

AMENDED IN SENATE SEPTEMBER 1, 2015

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, repeal, and add Sections *11201*, 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 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, commencing ~~July 15, July 1, 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~~ 2 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 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 amended to read:

5 11201. For the purposes of this chapter, the following shall
6 apply:

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

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

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

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25 2016, and, as of January 1, 2017, is repealed, unless a later enacted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28 is repealed.

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

31 11201. (a) For purposes of this chapter, “parent” means a
32 natural or adoptive parent.

33 (b) This section shall become operative on ~~July 15, July 1,~~ 2016.

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

36 11250. Aid, services, or both shall be granted under the
37 provisions of this chapter, and subject to the regulations of the
38 department, to families with related children under the age of 18

1 years, except as provided in Section 11253, in need thereof because
 2 they have been deprived of parental support or care due to:

3 (a) The death, physical or mental incapacity, or incarceration
 4 of a parent.

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

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

18 (d) This section shall become inoperative on ~~July 15, July 1,~~
 19 2016, and, as of January 1, 2017, is repealed, unless a later enacted
 20 statute, that becomes operative on or before January 1, 2017,
 21 deletes or extends the dates on which it becomes inoperative and
 22 is repealed.

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

25 11250. (a) Aid, services, or both shall be granted under this
 26 chapter, and subject to the regulations of the department, to families
 27 with related children under 18 years of age, except as provided in
 28 Section 11253, in need thereof, if the family meets the eligibility
 29 requirements specified in this chapter.

30 (b) This section shall become operative on ~~July 15, July 1,~~ 2016.

31 ~~SEC. 6. Section 11450.16 of the Welfare and Institutions Code~~
 32 ~~is amended to read:~~

33 ~~11450.16. (a) For purposes of determining eligibility under~~
 34 ~~this chapter, and for computing the amount of aid payment under~~
 35 ~~Section 11450, families shall be grouped into assistance units.~~

36 ~~(b) Every assistance unit shall include at least one of the~~
 37 ~~following persons:~~

38 ~~(1) One of each of the following:~~

39 ~~(A) An eligible child.~~

1 ~~(B) The caretaker relative of an otherwise eligible child who is~~
2 ~~not receiving aid under Section 11250 because that child is~~
3 ~~receiving benefits under Title XVI of the Social Security Act~~
4 ~~(Subchapter 16 (commencing with Section 1381) of Chapter 7 of~~
5 ~~Title 42 of the United States Code), or Kin-GAP payments under~~
6 ~~Section 11364 or 11387, or foster care payments under Section~~
7 ~~11461.~~

8 ~~(2) A pregnant woman who is eligible for payments under~~
9 ~~subdivision (e) of Section 11450.~~

10 ~~(e) Every assistance unit shall, in addition to the requirements~~
11 ~~of subdivision (b), include the eligible parents of the eligible child~~
12 ~~and the eligible siblings, including half-siblings, of the eligible~~
13 ~~child when those persons reside in the same home as the eligible~~
14 ~~child. This subdivision shall not apply to any convicted offender~~
15 ~~who is permitted to reside at the home of the eligible child as part~~
16 ~~of a court-imposed sentence and who is considered an absent parent~~
17 ~~under subdivision (d).~~

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

27 ~~(e) An assistance unit may, at the option of the family~~
28 ~~comprising the assistance unit, also include the nonparent caretaker~~
29 ~~relative of the eligible child, the spouse of the parent of the eligible~~
30 ~~child, otherwise eligible nonsibling children in the care of the~~
31 ~~caretaker relative of the eligible child, and the alternatively~~
32 ~~sentenced offender parent exempted under subdivision (e).~~

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

36 ~~(1) There is a common caretaker relative for the eligible~~
37 ~~children.~~

38 ~~(2) One caretaker relative marries another caretaker relative.~~

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

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

4 ~~SEC. 7.~~

5 *SEC. 6.* Section 11320.3 of the Welfare and Institutions Code
6 is amended to read:

7 11320.3. (a) (1) Except as provided in subdivision (b) or if
8 otherwise exempt, every individual, as a condition of eligibility
9 for aid under this chapter, shall participate in welfare-to-work
10 activities under this article.

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

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

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

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

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

25 (C) Notwithstanding subparagraph (B), a person who is 16 or
26 17 years of age who has obtained a high school diploma or its
27 equivalent and is enrolled or is planning to enroll in a
28 postsecondary education, vocational, or technical school training
29 program shall also not be required to participate for so long as the
30 condition continues to exist.

31 (D) For purposes of subparagraph (C), a person shall be deemed
32 to be planning to enroll in a postsecondary education, vocational,
33 or technical school training program if he or she, or his or her
34 parent, acting on his or her behalf, submits a written statement
35 expressing his or her intent to enroll in such a program for the
36 following term. The exemption from participation shall not
37 continue beyond the beginning of the term, unless verification of
38 enrollment is provided or obtained by the county.

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

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

7 (B) The individual is of advanced age.

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

17 (5) An individual whose presence in the home is required
18 because of illness or incapacity of another member of the household
19 and whose caretaking responsibilities impair the recipient's ability
20 to be regularly employed or to participate in welfare-to-work
21 activities.

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

24 (A) (i) The parent or other relative has primary responsibility
25 for personally providing care to a child six months of age or under,
26 except that, on a case-by-case basis, and based on criteria
27 developed by the county, this period may be reduced to the first
28 12 weeks after the birth or adoption of the child, or increased to
29 the first 12 months after the birth or adoption of the child. An
30 individual may be exempt only once under this clause.

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

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

- 38 (I) The availability of child care.
- 39 (II) Local labor market conditions.
- 40 (III) Other factors determined by the county.

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

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

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

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

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

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

38 (2) Section 11325.25 shall apply to a custodial parent who is
39 18 or 19 years of age and who is required to participate under this
40 article.

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

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

25 (1) Lack of necessary supportive services.

26 (2) In accordance with Article 7.5 (commencing with Section
27 11495), the applicant or recipient is a victim of domestic violence,
28 but only if participation under this article is detrimental to or
29 unfairly penalizes that individual or his or her family.

30 (3) Licensed or license-exempt child care for a child 10 years
31 of age or younger is not reasonably available during the
32 individual's hours of training or employment including commuting
33 time, or arrangements for child care have broken down or have
34 been interrupted, or child care is needed for a child who meets the
35 criteria of subparagraph (C) of paragraph (1) of subdivision (a) of
36 Section 11323.2, but who is not included in the assistance unit.
37 For purposes of this paragraph, "reasonable availability" means
38 child care that is commonly available in the recipient's community
39 to a person who is not receiving aid and that is in conformity with
40 the requirements of Public Law 104-193. The choices of child care

1 shall meet either licensing requirements or the requirements of
2 Section 11324. This good cause criterion shall include the
3 unavailability of suitable special needs child care for children with
4 identified special needs, including, but not limited to, disabilities
5 or chronic illnesses.

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

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

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

24 (2) For purposes of this subdivision, reengagement in
25 welfare-to-work activities shall include the development of a
26 welfare-to-work plan in accordance with Section 11325.21 and
27 the provision of necessary supportive services pursuant to Section
28 11323.2.

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

32 (4) A recipient reengaged in accordance with this subdivision
33 who has received assistance under this chapter, or from any state
34 pursuant to the Temporary Assistance for Needy Families program
35 (Part A (commencing with Section 401) of Title IV of the federal
36 Social Security Act (42 U.S.C. Sec. 601 et seq.)), may continue
37 in a welfare-to-work plan that meets the requirements of Section
38 11322.6 for a cumulative period of 24 months commencing the
39 first day of the first month after he or she is reengaged, unless or

1 until he or she exceeds the 48-month time limitation described in
2 Section 11454.

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

7 (i) This section shall become inoperative on ~~July 15~~, *July 1*,
8 2016, and, as of January 1, 2017, is repealed, unless a later enacted
9 statute, that becomes operative on or before January 1, 2017,
10 deletes or extends the dates on which it becomes inoperative and
11 is repealed.

12 ~~SEC. 8.~~

13 *SEC. 7.* Section 11320.3 is added to the Welfare and Institutions
14 Code, to read:

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

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

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

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

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

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

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

39 (D) For purposes of subparagraph (C), a person shall be deemed
40 to be planning to enroll in a postsecondary education, vocational,

1 or technical school training program if he or she, or his or her
2 parent, acting on his or her behalf, submits a written statement
3 expressing his or her intent to enroll in such a program for the
4 following term. The exemption from participation shall not
5 continue beyond the beginning of the term, unless verification of
6 enrollment is provided or obtained by the county.

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

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

14 (B) The individual is of advanced age.

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

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

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

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

38 (ii) An individual who received an exemption pursuant to clause
39 (i) shall be exempt for a period of 12 weeks, upon the birth or
40 adoption of any subsequent children, except that this period may

1 be extended on a case-by-case basis to six months, based on criteria
2 developed by the county.

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

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

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

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

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

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

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

36 (d) (1) Notwithstanding subdivision (a), a custodial parent who
37 is under 20 years of age and who has not earned a high school
38 diploma or its equivalent, and who is not exempt or whose only
39 basis for exemption is paragraph (1), (2), (5), (6), (7), or (8) of
40 subdivision (b), shall be required to participate solely for the

1 purpose of earning a high school diploma or its equivalent. During
2 the time that Article 3.5 (commencing with Section 11331) is
3 operative, this subdivision shall only apply to a custodial parent
4 who is 19 years of age.

5 (2) Section 11325.25 shall apply to a custodial parent who is
6 18 or 19 years of age and who is required to participate under this
7 article.

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

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

33 (1) Lack of necessary supportive services.

34 (2) In accordance with Article 7.5 (commencing with Section
35 11495), the applicant or recipient is a victim of domestic violence,
36 but only if participation under this article is detrimental to or
37 unfairly penalizes that individual or his or her family.

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

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

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

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

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

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

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

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

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

15 (i) This section shall become operative on ~~July 15~~, *July 1*, 2016.
 16 ~~SEC. 9.~~

17 *SEC. 8.* Section 11322.8 of the Welfare and Institutions Code
 18 is amended to read:

19 11322.8. (a) For a recipient required to participate in
 20 accordance with paragraph (1) of subdivision (a) of Section
 21 11322.85, unless the recipient is otherwise exempt, the following
 22 shall apply:

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

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

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

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

39 (1) Unless otherwise exempt, an adult recipient in a one-parent
 40 assistance unit shall participate in welfare-to-work activities for

1 an average of at least 30 hours per week during the month, subject
2 to the special rules and limitations described in Section
3 607(c)(1)(A) of Title 42 of the United States Code as of January
4 1, 2013.

5 (2) Unless otherwise exempt, an adult recipient in a one-parent
6 assistance unit that includes a child under six years of age shall
7 participate in welfare-to-work activities for an average of at least
8 20 hours per week during the month, as described in Section
9 607(c)(2)(B) of Title 42 of the United States Code as of January
10 1, 2013.

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

17 (c) This section shall become inoperative on ~~July 15~~, *July 1*,
18 2016, and, as of January 1, 2017, is repealed, unless a later enacted
19 statute, that becomes operative on or before January 1, 2017,
20 deletes or extends the dates on which it becomes inoperative and
21 is repealed.

22 ~~SEC. 10.~~

23 *SEC. 9.* Section 11322.8 is added to the Welfare and Institutions
24 Code, to read:

25 11322.8. (a) An adult recipient required to participate in
26 accordance with paragraph (1) of subdivision (a) of Section
27 11322.85, unless otherwise exempt, shall participate in
28 welfare-to-work activities for the following number of hours per
29 week during the month:

30 (1) ~~At~~ *An average of at least 30 hours per week*, if the assistance
31 unit includes either of the following but does not include a child
32 under six years of age:

33 (A) One adult.

34 (B) Two adults, one of whom is disabled as defined in
35 subparagraph (A) of paragraph (3) of subdivision (b) of Section
36 11320.3.

37 (2) ~~At~~ *An average of at least 20 hours per week*, if the assistance
38 unit includes a child under six years of age and either of the
39 following:

40 (A) One adult.

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

4 (3) ~~At~~*An average of at least 20 hours per week*, if the assistance
 5 unit consists only of a pregnant woman.

6 (4) ~~At~~*An average of at least 35 hours per week* if the assistance
 7 unit includes two adults, except as provided in paragraphs (1) and
 8 (2). However, both adults may contribute to the 35 hours.

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

13 (1) ~~At~~*An average of at least 30 hours per week*, subject to the
 14 special rules and limitations described in Section 607(c)(1)(A) of
 15 Title 42 of the United States Code as of January 1, 2013, if the
 16 assistance unit consists of only a pregnant woman, or includes one
 17 of the following but does not include a child under six years of
 18 age:

19 (A) One adult.

20 (B) Two adults, one of whom is disabled as defined in
 21 subparagraph (A) of paragraph (3) of subdivision (b) of Section
 22 11320.3.

23 (2) ~~At~~*An average of at least 20 hours per week*, as described
 24 in Section 607(c)(2)(B) of Title 42 of the United States Code as
 25 of January 1, 2013, if the assistance unit includes only one adult
 26 and a child under six years of age.

27 (3) ~~At~~*An average of at least 35 hours per week* if the assistance
 28 unit includes two adults, except as provided in paragraph (1) and
 29 subject to the special rules and limitations described in Section
 30 607(c)(1)(B) of Title 42 of the United States Code as of January
 31 1, 2013.

32 (c) *This section shall become operative on July 1, 2016.*

33 ~~SEC. 11.~~

34 *SEC. 10.* Section 11401 of the Welfare and Institutions Code
 35 is amended to read:

36 11401. Aid in the form of AFDC-FC shall be provided under
 37 this chapter on behalf of any child under 18 years of age, and, on
 38 and after January 1, 2012, to any nonminor dependent who meets
 39 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 (c) 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 11250.

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

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

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

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

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

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

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

1 (ii) The child has been adjudged a ward of the court on the
2 grounds that he or she is a person described by Sections 601 and
3 602 or, on or after January 1, 2012, the nonminor is under the
4 transition jurisdiction of the juvenile court, pursuant to Section
5 450.

6 (iii) The child has been detained under a court order, pursuant
7 to Section 319 or 636, that remains in effect.

8 (iv) The child's or nonminor's dependency jurisdiction, or
9 transition jurisdiction pursuant to Section 450, has resumed
10 pursuant to Section 387, or subdivision (a) or (e) of Section 388.

11 (B) The child has been placed in an eligible foster care
12 placement, as set forth in Section 11402.

13 (C) The requirements of Sections 671 and 672 of Title 42 of
14 the United States Code have been satisfied.

15 (D) This paragraph shall be implemented only if federal financial
16 participation is available for the children described in this
17 paragraph.

18 (4) With respect to a nonminor dependent, in addition to meeting
19 the conditions specified in paragraph (1), the requirements of
20 Section 675(8)(B) of Title 42 of the United States Code have been
21 satisfied. With respect to a former nonminor dependent who
22 reenters foster care placement by signing the voluntary reentry
23 agreement, as set forth in subdivision (z) of Section 11400, the
24 requirements for AFDC-FC eligibility of Section 672(a)(3)(A) of
25 Title 42 of the United States Code are satisfied based on the
26 nonminor's status as a child-only case, without regard to the
27 parents, legal guardians, or others in the assistance unit in the home
28 from which the nonminor was originally removed.

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

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

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

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

1 (i) This section shall become inoperative on ~~July 15~~, *July 1*,
2 2016, and, as of January 1, 2017, is repealed, unless a later enacted
3 statute, that becomes operative on or before January 1, 2017,
4 deletes or extends the dates on which it becomes inoperative and
5 is repealed.

6 ~~SEC. 12.~~

7 *SEC. 11.* Section 11401 is added to the Welfare and Institutions
8 Code, to read:

9 11401. Aid in the form of AFDC-FC shall be provided under
10 this chapter on behalf of any child under 18 years of age, and, on
11 and after January 1, 2012, to any nonminor dependent who meets
12 the conditions of any of the following subdivisions:

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

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

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

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

37 (3) The child has been detained under a court order, pursuant
38 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 guardian.

7 (e) On and after January 1, 2012, the child is a nonminor
8 dependent who is placed pursuant to a mutual agreement as set
9 forth in subdivision (u) of Section 11400, under the placement and
10 care responsibility of the county child welfare services department,
11 an Indian tribe that entered into an agreement pursuant to Section
12 10553.1, or the county probation department, or the child is a
13 nonminor dependent reentering foster care placement pursuant to
14 a voluntary reentry agreement, as set forth in subdivision (z) of
15 Section 11400.

16 (f) The child has been placed in foster care under the federal
17 Indian Child Welfare Act. Sections 11402, 11404, and 11405 shall
18 not be construed as limiting payments to Indian children, as defined
19 in the federal Indian Child Welfare Act, placed in accordance with
20 that act.

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

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

25 (B) The child has been deprived of parental support or care for
26 any of the reasons set forth in Section 233.90 (c)(1) of Title 42 of
27 the Code of Federal Regulations.

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

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

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

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

36 (C) This paragraph shall be implemented only if federal financial
37 participation is available for the children described in this
38 paragraph.

39 (3) (A) The child has been removed from the custody of his or
40 her parent, relative, or guardian as a result of a voluntary placement

1 agreement or a judicial determination that continuance in the home
2 would be contrary to the child's welfare and that, if the child was
3 placed in foster care, reasonable efforts were made, consistent with
4 Chapter 5 (commencing with Section 16500) of Part 4, to prevent
5 or eliminate the need for removal of the child from his or her home
6 and to make it possible for the child to return to his or her home,
7 or the child is a nonminor dependent who satisfies the removal
8 criteria in Section 472(a)(2)(A)(i) of the federal Social Security
9 Act (42 U.S.C. Sec. 672 (a)(2)(A)(i)) and agrees to the placement
10 and care responsibility of the placing agency by signing the
11 voluntary reentry agreement, as set forth in subdivision (z) of
12 Section 11400, and any of the following applies:

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

15 (ii) The child has been adjudged a ward of the court on the
16 grounds that he or she is a person described by Sections 601 and
17 602 or, on or after January 1, 2012, the nonminor is under the
18 transition jurisdiction of the juvenile court, pursuant to Section
19 450.

20 (iii) The child has been detained under a court order, pursuant
21 to Section 319 or 636, that remains in effect.

22 (iv) The child's or nonminor's dependency jurisdiction, or
23 transition jurisdiction pursuant to Section 450, has resumed
24 pursuant to Section 387, or subdivision (a) or (e) of Section 388.

25 (B) The child has been placed in an eligible foster care
26 placement, as set forth in Section 11402.

27 (C) The requirements of Sections 671 and 672 of Title 42 of
28 the United States Code have been satisfied.

29 (D) This paragraph shall be implemented only if federal financial
30 participation is available for the children described in this
31 paragraph.

32 (4) With respect to a nonminor dependent, in addition to meeting
33 the conditions specified in paragraph (1), the requirements of
34 Section 675(8)(B) of Title 42 of the United States Code have been
35 satisfied. With respect to a former nonminor dependent who
36 reenters foster care placement by signing the voluntary reentry
37 agreement, as set forth in subdivision (z) of Section 11400, the
38 requirements for AFDC-FC eligibility of Section 672(a)(3)(A) of
39 Title 42 of the United States Code are satisfied based on the
40 nonminor's status as a child-only case, without regard to the

1 parents, legal guardians, or others in the assistance unit in the home
2 from which the nonminor was originally removed.

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

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

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

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

14 (i) This section shall become operative on ~~July 15~~, *July 1*, 2016.

15 ~~SEC. 13.~~

16 *SEC. 12.* Section 11450.16 of the Welfare and Institutions
17 Code is amended to read:

18 11450.16. (a) For purposes of determining eligibility under
19 this chapter, and for computing the amount of aid payment under
20 Section 11450, families shall be grouped into assistance units.

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

23 (1) One of each of the following:

24 (A) An eligible child.

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

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

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

1 of a court-imposed sentence and who is considered an absent parent
2 under Section 11250.

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

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

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

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

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

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

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

24 ~~SEC. 14.~~

25 *SEC. 13.* Section 11450.16 is added to the Welfare and
26 Institutions Code, to read:

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

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

32 (1) One of each of the following:

33 (A) An eligible child.

34 (B) The caretaker relative of an otherwise eligible child who is
35 not receiving aid under Section 11250 because that child is
36 receiving benefits under Title XVI of the Social Security Act
37 (Subchapter 16 (commencing with Section 1381) of Chapter 7 of
38 Title 42 of the United States Code), or Kin-GAP payments under
39 Section 11364 or 11387, or foster care payments under Section
40 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 parent
10 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 duration
16 of the absence precludes counting on the parent's performance of
17 the function of planning for the present support or care of the child.
18 If these conditions exist, the parent may be absent for any reason,
19 and may have left only recently or some time previously.

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

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

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

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

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

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

36 (h) This section shall become operative on ~~July 15~~, July 1, 2016.

37 ~~SEC. 15.~~

38 *SEC. 14.* (a) Notwithstanding the Administrative Procedure
39 Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of
40 Division 3 of Title 2 of the Government Code), the State

1 Department of Social Services shall implement this act through
2 an all-county letter or similar instructions from the director.

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

5 ~~SEC. 16.~~

6 *SEC. 15.* No appropriation pursuant to Section 15200 of the
7 Welfare and Institutions Code shall be made for purposes of
8 implementing this act.

9 ~~SEC. 17.~~

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