

Introduced by Senator Mitchell**(Coauthors: Senators Beall, Evans, Hancock, Hill, and Liu)**

(Coauthors: Assembly Members Ammiano, Buchanan, Dickinson, Garcia, Gonzalez, Lowenthal, Pan, Skinner, and Yamada)

January 14, 2014

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

LEGISLATIVE COUNSEL'S DIGEST

SB 899, as introduced, Mitchell. CalWORKs: eligibility.

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. Under existing law, for purposes of determining a family's maximum aid payment under the CalWORKs program, the number of needy persons in the same family is not increased for any child born into a family that has received aid under the CalWORKs program continuously for the 10 months prior to the birth of the child, with specified exceptions.

This bill would repeal that exclusion for purposes of determining the family's maximum aid payment and would expressly prohibit the denial of aid or denial of an increase in the maximum aid payment if a child, on whose behalf aid or an increase in aid is being requested, was born into an applicant's or recipient's family while the applicant's or recipient's family was receiving aid under the CalWORKs program. The bill would specify that an applicant or recipient is not entitled to an increased benefit payment for any month prior to January 1, 2015, as a result of the repeal of that exclusion or the enactment of that express

prohibition. The bill would also prohibit the department from conditioning an applicant’s or recipient’s eligibility for aid on the applicant’s or recipient’s disclosure of information regarding rape, incest, or contraception, as specified, or the applicant’s or recipient’s use of contraception. The bill would make related findings and declarations.

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

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

To the extent that this bill affects eligibility under the CalWORKs program, the bill would create a state-mandated 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. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Scientific research has demonstrated that young children
- 4 living in deep poverty experience lifelong cognitive impairments
- 5 limiting their ability to be prepared for, and succeed in, school.
- 6 (b) Academic research has documented an increase in missed
- 7 days of school and an increase in visits to hospital emergency
- 8 rooms by children who live in deep poverty.
- 9 (c) The Maximum Family Grant rule was adopted to limit the
- 10 length of time a family could receive basic needs assistance, and
- 11 to limit the amount of assistance a family could receive, through
- 12 the Aid to Families with Dependent Children (AFDC) program
- 13 before the implementation of welfare reform. At the time the rule
- 14 was adopted, there was no limit on the length of time a family

1 could receive aid, no work requirements, and the benefits provided
2 were approximately 80 percent of the federal poverty level.

3 (d) Since the implementation of the Maximum Family Grant
4 rule, AFDC has been replaced with the California Work
5 Opportunity and Responsibility to Kids Act (CalWORKs), which
6 imposes lifetime limits on aid and requires adult CalWORKs
7 participants to meet work requirements in order to receive a
8 maximum benefit of approximately 40 percent of the federal
9 poverty level.

10 (e) The Maximum Family Grant rule makes poor children
11 poorer, reducing the income of families with infants to below 30
12 percent of the federal poverty level.

13 (f) This act is necessary to protect infants born to families
14 receiving CalWORKs from experiencing lifelong cognitive
15 impairments due to the toxic stress of deep poverty and to ready
16 those children for participation in California's public school
17 system.

18 (g) This act is also necessary to protect the reproductive and
19 privacy rights of all applicants for, and recipients of, aid under
20 CalWORKs.

21 SEC. 2. Section 11270.5 is added to the Welfare and
22 Institutions Code, immediately following Section 11270, to read:

23 11270.5. (a) An applicant for or recipient of aid under this
24 chapter shall not be required as a condition of eligibility to do any
25 of the following:

26 (1) Divulge that any member of the assistance unit is a victim
27 of rape or incest.

28 (2) Share confidential medical records related to any member
29 of the assistance unit's rape or incest.

30 (3) Use contraception, choose a particular method of
31 contraception, or divulge the method of contraception any member
32 of the assistance unit uses.

33 (b) An applicant for or recipient of aid under this chapter shall
34 not be denied aid, nor denied an increase in the maximum aid
35 payment, for a child born into the applicant's or recipient's family
36 during a period in which the applicant's or recipient's family was
37 receiving aid under this chapter.

38 (c) An applicant for or recipient of aid under this chapter shall
39 not be entitled to an increased benefit payment for any month prior
40 to January 1, 2015, as a result of the repeal of former Section

1 11450.04 (as added by Section 1 of Chapter 196 of the Statutes of
2 1994) or the enactment of this section.

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

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

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

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

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

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

30 ~~(e) This section shall not apply to any child born on or before
31 November 1, 1995.~~

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

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

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

39 ~~(e) One hundred percent of any child support payment received
40 for a child born into the family, but for whom the maximum aid~~

1 payment is not increased pursuant to this section, shall be paid to
2 the assistance unit. Any such child support payment shall not be
3 considered as income to the family for the purpose of calculating
4 the amount of aid for which the family is eligible under this article.

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

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

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

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

25 SEC. 4. No appropriation pursuant to Section 15200 of the
26 Welfare and Institutions Code shall be made for the purposes of
27 this act.

28 SEC. 5. If the Commission on State Mandates determines that
29 this act contains costs mandated by the state, reimbursement to
30 local agencies and school districts for those costs shall be made
31 pursuant to Part 7 (commencing with Section 17500) of Division
32 4 of Title 2 of the Government Code.

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