

AMENDED IN SENATE MAY 28, 2013
AMENDED IN SENATE APRIL 15, 2013
AMENDED IN SENATE APRIL 1, 2013

SENATE BILL

No. 252

Introduced by Senator Liu

February 12, 2013

An act to amend Section 11320.3 of, and to add ~~Sections 11210.5 and Section 11322.67~~ to, the Welfare and Institutions Code, relating to social services.

LEGISLATIVE COUNSEL'S DIGEST

SB 252, as amended, Liu. ~~Social services: CalWORKs and unemployment and disability benefits. CalWORKs: welfare-to-work requirements.~~

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. As part of the CalWORKs program, participants, unless specifically exempted, are required to participate in welfare-to-work activities. Existing law exempts from the welfare-to-work requirements a woman who is pregnant and for whom it has been medically verified that the pregnancy impairs her ability to be regularly employed or participate in welfare-to-work activities. Existing law also requires that a recipient be excused for good cause when the county has determined there is a condition or circumstance that temporarily prevents or significantly impairs the recipient's ability to be regularly employed or participate in welfare-to-work activities.

This bill would specify that a pregnant woman who is unable to obtain that medical verification but is otherwise eligible for the good cause exemption shall be exempt from participation in welfare-to-work activities. The bill would authorize a pregnant woman to satisfy welfare-to-work participation requirements, as specified, by participating in a voluntary maternal, infant, and early childhood home visiting program or another home visiting program for low-income Californians that is approved by the United States Department of Health and Human Services, subject to the receipt of a federal waiver, as provided. ~~The bill would require the State Department of Social Services to work with the Employment Development Department to ensure that each applicant and recipient of CalWORKs is provided with information about paid family leave, unemployment insurance, and pregnancy disability leave benefits, and would require the Employment Development Department to make certain training and information regarding paid family leave available to employees of the State Department of Social Services and county human services agencies. The bill would make a related statement of legislative intent.~~

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

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

1 ~~SECTION 1. It is the intent of the Legislature to improve~~
2 ~~coordination among programs administered by the Employment~~
3 ~~Development Department and the State Department of Social~~
4 ~~Services for working parents and pregnant women. The Legislature~~
5 ~~intends that this will not only improve the birth outcomes and~~
6 ~~academic achievement of California's children, but will also reduce~~
7 ~~dependence on public assistance by helping parents to be successful~~
8 ~~in securing and retaining employment after the birth of a child.~~
9 ~~SEC. 2. Section 11210.5 is added to the Welfare and~~
10 ~~Institutions Code, to read:~~
11 ~~11210.5. (a) For the purposes of reducing the need for aid~~
12 ~~provided under this chapter to pregnant women and caregivers~~
13 ~~who need to take time away from work to care for themselves or~~
14 ~~a sick family member or have recently lost employment, the State~~
15 ~~Department of Social Services shall work with the Employment~~
16 ~~Development Department's Disability Insurance Branch to ensure~~
17 ~~that each applicant and recipient of aid under this chapter is~~

1 provided with information about paid family leave, unemployment
2 insurance, and pregnancy disability leave benefits.

3 ~~(b) The Employment Development Department shall permit~~
4 ~~employees of the State Department of Social Services and county~~
5 ~~human services agencies to participate in the training and~~
6 ~~informational sessions regarding paid family leave offered by the~~
7 ~~Employment Development Department and shall make training~~
8 ~~materials and information available to them for use with applicants~~
9 ~~or recipients of aid under this chapter.~~

10 ~~SEC. 3.~~

11 *SECTION 1.* Section 11320.3 of the Welfare and Institutions
12 Code is amended to read:

13 11320.3. (a) (1) Except as provided in subdivision (b) or if
14 otherwise exempt, every individual, as a condition of eligibility
15 for aid under this chapter, shall participate in welfare-to-work
16 activities under this article.

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

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

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

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

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

31 (C) Notwithstanding subparagraph (B), a person who is 16 or
32 17 years of age who has obtained a high school diploma or its
33 equivalent and is enrolled or is planning to enroll in a
34 postsecondary education, vocational, or technical school training
35 program shall also not be required to participate for so long as the
36 condition continues to exist.

37 (D) For purposes of subparagraph (C), a person shall be deemed
38 to be planning to enroll in a postsecondary education, vocational,
39 or technical school training program if he or she, or his or her
40 parent, acting on his or her behalf, submits a written statement

1 expressing his or her intent to enroll in such a program for the
2 following term. The exemption from participation shall not
3 continue beyond the beginning of the term, unless verification of
4 enrollment is provided or obtained by the county.

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

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

12 (B) The individual is of advanced age.

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

22 (5) An individual whose presence in the home is required
23 because of illness or incapacity of another member of the household
24 and whose caretaking responsibilities impair the recipient's ability
25 to be regularly employed or to participate in welfare-to-work
26 activities.

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

29 (A) (i) The parent or other relative has primary responsibility
30 for personally providing care to a child six months of age or under,
31 except that, on a case-by-case basis, and based on criteria
32 developed by the county, this period may be reduced to the first
33 12 weeks after the birth or adoption of the child, or increased to
34 the first 12 months after the birth or adoption of the child. An
35 individual may be exempt only once under this clause.

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

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

- 3 (I) The availability of child care.
- 4 (II) Local labor market conditions.
- 5 (III) Other factors determined by the county.

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

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

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

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

29 (c) Any individual not required to participate may choose to
30 participate voluntarily under this article, and end that participation
31 at any time without loss of eligibility for aid under this chapter, if
32 his or her status has not changed in a way that would require
33 participation.

34 (d) (1) Notwithstanding subdivision (a), a custodial parent who
35 is under 20 years of age and who has not earned a high school
36 diploma or its equivalent, and who is not exempt or whose only
37 basis for exemption is paragraph (1), (2), (5), (6), (7), or (8) of
38 subdivision (b), shall be required to participate solely for the
39 purpose of earning a high school diploma or its equivalent. During
40 the time that Article 3.5 (commencing with Section 11331) is

1 operative, this subdivision shall only apply to a custodial parent
2 who is 19 years of age.

3 (2) Section 11325.25 shall apply to a custodial parent who is
4 18 or 19 years of age and who is required to participate under this
5 article.

6 (e) Notwithstanding paragraph (1) of subdivision (d), the county
7 may determine that participation in education activities for the
8 purpose of earning a high school diploma or equivalent is
9 inappropriate for an 18 or 19 year old custodial parent only if that
10 parent is reassigned pursuant to an evaluation under Section
11 11325.25, or, at appraisal is already in an educational or vocational
12 training program that is approvable as a self-initiated program as
13 specified in Section 11325.23. If that determination is made, the
14 parent shall be allowed to continue participation in the self-initiated
15 program subject to Section 11325.23. During the time that Article
16 3.5 (commencing with Section 11331) is operative, this subdivision
17 shall only apply to a custodial parent who is 19 years of age.

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

30 (1) Lack of necessary supportive services.

31 (2) In accordance with Article 7.5 (commencing with Section
32 11495), the applicant or recipient is a victim of domestic violence,
33 but only if participation under this article is detrimental to or
34 unfairly penalizes that individual or his or her family.

35 (3) Licensed or license-exempt child care for a child 10 years
36 of age or younger is not reasonably available during the
37 individual's hours of training or employment including commuting
38 time, or arrangements for child care have broken down or have
39 been interrupted, or child care is needed for a child who meets the
40 criteria of subparagraph (C) of paragraph (1) of subdivision (a) of

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

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

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

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

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

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

37 (4) A recipient reengaged in accordance with this subdivision
38 who has received assistance under this chapter, or from any state
39 pursuant to the Temporary Assistance for Needy Families program
40 (Part A (commencing with Section 401) of Title IV of the federal

1 Social Security Act (42 U.S.C. Sec. 601 et seq.)), may continue
2 in a welfare-to-work plan that meets the requirements of Section
3 11322.6 for a cumulative period of 24 months commencing the
4 first day of the first month after he or she is reengaged, unless or
5 until he or she exceeds the 48-month time limitation described in
6 Section 11454.

7 (5) All months of assistance described in paragraph (4) prior to
8 the reengagement of the recipient shall not be applied to the
9 24-month limitation described in paragraph (1) of subdivision (a)
10 of Section 11322.85.

11 ~~SEC. 4.~~

12 *SEC. 2.* Section 11322.67 is added to the Welfare and
13 Institutions Code, to read:

14 11322.67. (a) If a pregnant woman is required to participate
15 in work under this article, she may satisfy the work participation
16 requirements by participating in a voluntary maternal, infant, and
17 early childhood home visiting program or another voluntary home
18 visiting program for low-income Californians that is approved by
19 the United States Department of Health and Human Services. The
20 hours that the woman participates in the home visiting program
21 shall be applied to the work participation hours required by Section
22 11322.8 for a period of no longer than ~~one year~~ *10 months*.

23 (b) In accordance with Section 11329.2, this section shall be
24 implemented only upon receipt of a waiver of compliance with
25 Section 602 of Title 42 of the United States Code by the United
26 States Department of Health and Human Services, for purposes
27 of establishing more effective ways to meet the goals of
28 CalWORKs, particularly helping parents successfully prepare for
29 employment and supporting the health and well-being of children.