

ASSEMBLY BILL

No. 1742

Introduced by Assembly Member Mark Stone

February 1, 2016

An act to amend Sections 11265.2, 11265.45, 11320.15, 11320.3, 11322.85, 11322.86, 11451.5, 11454, 11454.2, and 17021 of the Welfare and Institutions Code, relating to CalWORKs.

LEGISLATIVE COUNSEL'S DIGEST

AB 1742, as introduced, Mark Stone. CalWORKs: eligibility.

Existing federal law provides for the allocation of federal funds through the federal Temporary Assistance for Needy Families (TANF) block grant program to eligible states. Existing law provides for the California Work Opportunity and Responsibility to Kids (CalWORKs) program under which, through a combination of state and county funds and federal funds received through the TANF program, each county provides cash assistance and other benefits to qualified low-income families. Existing law provides that a parent or caretaker relative shall not be eligible for CalWORKs aid when he or she has received aid for a cumulative total of 48 months. Under existing law, certain amounts are exempt from the calculation of income of the family for purposes of determining the amount of a grant under the CalWORKs program, including specified amounts of disability-based unearned income and earned income.

This bill would instead provide that a parent or caretaker relative shall not be eligible for CalWORKs aid when he or she has received aid for a cumulative total of 60 months. This bill would increase the amount of exempted disability-based unearned income and other earned income, as specified. The bill would also make other, conforming changes. By

increasing county administrative duties relating to the CalWORKs program, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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.

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. Section 11265.2 of the Welfare and Institutions
2 Code is amended to read:
3 11265.2. (a) The grant amount a recipient shall be entitled to
4 receive for each month of the semiannual reporting period shall
5 be prospectively determined as provided by this section. If a
6 recipient reports that he or she does not anticipate any changes in
7 income during the upcoming semiannual period, compared to the
8 income the recipient reported actually receiving on the semiannual
9 report form or the annual certificate of eligibility required pursuant
10 to Section 11265, the grant shall be calculated using the actual
11 income received. If a recipient reports that he or she anticipates a
12 change in income in one or more months of the upcoming
13 semiannual period, the county shall determine whether the
14 recipient's income is reasonably anticipated. The grant shall be
15 calculated using the income that the county determines is
16 reasonably anticipated for the upcoming semiannual period.
17 (b) For the purposes of the semiannual reporting, prospective
18 budgeting system, income shall be considered to be "reasonably
19 anticipated" if the county is reasonably certain of the amount of
20 income and that the income will be received during the semiannual
21 reporting period. The county shall determine what income is

1 “reasonably anticipated” based on information provided by the
2 recipient and any other available information.

3 (c) If a recipient reports that his or her income in the upcoming
4 semiannual period will be different each month and the county
5 needs additional information to determine a recipient’s reasonably
6 anticipated income for the following semiannual period, the county
7 may require the recipient to provide information about income for
8 each month of the prior semiannual period.

9 (d) Grant calculations pursuant to subdivision (a) may not be
10 revised to adjust the grant amount during the semiannual reporting
11 period, except as provided in Section 11265.3 and subdivisions
12 (e), (f), (g), and (h), and as otherwise established by the department.

13 (e) Notwithstanding subdivision (d), statutes and regulations
14 relating to (1) the ~~48-month~~ *60-month* time limit, (2) age limitations
15 for children under Section 11253, and (3) sanctions and financial
16 penalties affecting eligibility or grant amount shall be applicable
17 as provided in those statutes and regulations. Eligibility and grant
18 amount shall be adjusted during the semiannual reporting period
19 pursuant to those statutes and regulations effective with the first
20 monthly grant after timely and adequate notice is provided.

21 (f) Notwithstanding Section 11056, if an applicant applies for
22 assistance for a child who is currently aided in another assistance
23 unit, and the county determines that the applicant has care and
24 control of the child, as specified by the department, and is
25 otherwise eligible, the county shall discontinue aid to the child in
26 the existing assistance unit and shall aid the child in the applicant’s
27 assistance unit effective as of the first of the month following the
28 discontinuance of the child from the existing assistance unit.

29 (g) If the county is notified that a child for whom CalWORKs
30 assistance is currently being paid has been placed in a foster care
31 home, the county shall discontinue aid to the child at the end of
32 the month of placement. The county shall discontinue the case if
33 the remaining assistance unit members are not otherwise eligible.

34 (h) If the county determines that a recipient is no longer a
35 California resident, pursuant to Section 11100, the recipient shall
36 be discontinued with timely and adequate notice. The county shall
37 discontinue the case if the remaining assistance unit members are
38 not otherwise eligible.

39 (i) (1) This section shall become operative on April 1, 2013. A
40 county shall implement the semiannual reporting requirements in

1 accordance with the act that added this section no later than October
2 1, 2013.

3 (2) Upon implementation described in paragraph (1), each
4 county shall provide a certificate to the director certifying that
5 semiannual reporting has been implemented in the county.

6 (3) Upon filing the certificate described in paragraph (2), a
7 county shall comply with the semiannual reporting provisions of
8 this section.

9 SEC. 2. Section 11265.45 of the Welfare and Institutions Code
10 is amended to read:

11 11265.45. (a) Notwithstanding Sections 11265.1, 11265.2,
12 and 11265.3, a CalWORKs assistance unit that does not include
13 an eligible adult shall not be subject to periodic reporting
14 requirements other than the annual redetermination required in
15 Section 11265. This subdivision shall not apply to a CalWORKs
16 assistance unit in which the only eligible adult is under sanction
17 in accordance with Section 11327.5.

18 (b) For an assistance unit described in subdivision (a), grant
19 calculations may not be revised to adjust the grant amount during
20 the year except as provided in subdivisions (c), (d), (e), and (f),
21 Section 11265.47 and as otherwise established by the department
22 by regulation.

23 (c) Notwithstanding subdivision (b), statutes and regulations
24 relating to the ~~48-month~~ *60-month* time limit, age limitations for
25 children under Section 11253, and sanctions and financial penalties
26 affecting eligibility or grant amount shall be applicable as provided
27 in those statutes and regulations.

28 (d) If the county is notified that a child for whom assistance is
29 currently being paid has been placed in a foster care home, the
30 county shall discontinue aid to the child at the end of the month
31 of placement. The county shall discontinue the case if the
32 remaining assistance unit members are not otherwise eligible.

33 (e) If the county determines that a recipient is no longer a
34 California resident, pursuant to Section 11100, the recipient shall
35 be discontinued with timely and adequate notice. The county shall
36 discontinue the case if the remaining assistance unit members are
37 not otherwise eligible.

38 (f) If an overpayment has occurred, the county shall commence
39 any applicable grant adjustment in accordance with Section 11004

1 as of the first monthly grant after timely and adequate notice is
2 provided.

3 (g) This section shall become operative on the first day of the
4 first month following 90 days after the effective date of the act
5 that added this section, or October 1, 2012, whichever is later.

6 SEC. 3. Section 11320.15 of the Welfare and Institutions Code
7 is amended to read:

8 11320.15. After a participant has been removed from the
9 assistance unit under subdivision (a) of Section 11454, additional
10 welfare-to-work services may be provided to the recipient, at the
11 option of the county. If the county provides services to the recipient
12 after the ~~48-month~~ 60-month limit has been reached, the recipient
13 shall participate in community service or subsidized employment,
14 as described in Section 11322.63.

15 SEC. 4. Section 11320.3 of the Welfare and Institutions Code
16 is amended to read:

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

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

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

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

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

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

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

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

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

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

(B) The individual is of advanced age.

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

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

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

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

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

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

8 (I) The availability of child care.

9 (II) Local labor market conditions.

10 (III) Other factors determined by the county.

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

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

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

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

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

39 (d) (1) Notwithstanding subdivision (a), a custodial parent who
40 is under 20 years of age and who has not earned a high school

1 diploma or its equivalent, and who is not exempt or whose only
2 basis for exemption is paragraph (1), (2), (5), (6), (7), or (8) of
3 subdivision (b), shall be required to participate solely for the
4 purpose of earning a high school diploma or its equivalent. During
5 the time that Article 3.5 (commencing with Section 11331) is
6 operative, this subdivision shall only apply to a custodial parent
7 who is 19 years of age.

8 (2) Section 11325.25 shall apply to a custodial parent who is
9 18 or 19 years of age and who is required to participate under this
10 article.

11 (e) Notwithstanding paragraph (1) of subdivision (d), the county
12 may determine that participation in education activities for the
13 purpose of earning a high school diploma or equivalent is
14 inappropriate for an 18 or 19 year old custodial parent only if that
15 parent is reassigned pursuant to an evaluation under Section
16 11325.25, or, at appraisal is already in an educational or vocational
17 training program that is approvable as a self-initiated program as
18 specified in Section 11325.23. If that determination is made, the
19 parent shall be allowed to continue participation in the self-initiated
20 program subject to Section 11325.23. During the time that Article
21 3.5 (commencing with Section 11331) is operative, this subdivision
22 shall only apply to a custodial parent who is 19 years of age.

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

35 (1) Lack of necessary supportive services.

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

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

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

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

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

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

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

(4) A recipient reengaged in accordance with this subdivision who has received assistance under this chapter, or from any state pursuant to the Temporary Assistance for Needy Families program (Part A (commencing with Section 401) of Title IV of the federal Social Security Act (42 U.S.C. Sec. 601 et seq.)), may continue in a welfare-to-work plan that meets the requirements of Section 11322.6 for a cumulative period of 24 months commencing the first day of the first month after he or she is reengaged, unless or until he or she exceeds the ~~48-month~~ *60-month* time limitation described in Section 11454.

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

SEC. 5. Section 11322.85 of the Welfare and Institutions Code is amended to read:

11322.85. (a) Unless otherwise exempt, an applicant or recipient shall participate in welfare-to-work activities.

(1) For 24 cumulative months during a recipient's lifetime, these activities may include the activities listed in Section 11322.6 that are consistent with the assessment performed in accordance with Section 11325.4 and that are included in the individual's welfare-to-work plan, as described in Section 11325.21, to meet the hours required in Section 11322.8. These 24 months need not be consecutive.

(2) Any month in which the recipient meets the requirements of Section 11322.8, through participation in an activity or activities described in paragraph (3), shall not count as a month of activities for purposes of the 24-month time limit described in paragraph (1).

(3) After a total of 24 months of participation in welfare-to-work activities pursuant to paragraph (1), an aided adult shall participate in one or more of the following welfare-to-work activities, in accordance with Section 607(c) and (d) of Title 42 of the United States Code as of the operative date of this section, that are consistent with the assessment performed in accordance with

1 Section 11325.4, and included in the individual's welfare-to-work
2 plan, described in Section 11325.21:

- 3 (A) Unsubsidized employment.
- 4 (B) Subsidized private sector employment.
- 5 (C) Subsidized public sector employment.
- 6 (D) Work experience, including work associated with the
7 refurbishing of publicly assisted housing, if sufficient private sector
8 employment is not available.
- 9 (E) On-the-job training.
- 10 (F) Job search and job readiness assistance.
- 11 (G) Community service programs.
- 12 (H) Vocational educational training (not to exceed 12 months
13 with respect to any individual).
- 14 (I) Job skills training directly related to employment.
- 15 (J) Education directly related to employment, in the case of a
16 recipient who has not received a high school diploma or a
17 certificate of high school equivalency.
- 18 (K) Satisfactory attendance at a secondary school or in a course
19 of study leading to a certificate of general equivalence, in the case
20 of a recipient who has not completed secondary school or received
21 such a certificate.
- 22 (L) The provision of child care services to an individual who is
23 participating in a community service program.
- 24 (b) Any month in which any of the following conditions exists
25 shall not be counted as one of the 24 months of participation
26 allowed under paragraph (1) of subdivision (a):
 - 27 (1) The recipient is participating in job search in accordance
28 with Section 11325.22, assessment pursuant to Section 11325.4,
29 is in the process of appraisal as described in Section 11325.2, or
30 is participating in the development of a welfare-to-work plan as
31 described in Section 11325.21.
 - 32 (2) The recipient is no longer receiving aid, pursuant to Sections
33 11327.4 and 11327.5.
 - 34 (3) The recipient has been excused from participation for good
35 cause, pursuant to Section 11320.3.
 - 36 (4) The recipient is exempt from participation pursuant to
37 subdivision (b) of Section 11320.3.
 - 38 (5) The recipient is only required to participate in accordance
39 with subdivision (d) of Section 11320.3.

1 (6) The recipient is participating in family stabilization pursuant
2 to Section 11325.24, and the recipient would meet the criteria for
3 good cause pursuant to Section 11320.3. This paragraph may apply
4 to a recipient for no more than six cumulative months.

5 (c) County welfare departments shall provide each recipient
6 who is subject to the requirements of paragraph (3) of subdivision
7 (a) written notice describing the 24-month time limitation described
8 in that paragraph and the process by which recipients may claim
9 exemptions from, and extensions to, those requirements.

10 (d) The notice described in subdivision (c) shall be provided at
11 the time the individual applies for aid, during the recipient's annual
12 redetermination, and at least once after the individual has
13 participated for a total of 18 months, and prior to the end of the
14 21st month, that count toward the 24-month time limit.

15 (e) The notice described in this section shall include, but shall
16 not be limited to, all of the following:

17 (1) The number of remaining months the adult recipient may
18 be eligible to receive aid.

19 (2) The requirements that the recipient must meet in accordance
20 with paragraph (3) of subdivision (a) and the action that the county
21 will take if the adult recipient does not meet those requirements.

22 (3) The manner in which the recipient may dispute the number
23 of months counted toward the 24-month time limit.

24 (4) The opportunity for the recipient to modify his or her
25 welfare-to-work plan to meet the requirements of paragraph (3)
26 of subdivision (a).

27 (5) The opportunity for an exemption to, or extension of, the
28 24-month time limitation.

29 (f) For an individual subject to the requirements of paragraph
30 (3) of subdivision (a), who is not exempt or granted an extension,
31 and who does not meet those requirements, the provisions of
32 Sections 11327.4, 11327.5, 11327.9, and 11328.2 shall apply to
33 the extent consistent with the requirements of this section. For
34 purposes of this section, the procedures referenced in this
35 subdivision shall not be described as sanctions.

36 (g) (1) The department, in consultation with stakeholders, shall
37 convene a workgroup to determine further details of the noticing
38 and engagement requirements for the 24-month time limit, and
39 shall instruct counties via an all-county letter, followed by

1 regulations, no later than 18 months after the effective date of the
2 act that added this section.

3 (2) The workgroup described in paragraph (1) may also make
4 recommendations to refine or differentiate the procedures and due
5 process requirements applicable to individuals as described in
6 subdivision (f).

7 (h) (1) Notwithstanding paragraph (3) of subdivision (a) or any
8 other law, an assistance unit that contains an eligible adult who
9 has received assistance under this chapter, or from any state
10 pursuant to the Temporary Assistance for Needy Families program
11 (Part A (commencing with Section 401) of Title IV of the federal
12 Social Security Act (42 U.S.C. Sec. 601 et seq.)) prior to January
13 1, 2013, may continue in a welfare-to-work plan that meets the
14 requirements of Section 11322.6 for a cumulative period of 24
15 months commencing January 1, 2013, unless or until he or she
16 exceeds the ~~48-month~~ *60-month* time limitation described in
17 Section 11454.

18 (2) All months of assistance described in paragraph (1) prior to
19 January 1, 2013, shall not be applied to the 24-month limitation
20 described in paragraph (1) of subdivision (a).

21 (i) This section shall become operative on January 1, 2014.

22 SEC. 6. Section 11322.86 of the Welfare and Institutions Code
23 is amended to read:

24 11322.86. (a) (1) Each county may provide an extension of
25 time during which a recipient may participate in activities described
26 in paragraph (1) of subdivision (a) of Section 11322.85 for
27 recipients who are unlikely to meet the requirements of paragraph
28 (3) of subdivision (a) of Section 11322.85 upon the expiration of
29 the 24-month time limitation described in Section 11322.85.

30 (2) A county may grant extensions pursuant to paragraph (1)
31 for a number of assistance units equal to no more than 20 percent
32 of the assistance units in the county in which all adult members
33 have been provided aid under this chapter for at least 24 months,
34 in accordance with paragraph (1) of subdivision (a) of Section
35 11322.85, but not more than ~~48 months~~, *60 months*, in accordance
36 with Section 11454.

37 (b) Counties are required to report information regarding the
38 number and percentage of these extensions they have granted to
39 the state.

1 (c) After consultation with stakeholders, the department shall
2 issue an all-county letter by November 1, 2013, to define the
3 process for implementing the extensions described in this section
4 and the methodology for calculating the 20 percent limitation in
5 paragraph (2) of subdivision (a).

6 (d) It is the intent of the Legislature that the state shall work
7 with counties and other stakeholders to ensure that the extension
8 process pursuant to subdivision (a) is implemented with minimal
9 disruption to the impending completion of the welfare-to-work
10 plans for recipients.

11 (e) This section shall become operative on January 1, 2013.

12 SEC. 7. Section 11451.5 of the Welfare and Institutions Code
13 is amended to read:

14 11451.5. (a) The following income shall be exempt from the
15 calculation of the income of the family for purposes of subdivision
16 (a) of Section 11450:

17 (1) If disability-based unearned income does not exceed ~~two~~
18 ~~hundred twenty-five dollars (\$225)~~, *four hundred fifty dollars*
19 *(\$450)*, both of the following amounts:

20 (A) All disability-based unearned income, plus any amount of
21 not otherwise exempt earned income equal to the amount of the
22 difference between the amount of disability-based unearned income
23 and ~~two hundred twenty-five dollars (\$225)~~. *four hundred fifty*
24 *dollars (\$450)*.

25 (B) ~~Fifty~~ *Seventy* percent of all not otherwise exempt earned
26 income in excess of the amount applied to meet the differential
27 applied in subparagraph (A).

28 (2) If disability-based unearned income exceeds ~~two hundred~~
29 ~~twenty-five dollars (\$225)~~, *four hundred fifty dollars (\$450)* both
30 of the following amounts:

31 (A) All of the first ~~two hundred twenty-five dollars (\$225)~~ *four*
32 *hundred fifty dollars (\$450)* in disability-based unearned ~~income~~.
33 ~~income~~.

34 (B) ~~Fifty~~ *Seventy* percent of all earned income.

35 (b) For purposes of this section:

36 (1) Earned income means gross income received as wages,
37 salary, employer-provided sick leave benefits, commissions, or
38 profits from activities such as a business enterprise or farming in
39 which the recipient is engaged as a self-employed individual or as
40 an employee.

(2) Disability-based unearned income means state disability insurance benefits, private disability insurance benefits, temporary workers' compensation benefits, social security disability benefits, and any veteran's disability compensation.

(3) Unearned income means any income not described in paragraph (1) or (2).

(c) This section shall become operative on October 1, 2013.

SEC. 8. Section 11454 of the Welfare and Institutions Code is amended to read:

11454. (a) A parent or caretaker relative shall not be eligible for aid under this chapter when he or she has received aid under this chapter or from any state under the Temporary Assistance for Needy Families program (Part A (commencing with Section 401) of Title IV of the federal Social Security Act (42 U.S.C. Sec. 601 et seq.)) for a cumulative total of ~~48 months~~ *60 months*.

(b) (1) Except as otherwise specified in subdivision (c), Section 11454.5, or other provisions of law, all months of aid received under this chapter from January 1, 1998, to the operative date of this section, inclusive, shall be applied to the ~~48-month~~ *60-month* time limit described in subdivision (a).

(2) All months of aid received from January 1, 1998, to the operative date of this section, inclusive, in any state pursuant to the Temporary Assistance for Needy Families program (Part A (commencing with Section 401) of Title IV of the federal Social Security Act (42 U.S.C. Sec. 601 et seq.)), shall be applied to the ~~48-month~~ *60-month* time limit described in subdivision (a).

(c) Subdivision (a) and paragraph (1) of subdivision (b) shall not be applicable when all parents or caretaker relatives of the aided child who are living in the home of the child meet any of the following requirements:

(1) They are 60 years of age or older.

(2) They meet one of the conditions specified in paragraph (4) or (5) of subdivision (b) of Section 11320.3.

(3) They are not included in the assistance unit.

(4) They are receiving benefits under Section 12200 or Section 12300, State Disability Insurance benefits or Workers' Compensation Temporary Disability Insurance, if the disability significantly impairs the recipient's ability to be regularly employed or participate in welfare-to-work activities.

1 (5) They are incapable of maintaining employment or
2 participating in welfare-to-work activities, as determined by the
3 county, based on the assessment of the individual and the individual
4 has a history of participation and full cooperation in
5 welfare-to-work activities.

6 SEC. 9. Section 11454.2 of the Welfare and Institutions Code
7 is amended to read:

8 11454.2. For purposes of making the transition to the
9 requirements of the act that added this section, county welfare
10 departments shall provide any assistance unit that includes a
11 member who will reach the ~~48-month~~ *60-month* time limit
12 described in subdivision (a) of Section 11454 before January 1,
13 2012, a notice of action 30 days prior to the date upon which the
14 grant of the assistance unit will be reduced. This notice shall
15 include a statement of the rights granted pursuant to Chapter 7
16 (commencing with Section 10950) of Part 2.

17 SEC. 10. Section 17021 of the Welfare and Institutions Code
18 is amended to read:

19 17021. (a) Any individual who is not eligible for aid under
20 Chapter 2 (commencing with Section 11200) of Part 3 as a result
21 of the ~~48-month~~ *60-month* limitation specified in subdivision (a)
22 of Section 11454 shall not be eligible for aid or assistance under
23 this part until all of the children of the individual on whose behalf
24 aid was received, whether or not currently living in the home with
25 the individual, are 18 years of age or older.

26 (b) Any individual who is receiving aid under Chapter 2
27 (commencing with Section 11200) of Part 3 on behalf of an eligible
28 child, but who is either ineligible for aid or whose needs are not
29 otherwise taken into account in determining the amount of aid to
30 the family pursuant to Section 11450 due to the imposition of a
31 sanction or penalty, shall not be eligible for aid or assistance under
32 this part.

33 (c) This section shall not apply to health care benefits provided
34 under this part.

35 SEC. 11. If the Commission on State Mandates determines
36 that this act contains costs mandated by the state, reimbursement
37 to local agencies and school districts for those costs shall be made
38 pursuant to Part 7 (commencing with Section 17500) of Division
39 4 of Title 2 of the Government Code.

1 SEC. 12. No appropriation pursuant to Section 15200 of the
2 Welfare and Institutions Code shall be made for purposes of
3 implementing this act.

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