

AMENDED IN ASSEMBLY AUGUST 5, 2013

AMENDED IN ASSEMBLY JUNE 24, 2013

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 11218 and 11322.67 to, the Welfare and Institutions Code, relating to social services.

LEGISLATIVE COUNSEL'S DIGEST

SB 252, as amended, Liu. 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.

Under existing law, a mother may breastfeed her child in any location, public or private, except the private home or residence of another, where the mother and the child are otherwise authorized to be present.

This bill would state that, *pursuant to the above-described provision*, an applicant or recipient of CalWORKs is entitled to breastfeed her child in any public area, or area where the mother and the child are authorized to be present, in a county welfare department or other county office, ~~and that this provision is declaratory of existing law~~. The bill would make related legislative findings and declarations.

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. The Legislature finds and declares all of the
- 2 following:
- 3 (a) The benefits of breastfeeding for women include a lowered
- 4 risk of breast and ovarian cancer, as well as a reduced risk of
- 5 developing type 2 diabetes and maternal cardiovascular disease.
- 6 For infants, the benefits of breastfeeding include reduced risk of
- 7 ear infections, diarrhea, and respiratory illnesses, as well as reduced
- 8 incidence and severity of allergies, asthma, and obesity, among
- 9 many other health benefits.
- 10 (b) The economic benefits of breastfeeding to families, health
- 11 care systems, and employers are also well documented. It is
- 12 estimated that the United States would save \$13 billion and save
- 13 900 lives if 90 percent of women breastfed in accordance with
- 14 health care recommendations.

1 (c) The documented advantages *that* breastfeeding confers to
2 both mother and baby have been upheld in policy statements by
3 every major professional medical organization. In 2012, the
4 American Academy of Pediatrics stated: “Given the documented
5 short and long term medical and neurodevelopmental advantages
6 of breastfeeding, infant nutrition should be considered a public
7 health issue and not only a lifestyle choice.”

8 SEC. 2. Section 11218 is added to the Welfare and Institutions
9 Code, to read:

10 11218. ~~(a) Pursuant to Section 43.3 of the Civil Code, an~~
11 applicant or recipient of aid under this chapter is entitled to
12 breastfeed her child in any public area, or area where the mother
13 and the child are authorized to be present, in a county welfare
14 department or other county office.

15 ~~(b) This section is declaratory of existing law.~~

16 SEC. 3. Section 11320.3 of the Welfare and Institutions Code
17 is amended to read:

18 11320.3. (a) (1) Except as provided in subdivision (b) or if
19 otherwise exempt, every individual, as a condition of eligibility
20 for aid under this chapter, shall participate in welfare-to-work
21 activities under this article.

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

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

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

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

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

36 (C) Notwithstanding subparagraph (B), a person who is 16 or
37 17 years of age who has obtained a high school diploma or its
38 equivalent and is enrolled or is planning to enroll in a
39 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 (c) 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) In accordance with Article 7.5 (commencing with Section
39 11495), the applicant or recipient is a victim of domestic violence,

1 but only if participation under this article is detrimental to or
2 unfairly penalizes that individual or his or her family.

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

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

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

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

37 (2) For purposes of this subdivision, reengagement in
38 welfare-to-work activities shall include the development of a
39 welfare-to-work plan in accordance with Section 11325.21 and

1 the provision of necessary supportive services pursuant to Section
2 11323.2.

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

6 (4) A recipient reengaged in accordance with this subdivision
7 who 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.)), may continue
11 in a welfare-to-work plan that meets the requirements of Section
12 11322.6 for a cumulative period of 24 months commencing the
13 first day of the first month after he or she is reengaged, unless or
14 until he or she exceeds the 48-month time limitation described in
15 Section 11454.

16 (5) All months of assistance described in paragraph (4) prior to
17 the reengagement of the recipient shall not be applied to the
18 24-month limitation described in paragraph (1) of subdivision (a)
19 of Section 11322.85.

20 SEC. 4. Section 11322.67 is added to the Welfare and
21 Institutions Code, to read:

22 11322.67. (a) If a pregnant woman is required to participate
23 in work under this article, she may satisfy the work participation
24 requirements by participating in a voluntary maternal, infant, and
25 early childhood home visiting program or another voluntary home
26 visiting program for low-income Californians that is approved by
27 the United States Department of Health and Human Services. The
28 hours that the woman participates in the home visiting program
29 shall be applied to the work participation hours required by Section
30 11322.8 for a period of no longer than 10 months.

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

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