

AMENDED IN SENATE JULY 14, 1999
AMENDED IN ASSEMBLY MAY 28, 1999
AMENDED IN ASSEMBLY APRIL 6, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 250

Introduced by Assembly Member Wright

February 1, 1999

An act to repeal and add Section 17504 of the Family Code, and to amend and renumber Section 11475.3 of the Welfare and Institutions Code, relating to public social services, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 250, as amended, R. Wright. CalWORKs benefits: child support payments.

Existing law provides for the California Work Opportunity and Responsibility to Kids (CalWORKs) program, under which each county provides cash assistance and other benefits to qualified low-income families. Each county is required to pay a share of the cost of both aid grant and administrative costs for the CalWORKs program.

Under existing law, the first \$50 of any amount of child support collected in a month in payment of the required support obligation for the month shall be paid to CalWORKs recipients. This payment is prohibited from being treated as income or resources of the family and from being deducted

from the amount of aid to which the family would otherwise be entitled.

This bill would increase this amount to \$75.

The bill would require the State Department of Social Services to seek any federal waivers necessary for implementation of the bill.

Because state funds are continuously appropriated to pay for a share of aid grant costs under the CalWORKs program, and because this bill would increase the amounts to which certain recipients are entitled, this bill would constitute an appropriation.

Because each county is required to pay for a share of CalWORKs aid grant costs, 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, 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: ²/₃. Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.

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

1 SECTION 1. *Section 17504 of the Family Code, as*
2 *added by Assembly Bill 196 of the 1999–2000 Regular*
3 *Session, is repealed.*
4 ~~17504. The first fifty dollars (\$50) of any amount of~~
5 ~~child support collected in a month in payment of the~~
6 ~~required support obligation for that month shall be paid~~
7 ~~to a recipient of aid under this chapter, except recipients~~
8 ~~of foster care payments under Article 5 (commencing~~
9 ~~with Section 11400) of Chapter 2 of Part 3 of Division 9 of~~
10 ~~the Welfare and Institutions Code shall not be considered~~



1 ~~income or resources of the recipient family, and shall not~~
2 ~~be deducted from the amount of aid to which the family~~
3 ~~would otherwise be eligible. The local child support~~
4 ~~agency in each county shall ensure that payments are~~
5 ~~made to recipients as required by this section.~~

6 *SEC. 2. Section 17504 of the Family Code, as added by*
7 *Senate Bill 542 of the 1999–2000 Regular Session, is*
8 *repealed.*

9 ~~17504. The first fifty dollars (\$50) of any amount of~~
10 ~~child support collected in a month in payment of the~~
11 ~~required support obligation for that month shall be paid~~
12 ~~to a recipient of aid under this chapter, except recipients~~
13 ~~of foster care payments under Article 5 (commencing~~
14 ~~with Section 11400) of Chapter 2 of Part 3 of Division 9 of~~
15 ~~the Welfare and Institutions Code shall not be considered~~
16 ~~income or resources of the recipient family, and shall not~~
17 ~~be deducted from the amount of aid to which the family~~
18 ~~would otherwise be eligible. The local child support~~
19 ~~agency in each county shall ensure that payments are~~
20 ~~made to recipients as required by this section.~~

21 *SEC. 3. Section 17504 is added to the Family Code, to*
22 *read:*

23 *17504. The first seventy-five dollars (\$75) of any*
24 *amount of child support collected in a month in payment*
25 *of the required support obligation for that month shall be*
26 *paid to a recipient of aid under this chapter, except*
27 *recipients of foster care payments under Article 5*
28 *(commencing with Section 11400), shall not be*
29 *considered income or resources of the recipient family,*
30 *and shall not be deducted from the amount of aid to*
31 *which the family would otherwise be eligible. The local*
32 *child support agency in each county shall ensure that*
33 *payments are made to recipients as required by this*
34 *section. The department shall seek any waivers from the*
35 *federal government necessary for implementation of this*
36 *section.*

37 *SEC. 4. Section 11475.3 of the Welfare and Institutions*
38 *Code, as added by Section 147 of Chapter 270 of the*
39 *Statutes of 1997, is amended and renumbered to read:*



1 11475.35. The first seventy-five dollars (\$75) of any
2 amount of child support collected in a month in payment
3 of the required support obligation for that month shall be
4 paid to a recipient of aid under this chapter, except
5 recipients of foster care payments under Article 5
6 (commencing with Section 11400), shall not be
7 considered income or resources of the recipient family,
8 and shall not be deducted from the amount of aid to
9 which the family would otherwise be eligible. The ~~district~~
10 ~~attorney~~ local child support agency in each county shall
11 ensure that payments are made to recipients as required
12 by this section. The department shall seek any waivers
13 from the federal government necessary for
14 implementation of the amendments made to this section
15 at the 1999 portion of the 1999–2000 Regular Session.

16 ~~SEC. 2.—~~

17 *SEC. 5. Section 1 of this act shall become operative*
18 *only if Assembly Bill 196 is enacted into law during the*
19 *1999–2000 Regular Session, and as enacted, adds Section*
20 *17504 to the Family Code.*

21 *SEC. 6. Section 2 of this act shall become operative*
22 *only if Senate Bill 542 is enacted into law during the*
23 *1999–2000 Regular Session, and as enacted, adds Section*
24 *17504 to the Family Code.*

25 *SEC. 7. Section 3 of this act shall become operative*
26 *only if either Assembly Bill 196 or Senate Bill 542, or both,*
27 *are enacted into law during the 1999 portion of the*
28 *1999–2000 Regular Session, and as enacted, either or both*
29 *bills add Section 17504 to the Family Code.*

30 *SEC. 8. Notwithstanding Section 17610 of the*
31 *Government Code, if the Commission on State Mandates*
32 *determines that this act contains costs mandated by the*
33 *state, reimbursement to local agencies and school*
34 *districts for those costs shall be made pursuant to Part 7*
35 *(commencing with Section 17500) of Division 4 of Title*
36 *2 of the Government Code. If the statewide cost of the*
37 *claim for reimbursement does not exceed one million*



1 dollars (\$1,000,000), reimbursement shall be made from
2 the State Mandates Claims Fund.

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