

AMENDED IN SENATE JUNE 29, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 371

Introduced by Assembly Member Mullin
(Coauthor: Assembly Member Lopez)

February 17, 2015

An act to ~~amend Sections 11401 and 11450.16 of, and to repeal amend, repeal, and add Sections 11201 and 11250 of, 11250, 11320.3, 11322.8, 11401, and 11450.16 of~~ the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

AB 371, as amended, Mullin. CalWORKs Family Unity Act of ~~2016~~ 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 aid to be granted to a family with a related child under 18 years of age who has been deprived of parental support or care due to the unemployment, continued absence, death, incapacity, or incarceration of a parent. Existing law also provides, however, that a family receiving aid 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, if the family does not exceed the applicable gross or net income limits and is otherwise eligible for assistance. Existing law requires families to be grouped into assistance

units for purposes of determining eligibility and computing the amount of CalWORKs aid to be paid.

This bill ~~would~~ *would, commencing July 15, 2016*, 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 absence or employment status of the parent. The bill would prohibit, however, an absent parent from being included in the family's assistance unit for purposes of determining eligibility or computing the amount of aid to be paid, as specified. To the extent that the bill would expand eligibility for the CalWORKs program, which is administered by counties, the bill would impose a state-mandated local program.

Under existing law, a recipient of CalWORKs is required to participate in welfare-to-work activities for a specified number of hours each week as a condition of eligibility for aid. Existing law exempts a person with a disability, as specified, from participation in welfare-to-work activities.

This bill would recast these provisions and would clarify that an adult in an assistance unit that includes two adults, one of whom is disabled, is required to participate in welfare-to-work activities for the same number of hours per week as an adult in an assistance unit that includes only one adult.

This bill would require the department to issue an all-county letter or similar instructions ~~by March 1, 2016~~ and to adopt regulations to implement the provisions of the bill by July 1, 2018.

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

This bill would instead provide that the continuous appropriation would not be made for purposes of implementing the bill.

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. 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 ~~repealed.~~

5 *SEC. 2. Section 11201 of the Welfare and Institutions Code is*
6 *amended to read:*

7 11201. For the purposes of this chapter, the following shall
8 apply:

9 (a) “Unemployed parent” means a natural or adoptive parent
10 with whom the child is living.

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

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

26 (d) *This section shall become inoperative on July 15, 2016, and,*
27 *as of January 1, 2017, is repealed, unless a later enacted statute,*
28 *that becomes operative on or before January 1, 2017, deletes or*
29 *extends the dates on which it becomes inoperative and is repealed.*

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

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

35 (b) *This section shall become operative on July 15, 2016.*

36 ~~SEC. 4. Section 11250 of the Welfare and Institutions Code is~~
37 ~~repealed.~~

1 SEC. 4. Section 11250 of the Welfare and Institutions Code is
2 amended to read:

3 11250. Aid, services, or both shall be granted under the
4 provisions of this chapter, and subject to the regulations of the
5 department, to families with related children under the age of 18
6 years, except as provided in Section 11253, in need thereof because
7 they have been deprived of parental support or care due to:

8 (a) The death, physical or mental incapacity, or incarceration
9 of a parent.

10 (b) The unemployment of a parent or parents.

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

23 (d) *This section shall become inoperative on July 15, 2016, and,*
24 *as of January 1, 2017, is repealed, unless a later enacted statute,*
25 *that becomes operative on or before January 1, 2017, deletes or*
26 *extends the dates on which it becomes inoperative and is repealed.*

27 SEC. 5. Section 11250 is added to the Welfare and Institutions
28 Code, to read:

29 11250. (a) Aid, services, or both shall be granted under this
30 chapter, and subject to the regulations of the department, to families
31 with related children under 18 years of age, except as provided in
32 Section 11253, in need thereof, if the family meets the eligibility
33 requirements specified in this chapter.

34 (b) *This section shall become operative on July 15, 2016.*

35 ~~SEC. 6. Section 11401 of the Welfare and Institutions Code is~~
36 ~~amended to read:~~

37 ~~11401. Aid in the form of AFDC-FC shall be provided under~~
38 ~~this chapter on behalf of any child under 18 years of age, and, on~~
39 ~~and after January 1, 2012, to any nonminor dependent who meets~~
40 ~~the conditions of any of the following subdivisions:~~

1 ~~(a) The child has been relinquished, for purposes of adoption,~~
2 ~~to a licensed adoption agency, or the department, or the parental~~
3 ~~rights of either or both of his or her parents have been terminated~~
4 ~~after an action under the Family Code has been brought by a~~
5 ~~licensed adoption agency or the department, provided that the~~
6 ~~licensed adoption agency or the department, if responsible for~~
7 ~~placement and care, provides to those children all services as~~
8 ~~required by the department to children in foster care.~~

9 ~~(b) The child has been removed from the physical custody of~~
10 ~~his or her parent, relative, or guardian as a result of a voluntary~~
11 ~~placement agreement or a judicial determination that continuance~~
12 ~~in the home would be contrary to the child's welfare and that, if~~
13 ~~the child was placed in foster care, reasonable efforts were made,~~
14 ~~consistent with Chapter 5 (commencing with Section 16500) of~~
15 ~~Part 4, to prevent or eliminate the need for removal of the child~~
16 ~~from his or her home and to make it possible for the child to return~~
17 ~~to his or her home, and any of the following applies:~~

18 ~~(1) The child has been adjudged a dependent child of the court~~
19 ~~on the grounds that he or she is a person described by Section 300.~~

20 ~~(2) The child has been adjudged a ward of the court on the~~
21 ~~grounds that he or she is a person described by Sections 601 and~~
22 ~~602, or, on or after January 1, 2012, the nonminor is under the~~
23 ~~transition jurisdiction of the juvenile court pursuant to Section~~
24 ~~450.~~

25 ~~(3) The child has been detained under a court order, pursuant~~
26 ~~to Section 319 or 636, that remains in effect.~~

27 ~~(4) The child's or nonminor's dependency jurisdiction, or~~
28 ~~transition jurisdiction pursuant to Section 450, has resumed~~
29 ~~pursuant to Section 387, or subdivision (a) or (e) of Section 388.~~

30 ~~(e) The child has been voluntarily placed by his or her parent~~
31 ~~or guardian pursuant to Section 11401.1.~~

32 ~~(d) The child is living in the home of a nonrelated legal guardian.~~

33 ~~(e) On and after January 1, 2012, the child is a nonminor~~
34 ~~dependent who is placed pursuant to a mutual agreement as set~~
35 ~~forth in subdivision (u) of Section 11400, under the placement and~~
36 ~~care responsibility of the county child welfare services department,~~
37 ~~an Indian tribe that entered into an agreement pursuant to Section~~
38 ~~10553.1, or the county probation department, or the child is a~~
39 ~~nonminor dependent reentering foster care placement pursuant to~~

1 a voluntary agreement, as set forth in subdivision (z) of Section
2 11400.

3 (f) ~~The child has been placed in foster care under the federal
4 Indian Child Welfare Act. Sections 11402, 11404, and 11405 shall
5 not be construed as limiting payments to Indian children, as defined
6 in the federal Indian Child Welfare Act, placed in accordance with
7 that act.~~

8 (g) ~~To be eligible for federal financial participation, the
9 conditions described in paragraph (1), (2), (3), or (4) shall be
10 satisfied:~~

11 (1) (A) ~~The child meets the conditions of subdivision (b):~~

12 (B) ~~The child has been deprived of parental support or care for
13 any of the reasons set forth in Section 233.90 (c)(1) of title 42 of
14 the code of Federal Regulations.:~~

15 (C) ~~The child has been removed from the home of a relative as
16 defined in Section 233.90(c)(1) of Title 45 of the Code of Federal
17 Regulations, as amended.~~

18 (D) ~~The requirements of Sections 671 and 672 of Title 42 of
19 the United States Code, as amended, have been met.~~

20 (2) (A) ~~The child meets the requirements of subdivision (h):~~

21 (B) ~~The requirements of Sections 671 and 672 of Title 42 of
22 the United States Code, as amended, have been met.~~

23 (C) ~~This paragraph shall be implemented only if federal financial
24 participation is available for the children described in this
25 paragraph.~~

26 (3) (A) ~~The child has been removed from the custody of his or
27 her parent, relative, or guardian as a result of a voluntary placement
28 agreement or a judicial determination that continuance in the home
29 would be contrary to the child's welfare and that, if the child was
30 placed in foster care, reasonable efforts were made, consistent with
31 Chapter 5 (commencing with Section 16500) of Part 4, to prevent
32 or eliminate the need for removal of the child from his or her home
33 and to make it possible for the child to return to his or her home,
34 or the child is a nonminor dependent who satisfies the removal
35 criteria in Section 472(a)(2)(A)(i) of the federal Social Security
36 Act (42 U.S.C. Sec. 672 (a)(2)(A)(i)) and agrees to the placement
37 and care responsibility of the placing agency by signing the
38 voluntary reentry agreement, as set forth in subdivision (z) of
39 Section 11400, and any of the following applies:~~

- 1 (i) ~~The child has been adjudged a dependent child of the court~~
2 ~~on the grounds that he or she is a person described by Section 300.~~
- 3 (ii) ~~The child has been adjudged a ward of the court on the~~
4 ~~grounds that he or she is a person described by Sections 601 and~~
5 ~~602 or, on or after January 1, 2012, the nonminor is under the~~
6 ~~transition jurisdiction of the juvenile court, pursuant to Section~~
7 ~~450.~~
- 8 (iii) ~~The child has been detained under a court order, pursuant~~
9 ~~to Section 319 or 636, that remains in effect.~~
- 10 (iv) ~~The child's or nonminor's dependency jurisdiction, or~~
11 ~~transition jurisdiction pursuant to Section 450, has resumed~~
12 ~~pursuant to Section 387, or subdivision (a) or (c) of Section 388.~~
- 13 (B) ~~The child has been placed in an eligible foster care~~
14 ~~placement, as set forth in Section 11402.~~
- 15 (C) ~~The requirements of Sections 671 and 672 of Title 42 of~~
16 ~~the United States Code have been satisfied.~~
- 17 (D) ~~This paragraph shall be implemented only if federal financial~~
18 ~~participation is available for the children described in this~~
19 ~~paragraph.~~
- 20 (4) ~~With respect to a nonminor dependent, in addition to meeting~~
21 ~~the conditions specified in paragraph (1), the requirements of~~
22 ~~Section 675(8)(B) of Title 42 of the United States Code have been~~
23 ~~satisfied. With respect to a former nonminor dependent who~~
24 ~~reenters foster care placement by signing the voluntary reentry~~
25 ~~agreement, as set forth in subdivision (z) of Section 11400, the~~
26 ~~requirements for AFDC-FC eligibility of Section 672(a)(3)(A) of~~
27 ~~Title 42 of the United States Code are satisfied based on the~~
28 ~~nonminor's status as a child-only case, without regard to the~~
29 ~~parents, legal guardians, or others in the assistance unit in the home~~
30 ~~from which the nonminor was originally removed.~~
- 31 (h) ~~The child meets all of the following conditions:~~
 - 32 (1) ~~The child has been adjudged to be a dependent child or ward~~
33 ~~of the court on the grounds that he or she is a person described in~~
34 ~~Section 300, 601, or 602.~~
 - 35 (2) ~~The child's parent also has been adjudged to be a dependent~~
36 ~~child or nonminor dependent of the court on the grounds that he~~
37 ~~or she is a person described by Section 300, 450, 601, or 602 and~~
38 ~~is receiving benefits under this chapter.~~

1 ~~(3) The child is placed in the same licensed or approved foster~~
2 ~~care facility in which his or her parent is placed and the child's~~
3 ~~parent is receiving reunification services with respect to that child.~~

4 ~~SEC. 7.~~

5 *SEC. 6.* Section 11450.16 of the Welfare and Institutions Code
6 is amended to read:

7 11450.16. (a) For purposes of determining eligibility under
8 this chapter, and for computing the amount of aid payment under
9 Section 11450, families shall be grouped into assistance units.

10 (b) Every assistance unit shall include at least one of the
11 following persons:

12 (1) One of each of the following:

13 (A) An eligible child.

14 (B) The caretaker relative of an otherwise eligible child who is
15 not receiving aid under Section 11250 because that child is
16 receiving benefits under Title XVI of the Social Security Act
17 (Subchapter 16 (commencing with Section 1381) of Chapter 7 of
18 Title 42 of the United States Code), or Kin-GAP payments under
19 Section 11364 or 11387, or foster care payments under Section
20 11461.

21 (2) A pregnant woman who is eligible for payments under
22 subdivision (c) of Section 11450.

23 (c) Every assistance unit shall, in addition to the requirements
24 of subdivision (b), include the eligible parents of the eligible child
25 and the eligible siblings, including half-siblings, of the eligible
26 child when those persons reside in the same home as the eligible
27 child. This subdivision shall not apply to any convicted offender
28 who is permitted to reside at the home of the eligible child as part
29 of a court-imposed sentence and who is considered an absent parent
30 under subdivision (d).

31 (d) A parent shall not be included in the assistance unit if he or
32 she is absent from the home due to divorce, separation, desertion,
33 or any other reason, if his or her absence interrupts or terminates
34 the parent's functioning as a provider of maintenance, physical
35 care, or guidance for the child, and the known or indefinite duration
36 of the absence precludes counting on the parent's performance of
37 the function of planning for the present support or care of the child.
38 If these conditions exist, the parent may be absent for any reason,
39 and may have left only recently or some time previously.

1 (e) An assistance unit may, at the option of the family
2 comprising the assistance unit, also include the nonparent caretaker
3 relative of the eligible child, the spouse of the parent of the eligible
4 child, otherwise eligible nonsibling children in the care of the
5 caretaker relative of the eligible child, and the alternatively
6 sentenced offender parent exempted under subdivision (c).

7 (f) If two or more assistance units reside in the same home, they
8 shall be combined into one assistance unit when any of the
9 following circumstances occurs:

10 (1) There is a common caretaker relative for the eligible
11 children.

12 (2) One caretaker relative marries another caretaker relative.

13 (3) Two caretaker relatives are the parents of an eligible child.

14 (g) For purposes of this section, “caretaker relative” means the
15 parent or other relative, as defined by regulations adopted by the
16 department, who exercises responsibility and control of a child.

17 *SEC. 7. 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 (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 *(i) This section shall become inoperative on July 15, 2016, and,*
21 *as of January 1, 2017, is repealed, unless a later enacted statute,*
22 *that becomes operative on or before January 1, 2017, deletes or*
23 *extends the dates on which it becomes inoperative and is repealed.*

24 *SEC. 8. Section 11320.3 is added to the Welfare and Institutions*
25 *Code, to read:*

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

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

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

37 *(1) An individual under 16 years of age.*

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

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

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

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

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

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

26 (B) The individual is of advanced age.

27 (4) A nonparent caretaker relative who has primary
28 responsibility for providing care for a child and is either caring
29 for a child who is a dependent or ward of the court or caring for
30 a child in a case in which a county determines the child is at risk
31 of placement in foster care, and the county determines that the
32 caretaking responsibilities are beyond those considered normal
33 day-to-day parenting responsibilities such that they impair the
34 caretaker relative's ability to be regularly employed or to
35 participate in welfare-to-work activities.

36 (5) An individual whose presence in the home is required
37 because of illness or incapacity of another member of the
38 household and whose caretaking responsibilities impair the
39 recipient's ability to be regularly employed or to participate in
40 welfare-to-work activities.

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

3 (A) (i) The parent or other relative has primary responsibility
4 for personally providing care to a child six months of age or under,
5 except that, on a case-by-case basis, and based on criteria
6 developed by the county, this period may be reduced to the first
7 12 weeks after the birth or adoption of the child, or increased to
8 the first 12 months after the birth or adoption of the child. An
9 individual may be exempt only once under this clause.

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

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

17 (I) The availability of child care.

18 (II) Local labor market conditions.

19 (III) Other factors determined by the county.

20 (iv) The parent or other relative has primary responsibility for
21 personally providing care to one child from birth to 23 months,
22 inclusive. The exemption provided for under this clause shall be
23 available in addition to any other exemption provided for under
24 this subparagraph. An individual may be exempt only once under
25 this clause.

26 (B) In a family eligible for aid under this chapter, the exemption
27 criteria contained in subparagraph (A) shall be applied to only
28 one parent.

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

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

1 *cause for temporary illness related to the pregnancy, she shall be*
2 *exempt from participation.*

3 *(c) Any individual not required to participate may choose to*
4 *participate voluntarily under this article, and end that participation*
5 *at any time without loss of eligibility for aid under this chapter, if*
6 *his or her status has not changed in a way that would require*
7 *participation.*

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

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

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

33 *(f) A recipient shall be excused from participation for good*
34 *cause when the county has determined there is a condition or other*
35 *circumstance that temporarily prevents or significantly impairs*
36 *the recipient's ability to be regularly employed or to participate*
37 *in welfare-to-work activities. The county welfare department shall*
38 *review the good cause determination for its continuing*
39 *appropriateness in accordance with the projected length of the*
40 *condition, or circumstance, but not less than every three months.*

1 *The recipient shall cooperate with the county welfare department*
2 *and provide information, including written documentation, as*
3 *required to complete the review. Conditions that may be considered*
4 *good cause include, but are not limited to, the following:*

5 *(1) Lack of necessary supportive services.*

6 *(2) In accordance with Article 7.5 (commencing with Section*
7 *11495), the applicant or recipient is a victim of domestic violence,*
8 *but only if participation under this article is detrimental to or*
9 *unfairly penalizes that individual or his or her family.*

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

26 *(g) (1) Paragraph (7) of subdivision (b) shall be implemented*
27 *notwithstanding Sections 11322.4, 11322.7, 11325.6, and 11327,*
28 *and shall become inoperative on January 1, 2013.*

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

36 *(h) (1) A recipient who was not required to participate in*
37 *welfare-to-work activities on December 31, 2012, because, in*
38 *accordance with paragraph (7) of subdivision (b), he or she is a*
39 *parent or other relative who has primary responsibility for*
40 *personally providing care to one child who is from 12 to 23 months*

1 of age, inclusive, or two or more children who are under six years
2 of age shall not be required to participate until the county welfare
3 department reengages the recipient in welfare-to-work activities.

4 (2) For purposes of this subdivision, reengagement in
5 welfare-to-work activities shall include the development of a
6 welfare-to-work plan in accordance with Section 11325.21 and
7 the provision of necessary supportive services pursuant to Section
8 11323.2.

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

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

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

26 (i) This section shall become operative on July 15, 2016.

27 SEC. 9. Section 11322.8 of the Welfare and Institutions Code
28 is amended to read:

29 11322.8. (a) For a recipient required to participate in
30 accordance with paragraph (1) of subdivision (a) of Section
31 11322.85, unless the recipient is otherwise exempt, the following
32 shall apply:

33 (1) (A) An adult recipient in a one-parent assistance unit that
34 does not include a child under six years of age shall participate in
35 welfare-to-work activities for an average of at least 30 hours per
36 week during the month.

37 (B) An adult recipient in a one-parent assistance unit that
38 includes a child under six years of age shall participate in
39 welfare-to-work activities for an average of at least 20 hours per
40 week during the month.

1 (2) An adult recipient who is an unemployed parent, as defined
2 in Section 11201, shall participate for an average of at least 35
3 hours of welfare-to-work activities per week during the month.
4 However, both parents in a two-parent assistance unit may
5 contribute to the 35 hours.

6 (b) For a recipient required to participate in accordance with
7 paragraph (3) of subdivision (a) of Section 11322.85, the following
8 shall apply:

9 (1) Unless otherwise exempt, an adult recipient in a one-parent
10 assistance unit shall participate in welfare-to-work activities for
11 an average of at least 30 hours per week during the month, subject
12 to the special rules and limitations described in Section
13 607(c)(1)(A) of Title 42 of the United States Code as of January
14 1, 2013.

15 (2) Unless otherwise exempt, an adult recipient in a one-parent
16 assistance unit that includes a child under six years of age shall
17 participate in welfare-to-work activities for an average of at least
18 20 hours per week during the month, as described in Section
19 607(c)(2)(B) of Title 42 of the United States Code as of January
20 1, 2013.

21 (3) Unless otherwise exempt, an adult recipient who is an
22 unemployed parent, as defined in Section 11201, shall participate
23 in welfare-to-work activities for an average of at least 35 hours
24 per week during the month, subject to the special rules and
25 limitations described in Section 607(c)(1)(B) of Title 42 of the
26 United States Code as of January 1, 2013.

27 (c) *This section shall become inoperative on July 15, 2016, and,*
28 *as of January 1, 2017, is repealed, unless a later enacted statute,*
29 *that becomes operative on or before January 1, 2017, deletes or*
30 *extends the dates on which it becomes inoperative and is repealed.*

31 *SEC. 10. Section 11322.8 is added to the Welfare and*
32 *Institutions Code, to read:*

33 *11322.8. (a) An adult recipient required to participate in*
34 *accordance with paragraph (1) of subdivision (a) of Section*
35 *11322.85, unless otherwise exempt, shall participate in*
36 *welfare-to-work activities for the following number of hours per*
37 *week during the month:*

38 *(1) At least 30 hours per week, if the assistance unit includes*
39 *either of the following but does not include a child under six years*
40 *of age:*

1 (A) *One adult.*

2 (B) *Two adults, one of whom is disabled as defined in*
3 *subparagraph (A) of paragraph (3) of subdivision (b) of Section*
4 *11320.3.*

5 (2) *At least 20 hours per week, if the assistance unit includes a*
6 *child under six years of age and either of the following:*

7 (A) *One adult.*

8 (B) *Two adults, one of whom is disabled as defined in*
9 *subparagraph (A) of paragraph (3) of subdivision (b) of Section*
10 *11320.3.*

11 (3) *At least 20 hours per week, if the assistance unit consists*
12 *only of a pregnant woman.*

13 (4) *At least 35 hours per week if the assistance unit includes*
14 *two adults, except as provided in paragraphs (1) and (2). However,*
15 *both adults may contribute to the 35 hours.*

16 (b) *An adult recipient required to participate in accordance*
17 *with paragraph (3) of subdivision (a) of Section 11322.85, unless*
18 *otherwise exempt, shall participate in welfare-to-work activities*
19 *for the following number of hours per week during the month:*

20 (1) *At least 30 hours per week, subject to the special rules and*
21 *limitations described in Section 607(c)(1)(A) of Title 42 of the*
22 *United States Code as of January 1, 2013, if the assistance unit*
23 *consists of only a pregnant woman, or includes one of the following*
24 *but does not include a child under six years of age:*

25 (A) *One adult.*

26 (B) *Two adults, one of whom is disabled as defined in*
27 *subparagraph (A) of paragraph (3) of subdivision (b) of Section*
28 *11320.3.*

29 (2) *At least 20 hours per week, as described in Section*
30 *607(c)(2)(B) of Title 42 of the United States Code as of January*
31 *1, 2013, if the assistance unit includes only one adult and a child*
32 *under six years of age.*

33 (3) *At least 35 hours per week if the assistance unit includes*
34 *two adults, except as provided in paragraph (1) and subject to the*
35 *special rules and limitations described in Section 607(c)(1)(B) of*
36 *Title 42 of the United States Code as of January 1, 2013.*

37 *SEC. 11. Section 11401 of the Welfare and Institutions Code*
38 *is amended to read:*

39 11401. Aid in the form of AFDC-FC shall be provided under
40 this chapter on behalf of any child under 18 years of age, and, on

1 and after January 1, 2012, to any nonminor dependent who meets
2 the conditions of any of the following subdivisions:

3 (a) The child has been relinquished, for purposes of adoption,
4 to a licensed adoption agency, or the department, or the parental
5 rights of either or both of his or her parents have been terminated
6 after an action under the Family Code has been brought by a
7 licensed adoption agency or the department, provided that the
8 licensed adoption agency or the department, if responsible for
9 placement and care, provides to those children all services as
10 required by the department to children in foster care.

11 (b) The child has been removed from the physical custody of
12 his or her parent, relative, or guardian as a result of a voluntary
13 placement agreement or a judicial determination that continuance
14 in the home would be contrary to the child's welfare and that, if
15 the child was placed in foster care, reasonable efforts were made,
16 consistent with Chapter 5 (commencing with Section 16500) of
17 Part 4, to prevent or eliminate the need for removal of the child
18 from his or her home and to make it possible for the child to return
19 to his or her home, and any of the following applies:

20 (1) The child has been adjudged a dependent child of the court
21 on the grounds that he or she is a person described by Section 300.

22 (2) The child has been adjudged a ward of the court on the
23 grounds that he or she is a person described by Sections 601 and
24 602, or, on or after January 1, 2012, the nonminor is under the
25 transition jurisdiction of the juvenile court pursuant to Section
26 450.

27 (3) The child has been detained under a court order, pursuant
28 to Section 319 or 636, that remains in effect.

29 (4) The child's or nonminor's dependency jurisdiction, or
30 transition jurisdiction pursuant to Section 450, has resumed
31 pursuant to Section 387, or subdivision (a) or (e) of Section 388.

32 (c) The child has been voluntarily placed by his or her parent
33 or guardian pursuant to Section 11401.1.

34 (d) The child is living in the home of a nonrelated legal guardian.

35 (e) On and after January 1, 2012, the child is a nonminor
36 dependent who is placed pursuant to a mutual agreement as set
37 forth in subdivision (u) of Section 11400, under the placement and
38 care responsibility of the county child welfare services department,
39 an Indian tribe that entered into an agreement pursuant to Section
40 10553.1, or the county probation department, or the child is a

1 nonminor dependent reentering foster care placement pursuant to
2 a voluntary agreement, as set forth in subdivision (z) of Section
3 11400.

4 (f) The child has been placed in foster care under the federal
5 Indian Child Welfare Act. Sections 11402, 11404, and 11405 shall
6 not be construed as limiting payments to Indian children, as defined
7 in the federal Indian Child Welfare Act, placed in accordance with
8 that act.

9 (g) To be eligible for federal financial participation, the
10 conditions described in paragraph (1), (2), (3), or (4) shall be
11 satisfied:

12 (1) (A) The child meets the conditions of subdivision (b).

13 (B) The child has been deprived of parental support or care for
14 any of the reasons set forth in Section 11250.

15 (C) The child has been removed from the home of a relative as
16 defined in Section 233.90(c)(1) of Title 45 of the Code of Federal
17 Regulations, as amended.

18 (D) The requirements of Sections 671 and 672 of Title 42 of
19 the United States Code, as amended, have been met.

20 (2) (A) The child meets the requirements of subdivision (h).

21 (B) The requirements of Sections 671 and 672 of Title 42 of
22 the United States Code, as amended, have been met.

23 (C) This paragraph shall be implemented only if federal financial
24 participation is available for the children described in this
25 paragraph.

26 (3) (A) The child has been removed from the custody of his or
27 her parent, relative, or guardian as a result of a voluntary placement
28 agreement or a judicial determination that continuance in the home
29 would be contrary to the child's welfare and that, if the child was
30 placed in foster care, reasonable efforts were made, consistent with
31 Chapter 5 (commencing with Section 16500) of Part 4, to prevent
32 or eliminate the need for removal of the child from his or her home
33 and to make it possible for the child to return to his or her home,
34 or the child is a nonminor dependent who satisfies the removal
35 criteria in Section ~~472(a)(2)(A)(i)~~ 472(a)(2)(A)(i) of the federal
36 Social Security Act (42 U.S.C. Sec. 672 (a)(2)(A)(i)) and agrees
37 to the placement and care responsibility of the placing agency by
38 signing the voluntary reentry agreement, as set forth in subdivision
39 (z) of Section 11400, and any of the following applies:

- 1 (i) The child has been adjudged a dependent child of the court
2 on the grounds that he or she is a person described by Section 300.
- 3 (ii) The child has been adjudged a ward of the court on the
4 grounds that he or she is a person described by Sections 601 and
5 602 or, on or after January 1, 2012, the nonminor is under the
6 transition jurisdiction of the juvenile court, pursuant to Section
7 450.
- 8 (iii) The child has been detained under a court order, pursuant
9 to Section 319 or 636, that remains in effect.
- 10 (iv) The child's or nonminor's dependency jurisdiction, or
11 transition jurisdiction pursuant to Section 450, has resumed
12 pursuant to Section 387, or subdivision (a) or (e) of Section 388.
- 13 (B) The child has been placed in an eligible foster care
14 placement, as set forth in Section 11402.
- 15 (C) The requirements of Sections 671 and 672 of Title 42 of
16 the United States Code have been satisfied.
- 17 (D) This paragraph shall be implemented only if federal financial
18 participation is available for the children described in this
19 paragraph.
- 20 (4) With respect to a nonminor dependent, in addition to meeting
21 the conditions specified in paragraph (1), the requirements of
22 Section 675(8)(B) of Title 42 of the United States Code have been
23 satisfied. With respect to a former nonminor dependent who
24 reenters foster care placement by signing the voluntary reentry
25 agreement, as set forth in subdivision (z) of Section 11400, the
26 requirements for AFDC-FC eligibility of Section 672(a)(3)(A) of
27 Title 42 of the United States Code are satisfied based on the
28 nonminor's status as a child-only case, without regard to the
29 parents, legal guardians, or others in the assistance unit in the home
30 from which the nonminor was originally removed.
- 31 (h) The child meets all of the following conditions:
- 32 (1) The child has been adjudged to be a dependent child or ward
33 of the court on the grounds that he or she is a person described in
34 Section 300, 601, or 602.
- 35 (2) The child's parent also has been adjudged to be a dependent
36 child or nonminor dependent of the court on the grounds that he
37 or she is a person described by Section 300, 450, 601, or 602 and
38 is receiving benefits under this chapter.

1 (3) The child is placed in the same licensed or approved foster
2 care facility in which his or her parent is placed and the child's
3 parent is receiving reunification services with respect to that child.

4 (i) *This section shall become inoperative on July 15, 2016, and,*
5 *as of January 1, 2017, is repealed, unless a later enacted statute,*
6 *that becomes operative on or before January 1, 2017, deletes or*
7 *extends the dates on which it becomes inoperative and is repealed.*

8 SEC. 12. Section 11401 is added to the Welfare and Institutions
9 Code, to read:

10 11401. *Aid in the form of AFDC-FC shall be provided under*
11 *this chapter on behalf of any child under 18 years of age, and, on*
12 *and after January 1, 2012, to any nonminor dependent who meets*
13 *the conditions of any of the following subdivisions:*

14 (a) *The child has been relinquished, for purposes of adoption,*
15 *to a licensed adoption agency, or the department, or the parental*
16 *rights of either or both of his or her parents have been terminated*
17 *after an action under the Family Code has been brought by a*
18 *licensed adoption agency or the department, provided that the*
19 *licensed adoption agency or the department, if responsible for*
20 *placement and care, provides to those children all services as*
21 *required by the department to children in foster care.*

22 (b) *The child has been removed from the physical custody of*
23 *his or her parent, relative, or guardian as a result of a voluntary*
24 *placement agreement or a judicial determination that continuance*
25 *in the home would be contrary to the child's welfare and that, if*
26 *the child was placed in foster care, reasonable efforts were made,*
27 *consistent with Chapter 5 (commencing with Section 16500) of*
28 *Part 4, to prevent or eliminate the need for removal of the child*
29 *from his or her home and to make it possible for the child to return*
30 *to his or her home, and any of the following applies:*

31 (1) *The child has been adjudged a dependent child of the court*
32 *on the grounds that he or she is a person described by Section*
33 *300.*

34 (2) *The child has been adjudged a ward of the court on the*
35 *grounds that he or she is a person described by Sections 601 and*
36 *602, or, on or after January 1, 2012, the nonminor is under the*
37 *transition jurisdiction of the juvenile court pursuant to Section*
38 *450.*

39 (3) *The child has been detained under a court order, pursuant*
40 *to Section 319 or 636, that remains in effect.*

- 1 (4) *The child's or nonminor's dependency jurisdiction, or*
2 *transition jurisdiction pursuant to Section 450, has resumed*
3 *pursuant to Section 387, or subdivision (a) or (e) of Section 388.*
- 4 (c) *The child has been voluntarily placed by his or her parent*
5 *or guardian pursuant to Section 11401.1.*
- 6 (d) *The child is living in the home of a nonrelated legal*
7 *guardian.*
- 8 (e) *On and after January 1, 2012, the child is a nonminor*
9 *dependent who is placed pursuant to a mutual agreement as set*
10 *forth in subdivision (u) of Section 11400, under the placement and*
11 *care responsibility of the county child welfare services department,*
12 *an Indian tribe that entered into an agreement pursuant to Section*
13 *10553.1, or the county probation department, or the child is a*
14 *nonminor dependent reentering foster care placement pursuant*
15 *to a voluntary reentry agreement, as set forth in subdivision (z) of*
16 *Section 11400.*
- 17 (f) *The child has been placed in foster care under the federal*
18 *Indian Child Welfare Act. Sections 11402, 11404, and 11405 shall*
19 *not be construed as limiting payments to Indian children, as defined*
20 *in the federal Indian Child Welfare Act, placed in accordance with*
21 *that act.*
- 22 (g) *To be eligible for federal financial participation, the*
23 *conditions described in paragraph (1), (2), (3), or (4) shall be*
24 *satisfied:*
- 25 (1) (A) *The child meets the conditions of subdivision (b).*
- 26 (B) *The child has been deprived of parental support or care for*
27 *any of the reasons set forth in Section 233.90 (c)(1) of Title 42 of*
28 *the Code of Federal Regulations.*
- 29 (C) *The child has been removed from the home of a relative as*
30 *defined in Section 233.90(c)(1) of Title 45 of the Code of Federal*
31 *Regulations, as amended.*
- 32 (D) *The requirements of Sections 671 and 672 of Title 42 of the*
33 *United States Code, as amended, have been met.*
- 34 (2) (A) *The child meets the requirements of subdivision (h).*
- 35 (B) *The requirements of Sections 671 and 672 of Title 42 of the*
36 *United States Code, as amended, have been met.*
- 37 (C) *This paragraph shall be implemented only if federal*
38 *financial participation is available for the children described in*
39 *this paragraph.*

1 (3) (A) *The child has been removed from the custody of his or*
2 *her parent, relative, or guardian as a result of a voluntary*
3 *placement agreement or a judicial determination that continuance*
4 *in the home would be contrary to the child's welfare and that, if*
5 *the child was placed in foster care, reasonable efforts were made,*
6 *consistent with Chapter 5 (commencing with Section 16500) of*
7 *Part 4, to prevent or eliminate the need for removal of the child*
8 *from his or her home and to make it possible for the child to return*
9 *to his or her home, or the child is a nonminor dependent who*
10 *satisfies the removal criteria in Section 472(a)(2)(A)(i) of the*
11 *federal Social Security Act (42 U.S.C. Sec. 672 (a)(2)(A)(i)) and*
12 *agrees to the placement and care responsibility of the placing*
13 *agency by signing the voluntary reentry agreement, as set forth in*
14 *subdivision (z) of Section 11400, and any of the following applies:*
15 (i) *The child has been adjudged a dependent child of the court*
16 *on the grounds that he or she is a person described by Section*
17 *300.*
18 (ii) *The child has been adjudged a ward of the court on the*
19 *grounds that he or she is a person described by Sections 601 and*
20 *602 or, on or after January 1, 2012, the nonminor is under the*
21 *transition jurisdiction of the juvenile court, pursuant to Section*
22 *450.*
23 (iii) *The child has been detained under a court order, pursuant*
24 *to Section 319 or 636, that remains in effect.*
25 (iv) *The child's or nonminor's dependency jurisdiction, or*
26 *transition jurisdiction pursuant to Section 450, has resumed*
27 *pursuant to Section 387, or subdivision (a) or (e) of Section 388.*
28 (B) *The child has been placed in an eligible foster care*
29 *placement, as set forth in Section 11402.*
30 (C) *The requirements of Sections 671 and 672 of Title 42 of the*
31 *United States Code have been satisfied.*
32 (D) *This paragraph shall be implemented only if federal*
33 *financial participation is available for the children described in*
34 *this paragraph.*
35 (4) *With respect to a nonminor dependent, in addition to meeting*
36 *the conditions specified in paragraph (1), the requirements of*
37 *Section 675(8)(B) of Title 42 of the United States Code have been*
38 *satisfied. With respect to a former nonminor dependent who*
39 *reenters foster care placement by signing the voluntary reentry*
40 *agreement, as set forth in subdivision (z) of Section 11400, the*

1 requirements for AFDC-FC eligibility of Section 672(a)(3)(A) of
2 Title 42 of the United States Code are satisfied based on the
3 nonminor's status as a child-only case, without regard to the
4 parents, legal guardians, or others in the assistance unit in the
5 home from which the nonminor was originally removed.

6 (h) The child meets all of the following conditions:

7 (1) The child has been adjudged to be a dependent child or ward
8 of the court on the grounds that he or she is a person described in
9 Section 300, 601, or 602.

10 (2) The child's parent also has been adjudged to be a dependent
11 child or nonminor dependent of the court on the grounds that he
12 or she is a person described by Section 300, 450, 601, or 602 and
13 is receiving benefits under this chapter.

14 (3) The child is placed in the same licensed or approved foster
15 care facility in which his or her parent is placed and the child's
16 parent is receiving reunification services with respect to that child.

17 (i) This section shall become operative on July 15, 2016.

18 SEC. 13. Section 11450.16 of the Welfare and Institutions Code
19 is amended to read:

20 11450.16. (a) For purposes of determining eligibility under
21 this chapter, and for computing the amount of aid payment under
22 Section 11450, families shall be grouped into assistance units.

23 (b) Every assistance unit shall include at least one of the
24 following persons:

25 (1) One of each of the following:

26 (A) An eligible child.

27 (B) The caretaker relative of an otherwise eligible child who is
28 not receiving aid under Section 11250 because that child is
29 receiving benefits under Title XVI of the Social Security Act
30 (Subchapter 16 (commencing with Section 1381) of Chapter 7 of
31 Title 42 of the United States Code), or Kin-GAP payments under
32 Section 11364 or 11387, or foster care payments under Section
33 11461.

34 (2) A pregnant woman who is eligible for payments under
35 subdivision (c) of Section 11450.

36 (c) Every assistance unit shall, in addition to the requirements
37 of subdivision (b), include the eligible parents of the eligible child
38 and the eligible siblings, including half-siblings, of the eligible
39 child when those persons reside in the same home as the eligible
40 child. This subdivision shall not apply to any convicted offender

1 who is permitted to reside at the home of the eligible child as part
2 of a court-imposed sentence and who is considered an absent parent
3 under Section 11250.

4 (d) An assistance unit may, at the option of the family
5 comprising the assistance unit, also include the nonparent caretaker
6 relative of the eligible child, the spouse of the parent of the eligible
7 child, otherwise eligible nonsibling children in the care of the
8 caretaker relative of the eligible child, and the alternatively
9 sentenced offender parent exempted under subdivision (c).

10 (e) If two or more assistance units reside in the same home, they
11 shall be combined into one assistance unit when any of the
12 following circumstances occurs:

13 (1) There is a common caretaker relative for the eligible
14 children.

15 (2) One caretaker relative marries another caretaker relative.

16 (3) Two caretaker relatives are the parents of an eligible child.

17 (f) For purposes of this section, “caretaker relative” means the
18 parent or other relative, as defined by regulations adopted by the
19 department, who exercises responsibility and control of a child.

20 (g) *This section shall become inoperative on July 15, 2016, and,*
21 *as of January 1, 2017, is repealed, unless a later enacted statute,*
22 *that becomes operative on or before January 1, 2017, deletes or*
23 *extends the dates on which it becomes inoperative and is repealed.*

24 *SEC. 14. Section 11450.16 is added to the Welfare and*
25 *Institutions Code, to read:*

26 *11450.16. (a) For purposes of determining eligibility under*
27 *this chapter, and for computing the amount of aid payment under*
28 *Section 11450, families shall be grouped into assistance units.*

29 (b) *Every assistance unit shall include at least one of the*
30 *following persons:*

31 (1) *One of each of the following:*

32 (A) *An eligible child.*

33 (B) *The caretaker relative of an otherwise eligible child who is*
34 *not receiving aid under Section 11250 because that child is*
35 *receiving benefits under Title XVI of the Social Security Act*
36 *(Subchapter 16 (commencing with Section 1381) of Chapter 7 of*
37 *Title 42 of the United States Code), or Kin-GAP payments under*
38 *Section 11364 or 11387, or foster care payments under Section*
39 *11461.*

1 (2) A pregnant woman who is eligible for payments under
2 subdivision (c) of Section 11450.

3 (c) Every assistance unit shall, in addition to the requirements
4 of subdivision (b), include the eligible parents of the eligible child
5 and the eligible siblings, including half-siblings, of the eligible
6 child when those persons reside in the same home as the eligible
7 child. This subdivision shall not apply to any convicted offender
8 who is permitted to reside at the home of the eligible child as part
9 of a court-imposed sentence and who is considered an absent
10 parent under subdivision (d).

11 (d) A parent shall not be included in the assistance unit if he or
12 she is absent from the home due to divorce, separation, desertion,
13 or any other reason, if his or her absence interrupts or terminates
14 the parent's functioning as a provider of maintenance, physical
15 care, or guidance for the child, and the known or indefinite
16 duration of the absence precludes counting on the parent's
17 performance of the function of planning for the present support
18 or care of the child. If these conditions exist, the parent may be
19 absent for any reason, and may have left only recently or some
20 time previously.

21 (e) An assistance unit may, at the option of the family comprising
22 the assistance unit, also include the nonparent caretaker relative
23 of the eligible child, the spouse of the parent of the eligible child,
24 otherwise eligible nonsibling children in the care of the caretaker
25 relative of the eligible child, and the alternatively sentenced
26 offender parent exempted under subdivision (c).

27 (f) If two or more assistance units reside in the same home, they
28 shall be combined into one assistance unit when any of the
29 following circumstances occurs:

30 (1) There is a common caretaker relative for the eligible
31 children.

32 (2) One caretaker relative marries another caretaker relative.

33 (3) Two caretaker relatives are the parents of an eligible child.

34 (g) For purposes of this section, "caretaker relative" means
35 the parent or other relative, as defined by regulations adopted by
36 the department, who exercises responsibility and control of a child.

37 (h) This section shall become operative on July 15, 2016.

38 ~~SEC. 8.~~

39 ~~SEC. 15.~~ (a) Notwithstanding the Administrative Procedure
40 Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of

1 Division 3 of Title 2 of the Government Code), the State
2 Department of Social Services shall implement this act through
3 an all-county letter or similar instructions from the ~~director no later~~
4 ~~than March 1, 2016.~~ *director.*

5 (b) The department shall adopt regulations as necessary to
6 implement this act no later than July 1, 2018.

7 ~~SEC. 9.~~

8 *SEC. 16.* No appropriation pursuant to Section 15200 of the
9 Welfare and Institutions Code shall be made for purposes of
10 implementing this act.

11 ~~SEC. 10.~~

12 *SEC. 17.* If the Commission on State Mandates determines
13 that this act contains costs mandated by the state, reimbursement
14 to local agencies and school districts for those costs shall be made
15 pursuant to Part 7 (commencing with Section 17500) of Division
16 4 of Title 2 of the Government Code.