

Introduced by Senator Solis

January 16, 1997

An act to add Sections 11216, 11217, 11218, and 11219 to the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

SB 163, as introduced, Solis. Temporary assistance for needy families.

Existing state law provides for the Aid to Families with Dependent Children (AFDC) program, pursuant to which qualified families are provided with cash assistance. Existing federal law provides for the allocation of federal funds through the federal Temporary Assistance for Needy Families (TANF) program to states that participate in the TANF program.

Existing federal law requires that eligibility of individuals receiving benefits under the TANF program be limited to 5 years, and requires that states require parents or caretakers to engage in work, as defined by the state, when the individual is determined to be ready to engage in work or once the parent or caretaker has received assistance under the program for 24 months, whichever is earlier.

This bill would specify that for purposes of eligibility for benefits under the state program funded through federal grants under the TANF program, eligible relative caregivers shall be exempt from the 2-year work participation requirements and the 5-year eligibility limitations contained in the TANF program.

By extending eligibility for benefits under the state program funded under the TANF program, this bill would increase county participation requirements, and would result in a state-mandated local program.

This bill would also require that programs implemented by counties that are evaluated and funded on the basis of foster care caseload growth be held harmless from financial participation in the costs of caseload growth attributable, by counties, to the implementation of the Temporary Assistance for Needy Families 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

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
- 2 the following:
- 3 (a) Kinship caregivers, who include grandparents and
- 4 other relatives providing a home for grandchildren,
- 5 nieces, nephews, and other children related by blood or
- 6 marriage, are a resource that helps to ensure that family
- 7 ties are maintained when children cannot reside with
- 8 their own parents.
- 9 (b) Kinship caregivers, and especially grandparent
- 10 caregivers, have increasingly been called upon to provide
- 11 homes for their grandchildren and nieces and nephews
- 12 whose parents are absent and unable to provide them
- 13 with homes.



1 (c) The number of kinship caregivers raising
2 grandchildren and other related children where no
3 parent is present has increased dramatically in the last
4 five years because of incarceration, drug use, and the
5 AIDS epidemic.

6 (d) Kinship caregivers include immigrants who have
7 entered the United States legally and people who have
8 obtained legal resident status, and who provide care for
9 their citizen grandchildren and nieces and nephews.

10 (e) In 1994, the American Association of Retired
11 Persons found that 56 percent of grandparent caregiver
12 households have incomes below \$20,000 per year, and
13 nearly half of those caregivers live at or below the poverty
14 level.

15 (f) In 1992, 77 percent of custodial grandparents
16 reported that they needed economic assistance to take
17 care of their grandchildren.

18 (g) In the absence of kinship caregivers, responsibility
19 for children whose parents are absent would fall to the
20 state, and these children would be placed in costly foster
21 care with strangers.

22 (h) Federal statutes, such as those contained in Section
23 505 of the federal Personal Responsibility and Work
24 Opportunity Reconciliation Act of 1996 (P.L. 104-193),
25 recognize the value of kinship care by requiring that state
26 plans for foster care and adoption assistance provide that
27 the state shall consider giving preference to adult
28 relatives over nonrelated caregivers when determining
29 the placement of children, provided that the relative
30 caregiver meets all relevant state child protection
31 standards.

32 (i) Despite its stated requirement for kinship care
33 over nonrelated caregivers, the federal Personal
34 Responsibility and Work Opportunity Reconciliation Act
35 of 1996 fails to recognize that some kinship caregivers
36 must rely on public assistance for themselves as well as
37 their grandchildren and nieces and nephews, and
38 because of this, federal Public Law 104-193 imposes work
39 requirements and time limits on those kinship caregivers
40 regardless of their age or ability to work.



1 SEC. 2. Section 11216 is added to the Welfare and
2 Institutions Code, to read:

3 11216. (a) For purposes of determining eligibility for
4 assistance under this chapter, relatives, as defined in
5 Section 11400 who provide care for dependent children
6 who are deprived of parental support or care and who are
7 determined to be otherwise eligible for assistance under
8 this chapter shall not be required to register for
9 employment and training programs as provided in
10 Section 11320.3.

11 (b) Relatives to whom subdivision (a) applies shall not
12 be subject to the time limits for receiving assistance under
13 this chapter.

14 (c) Upon a determination by the county that a relative
15 caregiver to whom subdivision (a) applies is eligible for
16 assistance under this chapter, the state shall pay 100
17 percent of the relative caregiver’s share of the assistance
18 unit grant.

19 (d) For purposes of applicable provisions of the
20 Temporary Assistance for Needy Families program, cases
21 to which this section applies shall be considered to be
22 child-only cases.

23 (e) Nothing in this section shall prevent a relative
24 caregiver from assessment and voluntary participation in
25 an employment and training program otherwise
26 available to recipients under this chapter.

27 SEC. 3. Section 11217 is added to the Welfare and
28 Institutions Code, to read:

29 11217. (a) Caregiver relatives described in Section
30 11216 who provide care for children placed in their homes
31 by order of the juvenile court pursuant to Section 361.3
32 shall be exempt from the work and time limit
33 requirements otherwise required under the federal
34 Temporary Assistance for Needy Families program.

35 (b) Families subject to this section shall be exempt
36 from the application of prohibitions regarding federal
37 work requirements and time limits as provided in Section
38 408(a)(7)(C)(i) and (ii) of the Social Security Act, as
39 amended by Section 103 of federal Public Law 104-193.



1 (c) Nothing in this section shall prevent a relative
2 caregiver from assessment and voluntary participation in
3 an employment and training program otherwise
4 available to recipients under this chapter.

5 SEC. 4. Section 11218 is added to the Welfare and
6 Institutions Code, to read:

7 11218. (a) The department shall annually determine,
8 in consultation with the County Welfare Directors
9 Association, the numbers of children who would
10 otherwise be placed with relatives and who, instead,
11 enter the foster care system as a result of the termination
12 of denial of assistance benefits to relative caregivers
13 under the provisions of the Temporary Assistance for
14 Needy Families program.

15 (b) The department shall annually report the data
16 gathered pursuant to subdivision (a) to the appropriate
17 committees of the Legislature.

18 SEC. 5. Section 11219 is added to the Welfare and
19 Institutions Code, to read:

20 11219. All programs that are required to be
21 implemented by counties subject to authority of the
22 department and are evaluated and funded on the basis of
23 foster care caseload growth shall be held harmless from
24 financial participation in the costs of caseload growth
25 attributable, by counties, to the implementation of the
26 Temporary Assistance for Needy Families program.

27 SEC. 6. Notwithstanding Section 17610 of the
28 Government Code, if the Commission on State Mandates
29 determines that this act contains costs mandated by the
30 state, reimbursement to local agencies and school
31 districts for those costs shall be made pursuant to Part 7
32 (commencing with Section 17500) of Division 4 of Title
33 2 of the Government Code. If the statewide cost of the
34 claim for reimbursement does not exceed one million
35 dollars (\$1,000,000), reimbursement shall be made from
36 the State Mandates Claims Fund.

37 Notwithstanding Section 17580 of the Government
38 Code, unless otherwise specified, the provisions of this act



1 shall become operative on the same date that the act
2 takes effect pursuant to the California Constitution.

O

