~

23 ~~SEC. 9.—If the Commission on State Mandates determines that~~
24 ~~this act contains costs mandated by the state, reimbursement to~~
25 ~~local agencies and school districts for those costs shall be made~~
26 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
27 ~~4 of Title 2 of the Government Code.~~