

AMENDED IN SENATE JUNE 26, 2014

AMENDED IN ASSEMBLY MAY 27, 2014

AMENDED IN ASSEMBLY APRIL 1, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1882

**Introduced by Assembly Member Cooley
(Principal coauthor: Assembly Member Dickinson)**

February 19, 2014

An act to amend Sections 309, 361.45, 11450, 11465, and 11477.02 of, and to add Section 13758 to, the Welfare and Institutions Code, relating to social services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1882, as amended, Cooley. CalWORKs: relative caregivers.

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. Existing law specifies the amounts of cash aid to be paid each month to CalWORKs recipients.

This bill would require that an infant supplement, as specified, be paid under the CalWORKs program to a teen parent who is placed with his or her child in the home of a relative caregiver and is the subject of a voluntary placement agreement or subject to the jurisdiction of the juvenile court, as provided.

Existing law establishes the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program, under which counties provide payments to foster care providers on behalf of qualified children

in foster care. Under existing law, a child is eligible for AFDC-FC if he or she is placed in the approved home of a relative and is otherwise eligible for federal financial participation in the AFDC-FC payment, as specified.

Under existing law, if the county welfare department places a child who is in temporary custody or subject to the jurisdiction of the juvenile court with a relative or nonrelative extended family member, as defined, the county is required to evaluate and approve or deny the home for purposes of AFDC-FC eligibility.

This bill would additionally require the county to evaluate and approve or deny the home for purposes of CalWORKs eligibility *if the child is found to be ineligible for AFDC-FC*, and would require the placing agency to initiate the applications for AFDC-FC and CalWORKs. The bill would also require the county social worker *or eligibility worker* to explain to the relative, either in person or by telephone, the eligibility requirements and benefit amounts for the AFDC-FC and CalWORKs programs as well as any actions the relative could take to affect the child's eligibility for those programs. By requiring ~~placing agencies and county social workers~~ *county employees* to provide these services, this bill would impose a state-mandated local program.

Existing law requires that every youth who is in foster care and nearing emancipation be screened by the county for potential eligibility for the federal Supplemental Security Income (SSI) program.

This bill would require that every youth who is in foster care and has been determined to be ineligible for AFDC-FC benefits be screened by the county for potential eligibility for the SSI program. By imposing this additional duty on counties, this bill would impose a state-mandated local program.

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.

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. Section 309 of the Welfare and Institutions Code
2 is amended to read:
3 309. (a) Upon delivery to the social worker of a child who has
4 been taken into temporary custody under this article, the social
5 worker shall immediately investigate the circumstances of the child
6 and the facts surrounding the child's being taken into custody and
7 attempt to maintain the child with the child's family through the
8 provision of services. The social worker shall immediately release
9 the child to the custody of the child's parent, guardian, or
10 responsible relative, regardless of the parent's, guardian's, or
11 relative's immigration status, unless one or more of the following
12 conditions exist:
13 (1) The child has no parent, guardian, or responsible relative;
14 or the child's parent, guardian, or responsible relative is not willing
15 to provide care for the child.
16 (2) Continued detention of the child is a matter of immediate
17 and urgent necessity for the protection of the child and there are
18 no reasonable means by which the child can be protected in his or
19 her home or the home of a responsible relative.
20 (3) There is substantial evidence that a parent, guardian, or
21 custodian of the child is likely to flee the jurisdiction of the court.
22 (4) The child has left a placement in which he or she was placed
23 by the juvenile court.
24 (5) The parent or other person having lawful custody of the
25 child voluntarily surrendered physical custody of the child pursuant
26 to Section 1255.7 of the Health and Safety Code and did not
27 reclaim the child within the 14-day period specified in subdivision
28 (e) of that section.
29 (b) In any case in which there is reasonable cause for believing
30 that a child who is under the care of a physician and surgeon or a
31 hospital, clinic, or other medical facility and cannot be immediately
32 moved and is a person described in Section 300, the child shall be
33 deemed to have been taken into temporary custody and delivered
34 to the social worker for the purposes of this chapter while the child
35 is at the office of the physician and surgeon or the medical facility.

1 (c) If the child is not released to his or her parent or guardian,
 2 the child shall be deemed detained for purposes of this chapter.

3 (d) (1) If an able and willing relative, as defined in Section 319,
 4 or an able and willing nonrelative extended family member, as
 5 defined in Section 362.7, is available and requests temporary
 6 placement of the child pending the detention hearing, the county
 7 welfare department shall initiate an assessment of the relative’s or
 8 nonrelative extended family member’s suitability, which shall
 9 include an in-home inspection to assess the safety of the home and
 10 the ability of the relative or nonrelative extended family member
 11 to care for the child’s needs, a consideration of the results of a
 12 criminal records check conducted pursuant to subdivision (a) of
 13 Section 16504.5, and a check of allegations of prior child abuse
 14 or neglect concerning the relative or nonrelative extended family
 15 member and other adults in the home. A relative’s identification
 16 card from a foreign consulate or foreign passport shall be
 17 considered a valid form of identification for conducting a criminal
 18 records check and fingerprint clearance check under this
 19 subdivision. Upon completion of this assessment, the child may
 20 be placed in the assessed home. For purposes of this paragraph,
 21 and except for the criminal records check conducted pursuant to
 22 subdivision (a) of Section 16504.5, the standards used to determine
 23 suitability shall be the same standards set forth in the regulations
 24 for the licensing of foster family homes.

25 (2) Immediately following the placement of a child in the home
 26 of a relative or a nonrelative extended family member, the county
 27 welfare department shall evaluate and approve or deny the home
 28 for purposes of AFDC-FC eligibility pursuant to Section 11402
 29 and CalWORKs eligibility pursuant to Article 2 (commencing
 30 with Section 11250) of Chapter 2 of Part 3 of Division 9. The
 31 placing agency shall *immediately* initiate the ~~applications~~
 32 *application* for AFDC-FC and *determine eligibility*. *If the child is*
 33 *found to be ineligible for AFDC-FC, the county shall initiate the*
 34 *application for and determine eligibility for CalWORKs*. If the
 35 county determines that the child is not eligible for AFDC-FC
 36 benefits, the county welfare department shall explain the specific
 37 basis for this determination and shall immediately screen the child
 38 for eligibility for the federal Supplemental Security Income
 39 program in accordance with Section 13758. ~~If aid is granted under~~
 40 ~~the AFDC-FC or CalWORKs program, the beginning date of aid~~

1 *The application date for CalWORKs* shall be the date the child
2 was placed with the relative or nonrelative extended family
3 member.

4 (3) The standards used to evaluate and grant or deny approval
5 of the home of the relative and of the home of a nonrelative
6 extended family member, as described in Section 362.7, shall be
7 the same standards set forth in regulations for the licensing of
8 foster family homes which prescribe standards of safety and
9 sanitation for the physical plant and standards for basic personal
10 care, supervision, and services provided by the caregiver.

11 (4) To the extent allowed by federal law, as a condition of
12 receiving funding under Title IV-E of the federal Social Security
13 Act (42 U.S.C. Sec. 670 et seq.), if a relative or nonrelative
14 extended family member meets all other conditions for approval,
15 except for the receipt of the Federal Bureau of Investigation's
16 criminal history information for the relative or nonrelative extended
17 family member, and other adults in the home, as indicated, the
18 county welfare department may approve the home and document
19 that approval, if the relative or nonrelative extended family
20 member, and each adult in the home, has signed and submitted a
21 statement that he or she has never been convicted of a crime in the
22 United States, other than a traffic infraction as defined in paragraph
23 (1) of subdivision (a) of Section 42001 of the Vehicle Code. If,
24 after the approval has been granted, the department determines
25 that the relative or nonrelative extended family member or other
26 adult in the home has a criminal record, the approval may be
27 terminated.

28 (5) If the criminal records check indicates that the person has
29 been convicted of a crime for which the Director of Social Services
30 cannot grant an exemption under Section 1522 of the Health and
31 Safety Code, the child shall not be placed in the home. If the
32 criminal records check indicates that the person has been convicted
33 of a crime for which the Director of Social Services may grant an
34 exemption under Section 1522 of the Health and Safety Code, the
35 child shall not be placed in the home unless a criminal records
36 exemption has been granted by the county based on substantial
37 and convincing evidence to support a reasonable belief that the
38 person with the criminal conviction is of such good character as
39 to justify the placement and not present a risk of harm to the child.

1 (e) (1) If the child is removed, the social worker shall conduct,
2 within 30 days, an investigation in order to identify and locate all
3 grandparents, adult siblings, and other adult relatives of the child,
4 as defined in paragraph (2) of subdivision (f) of Section 319,
5 including any other adult relatives suggested by the parents. The
6 social worker shall provide to all adult relatives who are located,
7 except when that relative's history of family or domestic violence
8 makes notification inappropriate, within 30 days of removal of the
9 child, written notification and shall also, whenever appropriate,
10 provide oral notification, in person or by telephone, of all the
11 following information:

12 (A) The child has been removed from the custody of his or her
13 parent or parents, or his or her guardians.

14 (B) An explanation of the various options to participate in the
15 care and placement of the child and support for the child's family,
16 including any options that may be lost by failing to respond. The
17 notice shall provide information about providing care for the child
18 while the family receives reunification services with the goal of
19 returning the child to the parent or guardian, how to become a
20 foster family home or approved relative or nonrelative extended
21 family member as defined in Section 362.7, and additional services
22 and support that are available in out-of-home placements. The
23 notice shall also include a summary of the eligibility requirements,
24 application procedures, and benefit amounts for the AFDC-FC
25 program (Article 5 (commencing with Section 11400) of Chapter
26 2 of Part 3 of Division 9), including *a general description of any*
27 *specialized care increments, as described in Section 11461, the*
28 *Kin-GAP Program (Article 4.5 (commencing with Section 11360)*
29 *of Chapter 2 of Part 3 of Division 9), the CalWORKs program for*
30 *approved relative caregivers (Chapter 2 (commencing with Section*
31 *11200) of Part 3 of Division 9), adoption, and adoption assistance*
32 *(Chapter 2.1 (commencing with Section 16115) of Part 4 of*
33 *Division 9), as well as other options for contact with the child,*
34 *including, but not limited to, visitation. The State Department of*
35 *Social Services, in consultation with the County Welfare Directors*
36 *Association of California and other interested stakeholders, shall*
37 *develop the written notice.*

38 (2) The social worker shall also provide the adult relatives
39 notified pursuant to paragraph (1) with a relative information form
40 to provide information to the social worker and the court regarding

1 the needs of the child. The form shall include a provision whereby
2 the relative may request the permission of the court to address the
3 court, if the relative so chooses. The Judicial Council, in
4 consultation with the State Department of Social Services and the
5 County Welfare Directors Association of California, shall develop
6 the form.

7 (3) The social worker shall use due diligence in investigating
8 the names and locations of the relatives pursuant to paragraph (1),
9 including, but not limited to, asking the child in an age-appropriate
10 manner about relatives important to the child, consistent with the
11 child's best interest, and obtaining information regarding the
12 location of the child's adult relatives. Each county welfare
13 department shall create and make public a procedure by which
14 relatives of a child who has been removed from his or her parents
15 or guardians may identify themselves to the county welfare
16 department and be provided with the notices required by paragraphs
17 (1) and (2).

18 (f) In addition to the notice required by subdivision (e), if a
19 relative requests placement of the child, the county social worker
20 *or eligibility worker* shall explain to the relative, either in person
21 or by telephone, the eligibility requirements and benefit amounts
22 for the AFDC-FC and CalWORKs programs as well as any actions
23 the relative could take to affect the child's eligibility for those
24 programs.

25 SEC. 2. Section 361.45 of the Welfare and Institutions Code
26 is amended to read:

27 361.45. (a) Notwithstanding any other provision of law, when
28 the sudden unavailability of a foster caregiver requires a change
29 in placement on an emergency basis for a child who is under the
30 jurisdiction of the juvenile court pursuant to Section 300, if an able
31 and willing relative, as defined in Section 319, or an able and
32 willing nonrelative extended family member, as defined in Section
33 362.7, is available and requests temporary placement of the child
34 pending resolution of the emergency situation, the county welfare
35 department shall initiate an assessment of the relative's or
36 nonrelative extended family member's suitability, which shall
37 include an in-home inspection to assess the safety of the home and
38 the ability of the relative or nonrelative extended family member
39 to care for the child's needs, and a consideration of the results of
40 a criminal records check conducted pursuant to Section 16504.5

1 and a check of allegations of prior child abuse or neglect
2 concerning the relative or nonrelative extended family member
3 and other adults in the home. Upon completion of this assessment,
4 the child may be placed in the assessed home. For purposes of this
5 paragraph, and except for the criminal records check conducted
6 pursuant to Section 16504.5, the standards used to determine
7 suitability shall be the same standards set forth in the regulations
8 for the licensing of foster family homes.

9 (b) Immediately following the placement of a child in the home
10 of a relative or a nonrelative extended family member, the county
11 welfare department shall evaluate and approve or deny the home
12 for purposes of AFDC-FC eligibility pursuant to Section 11402
13 and CalWORKs eligibility pursuant to Article 2 (commencing
14 with Section 11250) of Chapter 2 of Part 3 of Division 9. The
15 placing agency shall *immediately* initiate the ~~applications~~
16 *application* for AFDC-FC and *determine eligibility*. *If the child is*
17 *found to be ineligible for AFDC-FC, the county shall initiate the*
18 *application for and determine eligibility for CalWORKs*. If the
19 county determines that the child is not eligible for AFDC-FC
20 benefits, the county welfare department shall explain the specific
21 basis for this determination and shall immediately screen the child
22 for eligibility for the federal Supplemental Security Income
23 program in accordance with Section 13758. If aid is granted under
24 the AFDC-FC or CalWORKs program, the beginning date of aid
25 shall be the date the child was placed with the relative or
26 nonrelative extended family member. *The application date for*
27 *CalWORKs shall be the date the child was placed with the relative*.

28 (c) The standards used to evaluate and grant or deny approval
29 of the home of the relative and of the home of a nonrelative
30 extended family member, as described in Section 362.7, shall be
31 the same standards set forth in regulations for the licensing of
32 foster family homes which prescribe standards of safety and
33 sanitation for the physical plant and standards for basic personal
34 care, supervision, and services provided by the caregiver.

35 (d) If a relative or nonrelative extended family member, and
36 other adults in the home, as indicated, meets all other conditions
37 for approval, except for the receipt of the Federal Bureau of
38 Investigation's criminal history information for the relative or
39 nonrelative extended family member, the county welfare
40 department may approve the home and document that approval,

1 if the relative or nonrelative extended family member, and each
2 adult in the home, has signed and submitted a statement that he or
3 she has never been convicted of a crime in the United States, other
4 than a traffic infraction as defined in paragraph (1) of subdivision
5 (a) of Section 42001 of the Vehicle Code. If, after the approval
6 has been granted, the department determines that the relative or
7 nonrelative extended family member or other adult in the home
8 has a criminal record, the approval may be terminated.

9 (e) (1) If a nonminor dependent, as defined in subdivision (v)
10 of Section 11400, is placed in the home of a relative or nonrelative
11 extended family member, the home shall be approved using the
12 same standards set forth in regulations as described in Section
13 1502.7 of the Health and Safety Code.

14 (2) The department, in consultation with representatives of the
15 Legislature, the County Welfare Directors Association, the Chief
16 Probation Officers of California, the California Youth Connection,
17 the Judicial Council, former foster youth, child advocacy
18 organizations, dependency counsel for children, juvenile justice
19 advocacy organizations, foster caregiver organizations, labor
20 organizations, and representatives of Indian tribes, shall revise
21 regulations regarding health and safety standards for approving
22 relative homes in which nonminor dependents, as defined in
23 subdivision (v) of Section 11400, of the juvenile court are placed
24 under the responsibility of the county welfare or probation
25 department, or an Indian tribe that entered into an agreement
26 pursuant to Section 10553.1.

27 (3) Notwithstanding the Administrative Procedure Act (Chapter
28 3.5 (commencing with Section 11340) of Part 1 of Division 3 of
29 Title 2 of the Government Code), the department, in consultation
30 with the stakeholders listed in paragraph (2), shall prepare for
31 implementation of the applicable provisions of this section by
32 publishing all-county letters or similar instructions from the director
33 by October 1, 2011, to be effective January 1, 2012. Emergency
34 regulations to implement this section may be adopted by the
35 director in accordance with the Administrative Procedure Act. The
36 initial adoption of the emergency regulations and one readoption
37 of the initial regulations shall be deemed to be an emergency and
38 necessary for the immediate preservation of the public peace,
39 health, safety, or general welfare. Initial emergency regulations
40 and the first readoption of those emergency regulations shall be

1 exempt from review by the Office of Administrative Law. The
2 emergency regulations authorized by this section shall be submitted
3 to the Office of Administrative Law for filing with the Secretary
4 of State and shall remain in effect for no more than 180 days.

5 SEC. 3. Section 11450 of the Welfare and Institutions Code is
6 amended to read:

7 11450. (a) (1) Aid shall be paid for each needy family, which
8 shall include all eligible brothers and sisters of each eligible
9 applicant or recipient child and the parents of the children, but
10 shall not include unborn children, or recipients of aid under Chapter
11 3 (commencing with Section 12000), qualified for aid under this
12 chapter. In determining the amount of aid paid, and notwithstanding
13 the minimum basic standards of adequate care specified in Section
14 11452, the family’s income, exclusive of any amounts considered
15 exempt as income or paid pursuant to subdivision (e) or Section
16 11453.1, determined for the prospective semiannual period
17 pursuant to Sections 11265.1, 11265.2, and 11265.3, and then
18 calculated pursuant to Section 11451.5, shall be deducted from
19 the sum specified in the following table, as adjusted for
20 cost-of-living increases pursuant to Section 11453 and paragraph
21 (2). In no case shall the amount of aid paid for each month exceed
22 the sum specified in the following table, as adjusted for
23 cost-of-living increases pursuant to Section 11453 and paragraph
24 (2), plus any special needs, as specified in subdivisions (c), (e),
25 (f), and (g):

27 Number of 28 eligible needy 29 persons in 30 the same home	Maximum aid
31 1.....	\$ 326
32 2.....	535
33 3.....	663
34 4.....	788
35 5.....	899
36 6.....	1,010
37 7.....	1,109
38 8.....	1,209
39 9.....	1,306
40 10 or more.....	1,403

1 If, when, and during those times that the United States
2 government increases or decreases its contributions in assistance
3 of needy children in this state above or below the amount paid on
4 July 1, 1972, the amounts specified in the above table shall be
5 increased or decreased by an amount equal to that increase or
6 decrease by the United States government, provided that no
7 increase or decrease shall be subject to subsequent adjustment
8 pursuant to Section 11453.

9 (2) The sums specified in paragraph (1) shall not be adjusted
10 for cost of living for the 1990–91, 1991–92, 1992–93, 1993–94,
11 1994–95, 1995–96, 1996–97, and 1997–98 fiscal years, and through
12 October 31, 1998, nor shall that amount be included in the base
13 for calculating any cost-of-living increases for any fiscal year
14 thereafter. Elimination of the cost-of-living adjustment pursuant
15 to this paragraph shall satisfy the requirements of former Section
16 11453.05, and no further reduction shall be made pursuant to that
17 section.

18 (b) (1) When the family does not include a needy child qualified
19 for aid under this chapter, aid shall be paid to a pregnant mother
20 who is 18 years of age or younger at any time after verification of
21 pregnancy, in the amount that would otherwise be paid to one
22 person, as specified in subdivision (a), if the mother, and child, if
23 born, would have qualified for aid under this chapter. Verification
24 of pregnancy shall be required as a condition of eligibility for aid
25 under this subdivision.

26 (2) Notwithstanding paragraph (1), when the family does not
27 include a needy child qualified for aid under this chapter, aid shall
28 be paid to a pregnant mother for the month in which the birth is
29 anticipated and for the three-month period immediately prior to
30 the month in which the birth is anticipated in the amount that would
31 otherwise be paid to one person, as specified in subdivision (a), if
32 the mother and child, if born, would have qualified for aid under
33 this chapter. Verification of pregnancy shall be required as a
34 condition of eligibility for aid under this subdivision.

35 (3) Paragraph (1) shall apply only when the Cal-Learn Program
36 (Article 3.5 (commencing with Section 11331)) is operative.

37 (c) The amount of forty-seven dollars (\$47) per month shall be
38 paid to pregnant mothers qualified for aid under subdivision (a)
39 or (b) to meet special needs resulting from pregnancy if the mother,
40 and child, if born, would have qualified for aid under this chapter.

1 County welfare departments shall refer all recipients of aid under
2 this subdivision to a local provider of the Women, Infants and
3 Children program described in Article 2 (commencing with Section
4 123275) of Chapter 1 of Part 2 of Division 106 of the Health and
5 Safety Code. If that payment to pregnant mothers qualified for aid
6 under subdivision (a) is considered income under federal law in
7 the first five months of pregnancy, payments under this subdivision
8 shall not apply to persons eligible under subdivision (a), except
9 for the month in which birth is anticipated and for the three-month
10 period immediately prior to the month in which delivery is
11 anticipated, if the mother, and the child, if born, would have
12 qualified for aid under this chapter.

13 (d) For children receiving AFDC-FC under this chapter, there
14 shall be paid, exclusive of any amount considered exempt as
15 income, an amount of aid each month which, when added to the
16 child's income, is equal to the rate specified in Section 11460,
17 11461, 11462, 11462.1, or 11463. In addition, the child shall be
18 eligible for special needs, as specified in departmental regulations.

19 (e) In addition to the amounts payable under subdivision (a)
20 and Section 11453.1, a family shall be entitled to receive an
21 allowance for recurring special needs not common to a majority
22 of recipients. These recurring special needs shall include, but not
23 be limited to, special diets upon the recommendation of a physician
24 for circumstances other than pregnancy, and unusual costs of
25 transportation, laundry, housekeeping services, telephone, and
26 utilities. The recurring special needs allowance for each family
27 per month shall not exceed that amount resulting from multiplying
28 the sum of ten dollars (\$10) by the number of recipients in the
29 family who are eligible for assistance.

30 (f) After a family has used all available liquid resources, both
31 exempt and nonexempt, in excess of one hundred dollars (\$100),
32 with the exception of funds deposited in a restricted account
33 described in subdivision (a) of Section 11155.2, the family shall
34 also be entitled to receive an allowance for nonrecurring special
35 needs.

36 (1) An allowance for nonrecurring special needs shall be granted
37 for replacement of clothing and household equipment and for
38 emergency housing needs other than those needs addressed by
39 paragraph (2). These needs shall be caused by sudden and unusual
40 circumstances beyond the control of the needy family. The

1 department shall establish the allowance for each of the
2 nonrecurring special need items. The sum of all nonrecurring
3 special needs provided by this subdivision shall not exceed six
4 hundred dollars (\$600) per event.

5 (2) Homeless assistance is available to a homeless family
6 seeking shelter when the family is eligible for aid under this
7 chapter. Homeless assistance for temporary shelter is also available
8 to homeless families which are apparently eligible for aid under
9 this chapter. Apparent eligibility exists when evidence presented
10 by the applicant, or which is otherwise available to the county
11 welfare department, and the information provided on the
12 application documents indicate that there would be eligibility for
13 aid under this chapter if the evidence and information were verified.
14 However, an alien applicant who does not provide verification of
15 his or her eligible alien status, or a woman with no eligible children
16 who does not provide medical verification of pregnancy, is not
17 apparently eligible for purposes of this section.

18 A family is considered homeless, for the purpose of this section,
19 when the family lacks a fixed and regular nighttime residence; or
20 the family has a primary nighttime residence that is a supervised
21 publicly or privately operated shelter designed to provide temporary
22 living accommodations; or the family is residing in a public or
23 private place not designed for, or ordinarily used as, a regular
24 sleeping accommodation for human beings. A family is also
25 considered homeless for the purpose of this section if the family
26 has received a notice to pay rent or quit. The family shall
27 demonstrate that the eviction is the result of a verified financial
28 hardship as a result of extraordinary circumstances beyond their
29 control, and not other lease or rental violations, and that the family
30 is experiencing a financial crisis that could result in homelessness
31 if preventative assistance is not provided.

32 (A) (i) A nonrecurring special need of sixty-five dollars (\$65)
33 a day shall be available to families of up to four members for the
34 costs of temporary shelter, subject to the requirements of this
35 paragraph. The fifth and additional members of the family shall
36 each receive fifteen dollars (\$15) per day, up to a daily maximum
37 of one hundred twenty-five dollars (\$125). County welfare
38 departments may increase the daily amount available for temporary
39 shelter as necessary to secure the additional bedspace needed by
40 the family.

1 (ii) This special need shall be granted or denied immediately
2 upon the family’s application for homeless assistance, and benefits
3 shall be available for up to three working days. The county welfare
4 department shall verify the family’s homelessness within the first
5 three working days and if the family meets the criteria of
6 questionable homelessness established by the department, the
7 county welfare department shall refer the family to its early fraud
8 prevention and detection unit, if the county has such a unit, for
9 assistance in the verification of homelessness within this period.

10 (iii) After homelessness has been verified, the three-day limit
11 shall be extended for a period of time which, when added to the
12 initial benefits provided, does not exceed a total of 16 calendar
13 days. This extension of benefits shall be done in increments of one
14 week and shall be based upon searching for permanent housing
15 which shall be documented on a housing search form; good cause;
16 or other circumstances defined by the department. Documentation
17 of a housing search shall be required for the initial extension of
18 benefits beyond the three-day limit and on a weekly basis thereafter
19 as long as the family is receiving temporary shelter benefits. Good
20 cause shall include, but is not limited to, situations in which the
21 county welfare department has determined that the family, to the
22 extent it is capable, has made a good faith but unsuccessful effort
23 to secure permanent housing while receiving temporary shelter
24 benefits.

25 (B) A nonrecurring special need for permanent housing
26 assistance is available to pay for last month’s rent and security
27 deposits when these payments are reasonable conditions of securing
28 a residence, or to pay for up to two months of rent arrearages, when
29 these payments are a reasonable condition of preventing eviction.

30 The last month’s rent or monthly arrearage portion of the
31 payment (i) shall not exceed 80 percent of the family’s total
32 monthly household income without the value of CalFresh benefits
33 or special needs for a family of that size and (ii) shall only be made
34 to families that have found permanent housing costing no more
35 than 80 percent of the family’s total monthly household income
36 without the value of CalFresh benefits or special needs for a family
37 of that size.

38 However, if the county welfare department determines that a
39 family intends to reside with individuals who will be sharing
40 housing costs, the county welfare department shall, in appropriate

1 circumstances, set aside the condition specified in clause (ii) of
2 the preceding paragraph.

3 (C) The nonrecurring special need for permanent housing
4 assistance is also available to cover the standard costs of deposits
5 for utilities which are necessary for the health and safety of the
6 family.

7 (D) A payment for or denial of permanent housing assistance
8 shall be issued no later than one working day from the time that a
9 family presents evidence of the availability of permanent housing.
10 If an applicant family provides evidence of the availability of
11 permanent housing before the county welfare department has
12 established eligibility for aid under this chapter, the county welfare
13 department shall complete the eligibility determination so that the
14 denial of or payment for permanent housing assistance is issued
15 within one working day from the submission of evidence of the
16 availability of permanent housing, unless the family has failed to
17 provide all of the verification necessary to establish eligibility for
18 aid under this chapter.

19 (E) (i) Except as provided in clauses (ii) and (iii), eligibility
20 for the temporary shelter assistance and the permanent housing
21 assistance pursuant to this paragraph shall be limited to one period
22 of up to 16 consecutive calendar days of temporary assistance and
23 one payment of permanent assistance. Any family that includes a
24 parent or nonparent caretaker relative living in the home who has
25 previously received temporary or permanent homeless assistance
26 at any time on behalf of an eligible child shall not be eligible for
27 further homeless assistance. Any person who applies for homeless
28 assistance benefits shall be informed that the temporary shelter
29 benefit of up to 16 consecutive days is available only once in a
30 lifetime, with certain exceptions, and that a break in the consecutive
31 use of the benefit constitutes permanent exhaustion of the
32 temporary benefit.

33 (ii) A family that becomes homeless as a direct and primary
34 result of a state or federally declared natural disaster shall be
35 eligible for temporary and permanent homeless assistance.

36 (iii) A family shall be eligible for temporary and permanent
37 homeless assistance when homelessness is a direct result of
38 domestic violence by a spouse, partner, or roommate; physical or
39 mental illness that is medically verified that shall not include a
40 diagnosis of alcoholism, drug addiction, or psychological stress;

1 or, the uninhabitability of the former residence caused by sudden
2 and unusual circumstances beyond the control of the family
3 including natural catastrophe, fire, or condemnation. These
4 circumstances shall be verified by a third-party governmental or
5 private health and human services agency, except that domestic
6 violence may also be verified by a sworn statement by the victim,
7 as provided under Section 11495.25. Homeless assistance payments
8 based on these specific circumstances may not be received more
9 often than once in any 12-month period. In addition, if the domestic
10 violence is verified by a sworn statement by the victim, the
11 homeless assistance payments shall be limited to two periods of
12 not more than 16 consecutive calendar days of temporary assistance
13 and two payments of permanent assistance. A county may require
14 that a recipient of homeless assistance benefits who qualifies under
15 this paragraph for a second time in a 24-month period participate
16 in a homelessness avoidance case plan as a condition of eligibility
17 for homeless assistance benefits. The county welfare department
18 shall immediately inform recipients who verify domestic violence
19 by a sworn statement pursuant to clause (iii) of the availability of
20 domestic violence counseling and services, and refer those
21 recipients to services upon request.

22 (iv) If a county requires a recipient who verifies domestic
23 violence by a sworn statement to participate in a homelessness
24 avoidance case plan pursuant to clause (iii), the plan shall include
25 the provision of domestic violence services, if appropriate.

26 (v) If a recipient seeking homeless assistance based on domestic
27 violence pursuant to clause (iii) has previously received
28 homelessness avoidance services based on domestic violence, the
29 county shall review whether services were offered to the recipient
30 and consider what additional services would assist the recipient
31 in leaving the domestic violence situation.

32 (vi) The county welfare department shall report to the
33 department through a statewide homeless assistance payment
34 indicator system, necessary data, as requested by the department,
35 regarding all recipients of aid under this paragraph.

36 (F) The county welfare departments, and all other entities
37 participating in the costs of the CalWORKs program, have the
38 right in their share to any refunds resulting from payment of the
39 permanent housing. However, if an emergency requires the family
40 to move within the 12-month period specified in subparagraph

1 (E), the family shall be allowed to use any refunds received from
2 its deposits to meet the costs of moving to another residence.

3 (G) Payments to providers for temporary shelter and permanent
4 housing and utilities shall be made on behalf of families requesting
5 these payments.

6 (H) The daily amount for the temporary shelter special need for
7 homeless assistance may be increased if authorized by the current
8 year's Budget Act by specifying a different daily allowance and
9 appropriating the funds therefor.

10 (I) No payment shall be made pursuant to this paragraph unless
11 the provider of housing is a commercial establishment, shelter, or
12 person in the business of renting properties who has a history of
13 renting properties.

14 (g) A child who has been removed from his or her home and
15 detained or placed in the home of a relative caregiver and is the
16 subject of a petition filed under Section 300, 601, or 602, or is the
17 subject of a voluntary placement agreement, as defined in
18 subdivision (p) of Section 11400, and who is a teen parent whose
19 child is living in the same home or placement, shall also receive
20 *an infant supplement, in an amount determined in the manner*
21 *provided in subdivision (b) of Section 11465 for a child in a foster*
22 *family home.*

23 ~~An infant supplement, in an amount determined in the manner~~
24 ~~provided in subdivision (b) of Section 11465 for a child in a foster~~
25 ~~family home.~~

26 (h) The department shall establish rules and regulations ensuring
27 the uniform application statewide of this section.

28 (i) The department shall notify all applicants and recipients of
29 aid through the standardized application form that these benefits
30 are available and shall provide an opportunity for recipients to
31 apply for the funds quickly and efficiently.

32 (j) Except for the purposes of Section 15200, the amounts
33 payable to recipients pursuant to Section 11453.1 shall not
34 constitute part of the payment schedule set forth in subdivision
35 (a).

36 The amounts payable to recipients pursuant to Section 11453.1
37 shall not constitute income to recipients of aid under this section.

38 (k) For children receiving Kin-GAP pursuant to Article 4.5
39 (commencing with Section 11360) or Article 4.7 (commencing
40 with Section 11385) there shall be paid, exclusive of any amount

1 considered exempt as income, an amount of aid each month, which,
2 when added to the child's income, is equal to the rate specified in
3 Sections 11364 and 11387.

4 (l) (1) This section shall become operative on April 1, 2013. A
5 county shall implement the semiannual reporting requirements in
6 accordance with Chapter 501 of the Statutes of 2011, no later than
7 October 1, 2013.

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

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

14 SEC. 4. Section 11465 of the Welfare and Institutions Code is
15 amended to read:

16 11465. (a) When a child is living with a parent who receives
17 AFDC-FC or Kin-GAP benefits, the rate paid to the provider on
18 behalf of the parent shall include an infant supplement to cover
19 the cost of care and supervision of the child.

20 (b) For each category of eligible licensed community care
21 facility, as defined in Section 1502 of the Health and Safety Code,
22 the department shall adopt regulations setting forth a uniform rate
23 to cover the cost of care and supervision of the child in each
24 category of eligible licensed community care facility.

25 (c) (1) On and after July 1, 1998, the uniform rate to cover the
26 cost of care and supervision of a child pursuant to this section shall
27 be increased by 6 percent, rounded to the nearest dollar. The
28 resultant amounts shall constitute the new uniform rate.

29 (2) (A) On and after July 1, 1999, the uniform rate to cover the
30 cost of care and supervision of a child pursuant to this section shall
31 be adjusted by an amount equal to the California Necessities Index
32 computed pursuant to Section 11453, rounded to the nearest dollar.
33 The resultant amounts shall constitute the new uniform rate, subject
34 to further adjustment pursuant to subparagraph (B).

35 (B) In addition to the adjustment specified in subparagraph (A),
36 on and after January 1, 2000, the uniform rate to cover the cost of
37 care and supervision of a child pursuant to this section shall be
38 increased by 2.36 percent, rounded to the nearest dollar. The
39 resultant amounts shall constitute the new uniform rate.

1 (3) Subject to the availability of funds, for the 2000–01 fiscal
2 year and annually thereafter, these rates shall be adjusted for cost
3 of living pursuant to procedures in Section 11453.

4 (4) On and after January 1, 2008, the uniform rate to cover the
5 cost of care and supervision of a child pursuant to this section shall
6 be increased by 5 percent, rounded to the nearest dollar. The
7 resulting amount shall constitute the new uniform rate.

8 (d) (1) Notwithstanding subdivisions (a) to (c), inclusive, the
9 payment made pursuant to this section for care and supervision of
10 a child who is living with a teen parent in a whole family foster
11 home, as defined in Section 11400, shall equal the basic rate for
12 children placed in a licensed or approved home as specified in
13 subdivisions (a) to (d), inclusive, and subdivision (g), of Section
14 11461.

15 (2) The amount paid for care and supervision of a dependent
16 infant living with a dependent teen parent receiving AFDC-FC
17 benefits in a group home placement shall equal the infant
18 supplement rate for group home placements.

19 (3) The caregiver shall provide the county child welfare agency
20 or probation department with a copy of the shared responsibility
21 plan developed pursuant to Section 16501.25 and shall advise the
22 county child welfare agency or probation department of any
23 subsequent changes to the plan. Once the plan has been completed
24 and provided to the appropriate agencies, the payment made
25 pursuant to this section shall be increased by an additional two
26 hundred dollars (\$200) per month to reflect the increased care and
27 supervision while he or she is placed in the whole family foster
28 home.

29 (4) In any year in which the payment provided pursuant to this
30 section is adjusted for the cost of living as provided in paragraph
31 (1) of subdivision (c), the payments provided for in this subdivision
32 shall also be increased by the same procedures.

33 (5) A Kin-GAP relative who, immediately prior to entering the
34 Kin-GAP program, was designated as a whole family foster home
35 shall receive the same payment amounts for the care and
36 supervision of a child who is living with a teen parent they received
37 in foster care as a whole family foster home.

38 (6) On and after January 1, 2012, the rate paid for a child living
39 with a teen parent in a whole family foster home as defined in
40 Section 11400 shall also be paid for a child living with a nonminor

1 dependent parent who is eligible to receive AFDC-FC or Kin-GAP
2 pursuant to Section 11403.

3 SEC. 5. Section 11477.02 of the Welfare and Institutions Code
4 is amended to read:

5 11477.02. (a) Prior to referral of any individual or recipient,
6 or that person's case, to the local child support agency for child
7 support services under Section 17400 or 17404 of the Family Code,
8 the county welfare department shall determine if an applicant or
9 recipient has good cause for noncooperation, as set forth in Section
10 11477.04. If the applicant or recipient claims a good cause
11 exception at any subsequent time to the county welfare department
12 or the local child support agency, the local child support agency
13 shall suspend child support services until the county welfare
14 department determines the good cause claim, as set forth in Section
15 11477.04. If good cause is determined to exist, the local child
16 support agency shall suspend child support services until the
17 applicant or recipient requests their resumption, and shall take
18 such other measures as are necessary to protect the applicant or
19 recipient and the children. If the applicant or recipient is the parent
20 of the child for whom aid is sought and the parent is found to have
21 not cooperated without good cause as provided in Section
22 11477.04, the applicant's or recipient's family grant shall be
23 reduced by 25 percent for such time as the failure to cooperate
24 lasts.

25 (b) Consistent with Section 17552 of the Family Code, if aid is
26 paid under this chapter on behalf of a child who is under the
27 jurisdiction of the juvenile court and whose parent or guardian is
28 receiving reunification services, the county welfare department
29 shall determine, prior to referral of the case to the local child
30 support agency for child support services, whether the referral is
31 in the best interest of the child, taking into account both of the
32 following:

33 (1) Whether the payment of support by the parent will pose a
34 barrier to the proposed reunification in that the payment of support
35 will compromise the parent's ability to meet the requirements of
36 the parent's reunification plan.

37 (2) Whether the payment of support by the parent will pose a
38 barrier to the proposed reunification in that the payment of support
39 will compromise the parent's current or future ability to meet the
40 financial needs of the child.

1 SEC. 6. Section 13758 is added to the Welfare and Institutions
2 Code, to read:

3 13758. (a) Every youth who is in foster care and has been
4 determined to be ineligible for AFDC-FC benefits shall be screened
5 by the county for potential eligibility for the federal Supplemental
6 Security Income program utilizing the best practice guidelines
7 developed pursuant to Section 13752.

8 (b) An application shall be submitted to the federal Social
9 Security Administration on behalf of a youth who is screened as
10 being likely to be eligible for federal Supplemental Security Income
11 benefits.

12 SEC. 7. No appropriation pursuant to Section 15200 of the
13 Welfare and Institutions Code shall be made for purposes of
14 implementing this act.

15 SEC. 8. If the Commission on State Mandates determines that
16 this act contains costs mandated by the state, reimbursement to
17 local agencies and school districts for those costs shall be made
18 pursuant to Part 7 (commencing with Section 17500) of Division
19 4 of Title 2 of the Government Code.

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