

**ASSEMBLY BILL**

**No. 2417**

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**Introduced by Assembly Member Firebaugh**

February 24, 2000

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An act to amend Sections 18930, 18938, and 18940 of the Welfare and Institutions Code, relating to human services.

LEGISLATIVE COUNSEL'S DIGEST

AB 2417, as introduced, Firebaugh. Assistance for immigrants.

Existing law, the California Food Assistance Program provides food assistance to eligible immigrants. Existing law provides for the implementation of the program only when federal benefits are provided.

Existing law requires the State Department of Social Services to establish and supervise a county or county-consortia administered program to provide cash assistance to aged, blind, and disabled legal immigrants.

Existing law limits the period of time during which any applicant for benefits under the California Food Assistance Program or the cash assistance program who entered the United States on or after August 22, 1996, will remain eligible for benefits under either of those programs.

This bill would eliminate those limitations.

Existing law provides that federal deeming rules and exemptions governing the determination of eligibility for benefits under the SSI/SSP program shall also govern the cash assistance for legal immigrants program.

Existing law also specifies, with respect to legal immigrants who entered the United States on or after August 22, 1996, and do not meet the exemption from deeming, that the period for deeming of a sponsor's income and resources to the applicant shall be 5 years from the date of the sponsor's execution of the affidavit of support or the date of the immigrant's arrival in the United States, whichever is later.

This bill would revise that provision to apply that deeming requirement to any nonexempt immigrant with a sponsor's affidavit of support required by federal law.

To the extent this bill increases county responsibilities in the administration of the program, this bill would result in 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: 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 18930 of the Welfare and  
2 Institutions Code is amended to read:  
3 18930. (a) The State Department of Social Services  
4 shall establish a Food Assistance Program to provide  
5 assistance for those persons described in subdivision (b).  
6 The department shall enter into an agreement with the  
7 United States Department of Agriculture to use the  
8 existing federal Food Stamp Program coupons for the  
9 purposes of administering this program. Persons who are  
10 members of a household receiving food stamp benefits  
11 under this chapter or under Chapter 10 (commencing



1 with Section 18900), and are receiving CalWORKs  
2 benefits under Chapter 2 (commencing with Section  
3 11200) of Part 3 on September 1, 1998, shall have  
4 eligibility determined under this chapter without need  
5 for a new application no later than November 1, 1998, and  
6 the beginning date of assistance under this chapter for  
7 those persons shall be September 1, 1998.

8 (b) (1) Except as provided in ~~paragraphs (2), (3), and~~  
9 ~~(4)~~ *paragraph (2)* and Section 18930.5, noncitizens of the  
10 United States shall be eligible for the program established  
11 pursuant to subdivision (a) if the person's immigration  
12 status meets the eligibility criteria of the federal Food  
13 Stamp Program in effect on August 21, 1996, but he or she  
14 is not eligible for federal food stamp benefits solely due  
15 to his or her immigration status under Public Law 104-193  
16 and any subsequent amendments thereto.

17 (2) Noncitizens of the United States shall be eligible  
18 for the program established pursuant to subdivision (a)  
19 if the person is a battered immigrant spouse or child or  
20 the parent or child of the battered immigrant, as  
21 described in Section 1641(c) of Title 8 of the United States  
22 Code, as amended by Section 5571 of Public Law 105-33,  
23 or if the person is a Cuban or Haitian entrant as described  
24 in Section 501(e) of the federal Refugee Education  
25 Assistance Act of 1980 (Public Law 96-122).

26 ~~(3) An applicant who is otherwise eligible for the~~  
27 ~~program but who entered the United States on or after~~  
28 ~~August 22, 1996, shall be eligible for aid under this chapter~~  
29 ~~only if he or she is sponsored and one of the following~~  
30 ~~apply:~~

31 ~~(A) The sponsor has died.~~

32 ~~(B) The sponsor is disabled as defined in subparagraph~~  
33 ~~(A) of paragraph (3) of subdivision (b) of Section 11320.3.~~

34 ~~(C) The applicant, after entry into the United States,~~  
35 ~~is a victim of abuse by the sponsor or the spouse of the~~  
36 ~~sponsor if the spouse is living with the sponsor.~~

37 ~~(4) An applicant who is otherwise eligible for the~~  
38 ~~program but who entered the United States on or after~~  
39 ~~August 22, 1996, who does not meet one of the conditions~~  
40 ~~of paragraph (3), shall be eligible for aid under this~~



1 ~~chapter for the period beginning on October 1, 1999, and~~  
2 ~~ending September 30, 2000.~~

3 ~~(5) The applicant shall be required to provide~~  
4 ~~verification that one of the conditions of subparagraph~~  
5 ~~(A), (B), or (C) have been met.~~

6 ~~(6) For purposes of subparagraph (C) of paragraph~~  
7 ~~(2), abuse shall be defined in the same manner as~~  
8 ~~provided in Section 11495.1 and Section 11495.12. A sworn~~  
9 ~~statement of abuse by a victim, or the representative of~~  
10 ~~the victim if the victim is not able to competently swear,~~  
11 ~~shall be sufficient to establish abuse if one or more~~  
12 ~~additional items of evidence of abuse is also provided.~~  
13 ~~Additional evidence may include, but is not limited to, the~~  
14 ~~following:~~

15 ~~(A) Police, government agency, or court records or~~  
16 ~~files.~~

17 ~~(B) Documentation from a domestic violence~~  
18 ~~program, legal, clinical, medical, or other professional~~  
19 ~~from whom the applicant or recipient has sought~~  
20 ~~assistance in dealing with abuse.~~

21 ~~(C) A statement from any other individual with~~  
22 ~~knowledge of the circumstances that provided the basis~~  
23 ~~for the claim.~~

24 ~~(D) Physical evidence of abuse.~~

25 ~~(7) If the victim cannot provide additional evidence of~~  
26 ~~abuse, then the sworn statement shall be sufficient if the~~  
27 ~~county makes a determination documented in writing in~~  
28 ~~the case file that the applicant is credible.~~

29 ~~(c) In counties approved for alternate benefit issuance~~  
30 ~~systems, that same alternate benefit issuance system shall~~  
31 ~~be approved for the program established by this chapter.~~

32 ~~(d) (1) To the extent allowed by federal law, the~~  
33 ~~income, resources, and deductible expenses of those~~  
34 ~~persons described in subdivision (b) shall be excluded~~  
35 ~~when calculating food stamp benefits under Chapter 10~~  
36 ~~(commencing with Section 18900).~~

37 ~~(2) No household shall receive more food stamp~~  
38 ~~benefits under this section than it would if no household~~  
39 ~~member was rendered ineligible pursuant to Title IV of~~



1 Public Law 104-193 and any subsequent amendments  
2 thereto.

3 ~~(e) This section shall become operative on September~~  
4 ~~1, 1998.~~

5 SEC. 2. Section 18938 of the Welfare and Institutions  
6 Code is amended to read:

7 18938. (a) ~~(1) Subject to paragraphs (2) and (3), an~~  
8 ~~An individual, upon application, shall be eligible for the~~  
9 ~~program established pursuant to Section 18937 if his or~~  
10 ~~her immigration status meets the eligibility criteria of the~~  
11 ~~Supplemental Security Income/State Supplementary~~  
12 ~~Program for the Aged, Blind, and Disabled (SSI/SSP) in~~  
13 ~~effect on August 21, 1996, but he or she is not eligible for~~  
14 ~~SSI/SSP benefits solely due to his or her immigration~~  
15 ~~status under Title IV of Public Law 104-193 and any~~  
16 ~~subsequent amendments thereto.~~

17 ~~(2) An applicant who is otherwise eligible for the~~  
18 ~~program, but who entered the United States on or after~~  
19 ~~August 22, 1996, shall be eligible for aid under this chapter~~  
20 ~~only if he or she is sponsored and one of the following~~  
21 ~~conditions is met:~~

22 ~~(A) The sponsor has died.~~

23 ~~(B) The sponsor is disabled, as defined in~~  
24 ~~subparagraph (A) of paragraph (3) of subdivision (b) of~~  
25 ~~Section 11320.3.~~

26 ~~(C) The applicant, after entry into the United States,~~  
27 ~~is a victim of abuse by the sponsor or the spouse of the~~  
28 ~~sponsor if the spouse is living with the sponsor.~~

29 ~~(3) An applicant who is otherwise eligible for the~~  
30 ~~program but who entered the United States on or after~~  
31 ~~August 22, 1996, and who does not meet one of the~~  
32 ~~conditions of paragraph (2) shall be eligible for aid under~~  
33 ~~this chapter for the period beginning on October 1, 1999,~~  
34 ~~and ending on September 30, 2000.~~

35 ~~(4) The applicant shall be required to provide~~  
36 ~~verification that one of the conditions of subparagraphs~~  
37 ~~(A), (B), or (C) of paragraph (2) has been met.~~

38 ~~(5) (A) For purposes of subparagraph (C) of~~  
39 ~~paragraph (2), abuse shall be defined in the same manner~~  
40 ~~as provided in Section 11495.1 and Section 11495.12. A~~



1 ~~sworn statement of abuse by a victim, or the~~  
2 ~~representative of the victim if the victim is not able to~~  
3 ~~competently swear, shall be sufficient to establish abuse~~  
4 ~~if one or more additional items of evidence of abuse is also~~  
5 ~~provided. Additional evidence may include, but is not~~  
6 ~~limited to, the following:~~

7 ~~(i) Police, government agency, or court records or~~  
8 ~~files.~~

9 ~~(ii) Documentation from a domestic violence~~  
10 ~~program, legal, clinical, medical, or other professional~~  
11 ~~from whom the applicant or recipient has sought~~  
12 ~~assistance in dealing with abuse.~~

13 ~~(iii) A statement from any other individual with~~  
14 ~~knowledge of the circumstances that provided the basis~~  
15 ~~for the claim.~~

16 ~~(iv) Physical evidence of abuse.~~

17 ~~(B) If the victim cannot provide additional evidence~~  
18 ~~of abuse, then the sworn statement shall be sufficient if~~  
19 ~~the county makes a determination documented in the~~  
20 ~~case file that the applicant is credible.~~

21 ~~(b) The department shall periodically redetermine~~  
22 ~~the eligibility of each individual.~~

23 ~~(c) The department shall take all steps necessary to~~  
24 ~~qualify any benefits paid under this section to be eligible~~  
25 ~~for reimbursement as federal Interim Assistance~~  
26 ~~including requiring a repayment agreement.~~

27 ~~SEC. 3. Section 18940 of the Welfare and Institutions~~  
28 ~~Code is amended to read:~~

29 ~~18940. (a) Except as otherwise provided in this~~  
30 ~~chapter, the federal and state laws and regulations~~  
31 ~~governing the SSI/SSP program shall also govern the~~  
32 ~~program provided for under this chapter.~~

33 ~~(b) Federal deeming rules and exemptions governing~~  
34 ~~the SSI/SSP program, including all federal and state laws~~  
35 ~~and regulations designed to protect SSI/SSP recipients~~  
36 ~~and their resources, shall also govern the program~~  
37 ~~provided for under this chapter, except that for~~  
38 ~~immigrants described in paragraph (3) of subdivision (a)~~  
39 ~~of Section 18938 with affidavits of support under Section~~  
40 ~~1183a of Title 8 of the United States Code who do not meet~~



1 exemptions from deeming, the period for deeming of a  
2 sponsor's income and resources shall be five years from  
3 the date of the sponsor's execution of the affidavit of  
4 support or the date of the immigrant's arrival in the  
5 United States, whichever is later.

6 (c) Notwithstanding any other provision in this  
7 chapter, immigrants who are victims of abuse by their  
8 sponsor or sponsor's spouse shall be exempt from  
9 deeming. Abuse shall be defined in the same manner as  
10 provided in Section 11495.1 and Section 11495.12. A sworn  
11 statement of abuse by a victim, or the representative of  
12 the victim if the victim is not able to competently swear,  
13 shall be sufficient to establish abuse if one or more  
14 additional items of evidence of abuse is also provided.  
15 Additional evidence may include, but is not limited to, the  
16 following:

17 (1) Police, government agency, or court records or  
18 files.

19 (2) Documentation from a domestic violence  
20 program, or from a legal, clinical, medical, or other  
21 professional from whom the applicant or recipient has  
22 sought assistance in dealing with abuse.

23 (3) A statement from any other individual with  
24 knowledge of the circumstances that provided the basis  
25 for the claim.

26 (4) Physical evidence of abuse.

27 (5) If the victim cannot provide additional evidence of  
28 abuse, then the sworn statement shall be sufficient if the  
29 county makes a determination documented in writing in  
30 the case file that the applicant is credible.

31 SEC. 4. Notwithstanding Section 17610 of the  
32 Government Code, if the Commission on State Mandates  
33 determines that this act contains costs mandated by the  
34 state, reimbursement to local agencies and school  
35 districts for those costs shall be made pursuant to Part 7  
36 (commencing with Section 17500) of Division 4 of Title  
37 2 of the Government Code. If the statewide cost of the  
38 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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