

Introduced by Senator MitchellDecember 1, 2014

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

LEGISLATIVE COUNSEL'S DIGEST

SB 23, as introduced, Mitchell. CalWORKs: eligibility.

Existing law requires each county to provide cash assistance and other social services to needy families through the California Work Opportunity and Responsibility to Kids (CalWORKs) program using federal Temporary Assistance to Needy Families (TANF) block grant program, state, and county funds. Under existing law, for purposes of determining a family's maximum aid payment under the CalWORKs program, the number of needy persons in the same family is not increased for any child born into a family that has received aid under the CalWORKs program continuously for the 10 months prior to the birth of the child, with specified exceptions.

This bill would repeal that exclusion for purposes of determining the family's maximum aid payment and would expressly prohibit the denial of aid, or the denial of an increase in the maximum aid payment, if a child, on whose behalf aid or an increase in aid is being requested, was born into an applicant's or recipient's family while the applicant's or recipient's family was receiving aid under the CalWORKs program. The bill would specify that an applicant or recipient is not entitled to an increased benefit payment for any month prior to January 1, 2016, as a result of the repeal of that exclusion or the enactment of that express prohibition. The bill would also prohibit the department from conditioning an applicant's or recipient's eligibility for aid on the applicant's or recipient's disclosure of information regarding rape,

incest, or contraception, as specified, or the applicant’s or recipient’s use of contraception.

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

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

To the extent that this bill affects eligibility under the CalWORKs program, the bill would create a state-mandated local program.

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

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

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Scientific research has demonstrated that young children
- 4 living in deep poverty experience lifelong cognitive impairments
- 5 limiting their ability to be prepared for, and succeed in, school.
- 6 (b) Academic research has documented an increase in missed
- 7 days of school and an increase in visits to hospital emergency
- 8 rooms by children who live in deep poverty.
- 9 (c) The Maximum Family Grant rule was adopted to limit the
- 10 length of time a family could receive basic needs assistance, and
- 11 to limit the amount of assistance a family could receive, through
- 12 the Aid to Families with Dependent Children (AFDC) program
- 13 before the implementation of welfare reform. At the time the rule
- 14 was adopted, there was no limit on the length of time a family
- 15 could receive aid, no work requirements, and the benefits provided
- 16 were approximately 80 percent of the federal poverty level.
- 17 (d) Since the implementation of the Maximum Family Grant
- 18 rule, AFDC has been replaced with the California Work
- 19 Opportunity and Responsibility to Kids Act (CalWORKs), which

1 imposes lifetime limits on aid and requires adult CalWORKs
2 participants to meet work requirements in order to receive a
3 maximum benefit of approximately 40 percent of the federal
4 poverty level.

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

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

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

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

18 11270.5. (a) An applicant for, or recipient of, aid under this
19 chapter shall not be required, as a condition of eligibility, to do
20 any of the following:

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

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

25 (3) Use contraception, choose a particular method of
26 contraception, or divulge the method of contraception that any
27 member of the assistance unit uses.

28 (b) An applicant for, or recipient of, aid under this chapter shall
29 not be denied aid, nor denied an increase in the maximum aid
30 payment, for a child born into the applicant's or recipient's family
31 during a period in which the applicant's or recipient's family was
32 receiving aid under this chapter.

33 (c) An applicant for, or recipient of, aid under this chapter shall
34 not be entitled to an increased benefit payment for any month prior
35 to January 1, 2016, as a result of the repeal of former Section
36 11450.04 (as added by Section 1 of Chapter 196 of the Statutes of
37 1994) or the enactment of this section.

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

1 ~~11450.04.— (a) For purposes of determining the maximum aid~~
2 ~~payment specified in subdivision (a) of Section 11450 and for no~~
3 ~~other purpose, the number of needy persons in the same family~~
4 ~~shall not be increased for any child born into a family that has~~
5 ~~received aid under this chapter continuously for the 10 months~~
6 ~~prior to the birth of the child. For purposes of this section, aid shall~~
7 ~~be considered continuous unless the family does not receive aid~~
8 ~~during two consecutive months. This subdivision shall not apply~~
9 ~~to applicants for, or recipients of, aid unless notification is provided~~
10 ~~pursuant to this section.~~

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

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

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

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

26 ~~(c) This section shall not apply to any child born on or before~~
27 ~~November 1, 1995.~~

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

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

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

35 ~~(e) One hundred percent of any child support payment received~~
36 ~~for a child born into the family, but for whom the maximum aid~~
37 ~~payment is not increased pursuant to this section, shall be paid to~~
38 ~~the assistance unit. Any such child support payment shall not be~~
39 ~~considered as income to the family for the purpose of calculating~~
40 ~~the amount of aid for which the family is eligible under this article.~~

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

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

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

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

21 SEC. 4. No appropriation pursuant to Section 15200 of the
22 Welfare and Institutions Code shall be made for the purposes of
23 this act.

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