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CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 1039

Introduced by Assembly Member Aroner

February 25, 1999

An act to amend Sections 11320.1, 11322.6, 11322.8, 11322.9, 11324.8, 11325.21, 11325.23, 11454, ~~and 11477.02~~ ~~11477.02~~, 18242, 18243, and 18247 of, ~~and~~ to add Section 11322.95 to, ~~and to repeal Section 18246 of~~, the Welfare and Institutions Code, relating to human services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1039, as amended, Aroner. CalWORKs program.

Existing federal law provides for allocation of federal funds through the federal Temporary Assistance for Needy Families (TANF) block grant program to eligible states. Existing law provides for the CalWORKs program for the allocation of federal funds received through the TANF program, under which each county provides cash assistance and other benefits to qualified low-income families.

Existing law requires, as a condition of receipt of aid benefits under the CalWORKs program, that the recipient participate in certain welfare-to-work activities, and requires

that an adult participant in a one-parent household shall participate in welfare-to-work activities for a specified number of hours each week, unless otherwise exempt.

Under existing law, a parent or caretaker relative is not eligible to receive aid under the CalWORKs program for a cumulative period of more than 18 months, or in certain cases, 24 months, after the individual signs, or refuses, without good cause, to sign a welfare-to-work plan, unless it is certified by the county that there is no job currently available for the recipient and the recipient participates in community service activities.

Existing law provides that counties may provide for community service activities for individuals who have not completed that period and who are not employed in unsubsidized employment, sufficient to meet the required minimum number of hours of participation in welfare-to-work activities.

This bill would authorize counties to provide subsidized employment as an alternative to community service activities, subject to certain conditions.

This bill would require counties to pay an assistance payment to participants in wage-based employment in an amount equal to the wages for hours not worked by the participant. This bill would limit that payment to a period of one month and would be paid if the participant fails to satisfy the required hours of work in a single month for reasons constituting good cause.

Existing law requires that any individual who is required to participate in welfare-to-work activities under the CalWORKs program must enter into a written welfare-to-work plan with the county welfare department after assessment, and requires that the plan shall include the activities and services that will move the individual into employment.

Existing law provides that an applicant for, or a recipient of, aid under the CalWORKs program who is dissatisfied with the provisions of the welfare-to-work plan may seek redress through the independent assessment process or the state hearing or county grievance process.



This bill would require that at the time an individual applies for aid under this chapter, or at the time a recipient's eligibility for aid is determined, the county shall provide the individual, in writing and orally as necessary, with certain program information, including a description of the right of the applicant or recipient to contest the terms of the welfare-to-work plan.

Existing law requires, as a condition of receiving aid under the CalWORKs program, that the recipient participate in certain welfare-to-work activities, but specifies that any student who, at the time he or she is required to participate is enrolled in any undergraduate degree or certificate program that leads to employment may continue in that program for a limited period if he or she is making satisfactory progress in that program if the county determines that continuing in the program is likely to lead to self-supporting employment for that recipient, and the welfare-to-work plan reflects that determination.

Existing law also requires that if participation in educational or vocational training, as determined by the number of hours required for classroom, laboratory, or internship activities, is not at least 32 hours, the county shall require concurrent participation in work activities.

This bill would revise that requirement to require that the number of hours required in educational or vocational training include attendance at or preparation for those activities, and would specify that preparation time shall be presumed to be 2 hours for each hour of instruction. The bill would also expand the scope of activities in which a participant whose educational or training activities do not meet federal or state participation requirements, which must be required by the county to meet federal requirements and which may be required by the county to meet state standards.

This bill would also provide that if an individual is enrolled in an education or training program at the time he or she is required to participate in the welfare-to-work activities and the county determines that his or her welfare-to-work plan should contain other activities instead of the education or training program, the county shall notify him or her in writing of its determination and inform him or her of the right to



appeal the decision, and would declare that provision is declaratory of existing law.

By expanding the duties of counties in the administration of the welfare-to-work activities under the CalWORKs program this bill would result in a state-mandated local program.

Existing law requires recipients of benefits under the CalWORKs program to cooperate with the district attorney in the determination of paternity for purposes of collecting child support, and if the parent is determined not to have cooperated, the applicant's or recipient's family grant is required to be reduced by 25% during the period of noncooperation and requires that child support services for the noncooperating individual be suspended.

This bill would include applicants, recipients, and former recipients with welfare arrearages within the scope of that requirement.

Existing law authorizes the State Department of Social Services to approve demonstration projects in up to 3 counties to test models of child support assurance, and specifies that one of the projects shall conform to a specified design, and provides for the funding of the projects from funds continuously appropriated for the CalWORKs program.

This bill would recast that provision to authorize the approval of up to 3 child support assurance demonstration projects, and would eliminate the requirement that one of the projects conform to a specified design.

Existing law requires the State Department of Social Services to develop research designs to ensure thorough evaluation of the child support assurance demonstration projects that include various factors, including the impact of welfare-to-work participation rates of custodial parents, CalWORKs participation rates and costs, paternity and child support order establishment, and other relevant information.

This bill would recast that requirement and increase the scope of factors that must be included in the research designs.

Existing law provides that the state share of child support assurance payments under the child support assurance demonstration project shall be paid in accordance with the continuously appropriated funding of the CalWORKs program.



This bill would specify that the State Department of Social Services, to the extent possible, shall ensure that no funding streams will be utilized to pay for child support assurance payments if use of the funding streams would cause participants to be subject to the limitations imposed on the CalWORKs program that a parent or caretaker relative shall not be eligible to receive aid for a cumulative period of more than 18 months after the individual signs, or refuses, without good cause, to sign a welfare-to-work plan, unless it is certified by the county that there is no job currently available for the recipient and the recipient participates in community service activities.

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 11320.1 of the Welfare and
2 Institutions Code is amended to read:
3 11320.1. Subsequent to the commencement of the
4 receipt of aid under this chapter, the sequence of
5 employment related activities required of participants
6 under this article, unless exempted under Section 11320.3,
7 shall be as follows:
8 (a) Job search. Recipients shall, and applicants may,
9 at the option of a county and with the consent of the
10 applicant, receive orientation to the welfare-to-work
11 program provided under this article, receive appraisal
12 pursuant to Section 11325.2, and participate in job search

1 and job club activities provided pursuant to Section
2 11325.22.

3 (b) Assessment. If employment is not found during
4 the period provided for pursuant to subdivision (a), or at
5 any time the county determines that participation in job
6 search for the period specified in subdivision (a) of
7 Section 11325.22 is not likely to lead to employment, the
8 participant shall be referred to assessment, as provided
9 for in Section 11325.4. Following assessment, the county
10 and the participant shall develop a welfare-to-work plan,
11 as specified in Section 11325.21. The plan shall specify the
12 activities provided for in Section 11322.6 to which the
13 participant shall be assigned, and the supportive services,
14 as provided for pursuant to Section 11323.2, with which
15 the recipient will be provided.

16 (c) Work activities. A participant who has signed a
17 welfare-to-work plan pursuant to Section 11325.21 shall
18 participate in work activities until he or she has received
19 aid for the period specified in subdivision (a) of Section
20 11454. If, after the period specified in paragraph (1) of
21 subdivision (a) of Section 11454, the participant has not
22 obtained unsubsidized employment, the county may
23 extend the welfare-to-work plan by up to six months if the
24 county determines that the extension is likely to lead to
25 unsubsidized employment or if local unemployment or
26 other conditions in the local economy are such that
27 employment is not available. If a recipient has received
28 aid for the period specified in subdivision (a) of Section
29 11454 and returns to aid after a break in aid of at least one
30 month, the county shall determine whether to require
31 the recipient to participate in welfare-to-work activities
32 or in community service.

33 (d) Community service and subsidized employment.

34 (1) If a participant has received aid for the period
35 specified in subdivision (a) of Section 11454, and the
36 participant has not found unsubsidized employment
37 sufficient to meet the hours of participation required by
38 Section 11322.8 and the county has certified that no job is
39 available for that participant, the participant shall remain
40 eligible for aid under this chapter only if he or she

1 participates in community service activities or subsidized
2 employment pursuant to Section 11322.9 or 11322.95.

3 (2) The county shall provide community service
4 activities or other work activities assignments as
5 described in Section 11322.9, and may offer subsidized
6 employment as described in Section 11322.95.

7 (3) An individual may participate in community
8 service activities or a combination of community service
9 activities and subsidized employment as provided in
10 Section 11322.95 until he or she has received aid for a total
11 of 60 months.

12 SEC. 1.1. Section 11322.6 of the Welfare and
13 Institutions Code is amended to read:

14 11322.6. The welfare-to-work plan developed by the
15 county welfare department and the participant pursuant
16 to this article shall provide for welfare-to-work activities.
17 Welfare-to-work activities may include, but are not
18 limited to, any of the following:

19 (a) Unsubsidized employment.

20 (b) Subsidized private sector employment.

21 (c) Subsidized public sector employment.

22 (d) Work experience, which means public or private
23 sector work that shall help provide basic job skills,
24 enhance existing job skills in a position related to the
25 participant's experience, or provide a needed community
26 service that will lead to employment. Unpaid work
27 experience shall be limited to 12 months, unless the
28 county welfare department and the recipient agree to
29 extend this period by an amendment to the
30 welfare-to-work plan. The county welfare department
31 shall review the work experience assignment as
32 appropriate and make revisions as necessary to ensure
33 that it continues to be consistent with the participant's
34 plan and effective in preparing the participant to attain
35 employment.

36 (e) On-the-job training.

37 (f) Grant-based on-the-job training, which means
38 public or private sector employment or on-the-job
39 training in which the recipient's cash grant, or a portion
40 thereof, or the aid grant savings resulting from

1 employment, is diverted to the employer as a wage
2 subsidy to partially or wholly offset the payment of wages
3 to the participant. Grant-based on-the-job training shall
4 include community service positions pursuant to Section
5 11322.9 and subsidized employment pursuant to Section
6 11322.95.

7 (g) Supported work or transitional employment,
8 which means forms of grant-based on-the-job training in
9 which the recipient's cash grant, or a portion thereof, or
10 the aid grant savings from employment, is diverted to an
11 intermediary service provider, to partially or wholly
12 offset the payment of wages to the participant.

13 (h) Work-study.

14 (i) Self-employment.

15 (j) Community service.

16 (k) Adult basic education, which shall include reading,
17 writing, arithmetic, high school proficiency, or general
18 educational development certificate of instruction, and
19 English-as-a-second-language. Participants under this
20 subdivision shall be referred to appropriate service
21 providers that include, but are not limited to, educational
22 programs operated by school districts or county offices of
23 education that have contracted with the Superintendent
24 of Public Instruction to provide services to participants
25 pursuant to Section 33117.5 of the Education Code.

26 (l) Job skills training directly related to employment.

27 (m) Vocational education and training, including, but
28 not limited to, college and community college education,
29 adult education, regional occupational centers, and
30 regional occupational programs.

31 (n) Job search and job readiness assistance, which
32 means providing the recipient with training to learn job
33 seeking and interviewing skills, to understand employer
34 expectations, and learn skills designed to enhance an
35 individual's capacity to move toward self-sufficiency.

36 (o) Education directly related to employment.

37 (p) Satisfactory progress in secondary school or in a
38 course of study leading to a certificate of general
39 educational development, in the case of a recipient who

1 has not completed secondary school or received such a
2 certificate.

3 (q) Mental health, substance abuse, and domestic
4 violence services, described in Sections 11325.7 and
5 11325.8 and Article 7.5 (commencing with Section 11495),
6 that are necessary to obtain and retain employment.

7 (r) Other activities necessary to assist an individual in
8 obtaining unsubsidized employment.

9 Assignment to an educational activity identified in
10 subdivisions (k), (m), (o), and (p) shall be limited to
11 those situations in which the education is needed to
12 become employed. Hours of participation shall include
13 preparation time as described in subparagraph (C) of
14 paragraph (3) of subdivision (a) of Section 11325.23.

15 SEC. 1.5. Section 11322.8 of the Welfare and
16 Institutions Code is amended to read:

17 11322.8. (a) Unless otherwise exempt, and except as
18 provided in Section 11322.95, an adult recipient in a
19 one-parent assistance unit shall participate in
20 welfare-to-work activities for 20 hours each week
21 beginning January 1, 1998, 26 hours each week beginning
22 July 1, 1998, and 32 hours each week beginning July 1,
23 1999, and thereafter. In no event shall the adult recipient
24 participate in welfare-to-work activities less than the
25 required hours of participation under Section 407 of the
26 federal Social Security Act (42 U.S.C. Sec. 607) and any
27 subsequent amendments thereto, for the entire time
28 period on aid. A county retains the option to require all
29 recipients or individual recipients to participate in
30 welfare-to-work activities in excess of the minimum
31 number of hours specified in this subdivision, up to 32
32 hours each week.

33 (b) Unless otherwise exempt, an adult recipient who
34 is an unemployed parent, as defined in Section 11201,
35 shall participate in at least 35 hours of welfare-to-work
36 activities each week that will meet the required hours of
37 participation under Section 407 of the federal Social
38 Security Act (42 U.S.C. Sec. 607) and any subsequent
39 amendments thereto. However, both parents in a
40 two-parent assistance unit may contribute to the 35 hours,

1 if provided in federal law as meeting the federal work
2 participation requirements and if at least one parent
3 meets the federal one-parent work requirement
4 applicable on January 1, 1998. To be eligible for federally
5 funded child care under Article 15.5 (commencing with
6 Section 8350) of Chapter 2 of Part 6 of the Education
7 Code, both parents shall participate in work activities that
8 will meet the required hours of participation under
9 Section 407 of the federal Social Security Act (42 U.S.C.
10 Sec. 607) and any subsequent amendments thereto.

11 SEC. 1.8. Section 11322.9 of the Welfare and
12 Institutions Code is amended to read:

13 11322.9. (a) In accordance with the requirements of
14 this section:

15 (1) Counties may provide for community service
16 activities for individuals who have not completed the
17 period specified in subdivision (a) of Section 11454 and
18 are not employed in unsubsidized employment, sufficient
19 to meet the hours of participation required by Section
20 11322.8.

21 (2) Counties shall provide for community service
22 activities for individuals who have completed the period
23 as specified in subdivision (a) of Section 11454, who
24 cannot find unsubsidized employment sufficient to meet
25 the hours of participation required by Section 11322.8,
26 and the county certifies that no job is currently available
27 to fulfill the hours required by Section 11322.8, and who
28 continue to meet the financial eligibility criteria for aid
29 under this chapter.

30 (b) Community service activities shall meet all of the
31 following criteria:

32 (1) Be performed in the public and private nonprofit
33 sector.

34 (2) Provide participants with job skills that can lead to
35 unsubsidized employment.

36 (3) Comply with the antidisplacement provisions
37 contained in Section 11324.6.

38 (c) Participants in community service activities shall
39 do all of the following:



(1) Participate in a community service activity for the number of hours required by Section 11322.8, unless fewer hours of community service participation are required by federal law.

(2) Participate in other work activities, including those who have reached the time limits specified in Section 11454, for the number of hours equal to the difference between the hours of participation in community service and the number of hours of participation required under Section 11322.8.

(d) The county plan pursuant to Section 10531 shall include a component, developed by the county in collaboration with local private sector employers, local education agencies, county welfare departments, organized labor, recipients of aid under this chapter, and government and community-based organizations providing job training and economic development, in order to identify all of the following:

(1) Unmet community needs that could be met through community service activities.

(2) The target population to be served.

(3) Entities responsible for project development, fiscal administration, and case management services.

(4) The terms of community service activities, that, to the extent feasible, shall be temporary and transitional, and not permanent.

(5) Supportive efforts, including job search, education, and training, which shall be provided to participants in community service activities.

(e) Aid under this chapter for any participant who fails to comply with the requirements of this section without good cause shall be reduced in accordance with Section 11327.5.

(f) Child care as a supportive service shall be provided to participants in community service activities pursuant to Article 15.5 (commencing with Section 8350) of Chapter 2 of Part 6 of the Education Code, and Section 11323.2. Other supportive services may be provided by the county at the county's option. However, if the county does not provide mental health services pursuant to

1 Section 11325.7, the county shall indicate in its county
2 plan under Chapter 1.3 (commencing with Section
3 10530) how mental health services needed by
4 participants will be made available during participation
5 in a community service job.

6 SEC. 2. Section 11322.95 is added to the Welfare and
7 Institutions Code, to read:

8 11322.95. Counties may provide subsidized
9 employment in the private or public sector after the
10 period specified in subdivision (a) of Section 11454, as an
11 alternative to community service activities pursuant to
12 Section 11322.9, subject to the following conditions:

13 (a) Wages paid pursuant to this section shall be
14 supplemented by a stipend of ninety dollars (\$90) per
15 month for mandatory payroll deductions and other work
16 expenses instead of the income disregards set forth in
17 Section 11451.5. The stipend shall not be considered
18 income for the purposes of CalWORKs eligibility or
19 benefits.

20 (b) Subsidized employment assigned after the time
21 limits specified in Section 11454 shall not exceed one year
22 in duration, unless a county agrees to extend the time in
23 subsidized employment after an assessment of the
24 appropriateness of continued participation.

25 (c) Participants in subsidized employment shall be
26 allowed to accrue the same amount of sick leave or family
27 leave per month that the employer offers to other
28 comparable employees. Hours of sick leave and family
29 leave authorized by the employer and hours that a
30 participant cannot work because of employer recognized
31 holidays shall be counted toward the participants' weekly
32 participation hours under Section 11322.8.

33 (d) Participants in subsidized employment shall be
34 considered employees for all purposes, and shall be
35 compensated at no less than the higher of the state or
36 federal minimum wage.

37 (e) Subsidized employment shall consist of a
38 minimum of 24 hours per week, which may be increased
39 to 32 hours per week at county option. When the hours of
40 subsidized work result in fewer hours than those required

1 to be counted toward the federal work participation rate,
 2 counties shall assign other activities authorized under
 3 Section 11322.6 until the federal hourly requirements are
 4 met. When the number of hours satisfy the federal
 5 standard but are fewer than those set forth in Section
 6 11322.8, counties may assign other activities under
 7 Section 11322.6 to satisfy the requirement of that section,
 8 consistent with the federal Fair Labor Standards Act of
 9 1938 (Chapter 8 (commencing with Section 201) of Title
 10 29 of the United States Code).

11 (f) Counties shall arrange for participants in
 12 subsidized employment to apply and qualify for the
 13 earned income tax credit and its advance payment
 14 option.

15 (g) (1) Participants in subsidized employment who
 16 fail to satisfy the required hours of work in a single month
 17 for reasons constituting good cause, as specified in
 18 subdivision (f) of Section 11320.3, shall be paid an
 19 assistance payment in an amount equal to the wages not
 20 received for the hours not worked.

21 (2) Participants in subsidized employment who fail to
 22 satisfy the required hours of work in two months,
 23 counting allowed hours of sick and family leave, whether
 24 or not the failure is due to reasons constituting good cause,
 25 shall be reassigned to community service or a
 26 welfare-to-work activity other than subsidized
 27 employment.

28 (3) In no event shall the failure to meet the hourly
 29 work requirements result in a payment of wages or
 30 assistance payments, including the stipend authorized in
 31 subdivision (a), which are less than the amount paid
 32 pursuant to Section 11327.5.

33 (h) Wages paid to participants pursuant to this section
 34 shall be paid by the employer or an entity other than the
 35 county.

36 (i) Counties may fund the wages for subsidized
 37 employment through any combination of the single
 38 allocation to counties, any other funds or grant diversion.
 39 For purposes of this subdivision, “grant diversion” means
 40 public or private sector employment in which the

1 recipient's grant, or a portion thereof, or the aid grant
2 savings resulting from employment, is diverted to the
3 employer as a wage subsidy to partially or wholly offset
4 the payment of wages to the participant.

5 (j) Counties using subsidized employment shall
6 monitor the retention of participants as permanent
7 employees by employers participating in subsidized
8 employment, and shall cancel the participation of
9 employers who demonstrate, over a reasonable period of
10 time, an unwillingness to permanently hire recipients
11 who have participated in subsidized employment with
12 that employer.

13 SEC. 3. Section 11324.8 of the Welfare and Institutions
14 Code is amended to read:

15 11324.8. (a) At the time an individual applies for aid
16 under this chapter, or at the time a recipient's eligibility
17 for aid is determined, the county shall do all of the
18 following:

19 (1) Provide the individual, in writing and orally as
20 necessary, with at least the following program
21 information:

22 (A) A general description of the education,
23 employment, and training opportunities and the
24 supportive services available, including transitional
25 benefits.

26 (B) A description of the exemptions from required
27 participation provided under this article and the
28 consequences of a refusal to participate in program
29 components, if not exempt.

30 (C) A description of the responsibility of the
31 participant to cooperate in establishing paternity and
32 enforcing child support obligations, and to assist
33 individuals in establishing paternity and obtaining child
34 support as a condition of eligibility.

35 (D) A description of the right to contest the terms of
36 a welfare-to-work plan, as described in subdivision (d).

37 (2) Determine whether the individual is required to
38 participate in the program provided under this article.

39 (b) At the time an individual is required to participate
40 pursuant to this article, he or she shall receive a written

1 preliminary determination that he or she is a member of
2 a targeted group, for purposes of any applicable and
3 operative federal Targeted Jobs Tax Credit and California
4 Jobs Tax Credit.

5 (c) Persons not required to participate may volunteer
6 to participate.

7 (d) An applicant for, or a recipient of, aid who is
8 dissatisfied with the provisions of the welfare-to-work
9 plan may seek redress through the independent
10 assessment process, as described in subdivision (c) of
11 Section 11325.4 or the state hearing or county grievance
12 process, as described in Section 11327.8.

13 SEC. 4. Section 11325.21 of the Welfare and
14 Institutions Code is amended to read:

15 11325.21. (a) Any individual who is required to
16 participate in welfare-to-work activities pursuant to this
17 article shall enter into a written welfare-to-work plan
18 with the county welfare department after assessment as
19 required by subdivision (b) of Section 11320.1, except as
20 provided for in Section 11320.3. The plan shall include the
21 activities and services that will move the individual into
22 employment.

23 (b) The county shall allow the participant three
24 working days after completion of the plan or subsequent
25 amendments to the plan in which to evaluate and request
26 changes to the terms of the plan.

27 (c) The plan shall be written in clear and
28 understandable language, and have a simple and
29 easy-to-read format.

30 (d) The plan shall contain at least all of the following
31 general information:

32 (1) A general description of the program provided for
33 in this article, including available program components
34 and supportive services.

35 (2) A general description of the rights, duties, and
36 responsibilities of program participants, including a list of
37 the exemptions from the required participation under
38 this article, the consequences of a refusal to participate in
39 program components, and criteria for successful
40 completion of the program.

1 (3) A description of the grace period required in
2 paragraph (5) of subdivision (b) of Section 11325.22 and
3 of the right to evaluate and request changes in the terms
4 of the plan within three working days, as provided in
5 subdivision (b).

6 (4) A description of the right to contest the terms of
7 the welfare-to-work plan through an independent
8 assessment, as provided in Section 11325.4, and by the
9 state hearing or county grievance process, as described in
10 Section 11327.8.

11 (e) The plan shall specify, and shall be amended to
12 reflect changes in, the participant's welfare-to-work
13 activity, a description of services to be provided in
14 accordance with Sections 11322.6, and 11322.8 as needed,
15 and specific requirements for successful completion of
16 assigned activities including required hours of
17 participation.

18 The plan shall also include a general description of
19 supportive services pursuant to Section 11323.2 that are
20 to be provided as necessary for the participant to
21 complete assigned program activities.

22 (f) Any assignment to a program component shall be
23 reflected in the plan or an amendment to the plan. The
24 participant shall maintain satisfactory progress toward
25 employment through the methods set forth in the plan,
26 and the county shall provide the services pursuant to
27 Section 11323.2.

28 (g) This section shall not apply to individuals subject
29 to Article 3.5 (commencing with Section 11331) during
30 the time that article is operative.

31 SEC. 5. Section 11325.23 of the Welfare and
32 Institutions Code is amended to read:

33 11325.23. (a) (1) Except as provided in paragraph
34 (2), any student who, at the time he or she is required to
35 participate under this article pursuant to Section 11320.3,
36 is enrolled in any undergraduate degree or certificate
37 program that leads to employment may continue in that
38 program within the time period specified in subdivisions
39 (a) and (d) of Section 11454 if he or she is making
40 satisfactory progress in that program, the county

1 determines that continuing in the program is likely to
2 lead to self-supporting employment for that recipient,
3 and the welfare-to-work plan reflects that determination.

4 (2) Any individual who possesses a baccalaureate
5 degree shall not be eligible to participate under this
6 section unless the individual is pursuing a California
7 regular classroom teaching credential in a college or
8 university with an approved teacher credential
9 preparation program.

10 (3) (A) Subject to the limitation provided in
11 subdivision (f), a program shall be determined to lead to
12 employment if it is on a list of programs that the county
13 welfare department and local education agencies or
14 providers agree lead to employment. The list shall be
15 agreed to annually, with the first list completed no later
16 than January 31, 1998. By January 1, 2000, all educational
17 providers shall report data regarding programs on the list
18 for the purposes of the report card established under
19 Section 15037.1 of the Unemployment Insurance Code for
20 the programs to remain on the list.

21 (B) For students not in a program on the list prepared
22 under subparagraph (A), the county shall determine if
23 the program leads to employment. The recipient shall be
24 allowed to continue in the program within the time
25 period specified in subdivisions (a) and (d) of Section
26 11454 if the recipient demonstrates to the county that the
27 program will lead to self-supporting employment for that
28 recipient and the documentation is included in the
29 welfare-to-work plan.

30 (C) If participation in educational or vocational
31 training, as determined by the number of hours required
32 for attendance at or preparation for classroom,
33 laboratory, or internship activities, is not at least 32 hours,
34 the county shall require concurrent participation in work
35 activities pursuant to subdivisions (a) to (r), inclusive, of
36 Section 11322.6 and Section 11325.22. Preparation time
37 shall be presumed to be two hours of study for each hour
38 of instruction.

39 (D) If an individual is enrolled in an education or
40 training program at the time he or she is required to

1 participate under this article and the county determines
2 that the individual's welfare-to-work plan should contain
3 other activities instead of the education or training
4 program, the county shall notify the individual in writing
5 of its determination and inform the individual of the right
6 to appeal the decision pursuant to any available
7 procedure, including the right to a third party assessment
8 under subdivision (c) of Section 11325.4. This subdivision
9 is declaratory of existing law.

10 (b) Participation in the self-initiated education or
11 vocational training program shall be reflected in the
12 welfare-to-work plan required by Section 11325.21. The
13 welfare-to-work plan shall provide that whenever an
14 individual ceases to participate in, refuses to attend
15 regularly, or does not maintain satisfactory progress in the
16 self-initiated program, the individual shall participate
17 under this article in accordance with Section 11325.22.

18 (c) Any person whose previously approved
19 self-initiated education or training program is
20 interrupted for reasons that meet the good cause criteria
21 specified in subdivision (f) of Section 11320.3 may resume
22 participation in the same program if the participant
23 maintained good standing in the program while
24 participating and the self-initiated program continues to
25 meet the approval criteria. The county shall adjust the
26 completion date of the program, accounting for the time
27 of absence to allow the participant a cumulative
28 timeframe outlined in subdivision (a).

29 (d) Supportive services reimbursement shall be
30 provided for any participant in a self-initiated training or
31 education program approved under this subdivision. This
32 reimbursement shall be provided if no other source of
33 funding for those costs is available. Any offset to
34 supportive services payments shall be made in
35 accordance with subdivision (e) of Section 11323.4.

36 (e) Any student who, at the time he or she is required
37 to participate under this article pursuant to Section
38 11320.3, has been enrolled and is making satisfactory
39 progress in a degree or certificate program, but does not
40 meet the criteria set forth in subdivision (a), shall have

1 until the beginning of the next educational semester or
 2 quarter break to continue his or her educational program
 3 if he or she continues to make satisfactory progress. At the
 4 time the educational break occurs, the individual is
 5 required to participate pursuant to Section 11320.1. The
 6 time spent in the educational program shall count
 7 towards the time limits and community service
 8 requirements established for recipients in Sections
 9 11320.1 and 11454. A recipient not expected to complete
 10 the program by the next break may continue his or her
 11 education under the timelines in subdivision (a),
 12 provided he or she transfers at the end of the current
 13 quarter or semester to a program that qualifies under that
 14 subdivision, the county determines that participation is
 15 likely to lead to self-supporting employment of the
 16 recipient, and the welfare-to-work plan reflects that
 17 determination.

18 (f) Any degree, certificate, or vocational program
 19 offered by a private postsecondary training provider shall
 20 not be approved under this section unless the program is
 21 either approved or exempted by the appropriate state
 22 regulatory agency and the program is in compliance with
 23 all other provisions of law.

24 SEC. 6. Section 11454 of the Welfare and Institutions
 25 Code is amended to read:

26 11454. (a) (1) Except as otherwise provided in this
 27 chapter and in paragraph (2), a parent or caretaker
 28 relative shall not be eligible to receive aid for a
 29 cumulative period of more than 18 months after the
 30 individual signs, or refuses, without good cause, to sign a
 31 welfare-to-work plan, unless it is certified by the county
 32 that there is no job currently available for the recipient
 33 and the recipient participates in community service
 34 activities, pursuant to Section 11322.9, or in subsidized
 35 employment pursuant to Section 11322.95.

36 (2) A parent or caretaker relative recipient who is
 37 subject to the requirements of paragraph (2) of
 38 subdivision (c) of Section 10532 shall not be eligible to
 39 receive aid under this chapter for a cumulative period of
 40 more than 24 months, unless it is certified by the county

1 that there is no job currently available for the recipient
2 and the recipient participates in community service
3 activities pursuant to Section 11322.9, or in subsidized
4 employment pursuant to Section 11322.95.

5 (3) For purposes of this subdivision, a job shall not be
6 considered to be currently available if a recipient has
7 taken and continues to take all steps to apply for
8 appropriate positions and has not refused an offer of
9 employment without good cause.

10 (4) A parent or caretaker relative recipient to whom
11 paragraph (1) or (2) applies, who is in a job for less than
12 the number of hours required by Section 11322.8, and for
13 whom no job is currently available for the required
14 number of hours, shall remain eligible for aid under this
15 chapter and shall participate in community service
16 activities for the additional number of hours necessary to
17 meet the requirements of Section 11322.8.

18 (b) A parent or caretaker relative shall not be eligible
19 for aid under this chapter when he or she has received aid
20 under this chapter or from any state under the
21 Temporary Assistance for Needy Families program (Part
22 A (commencing with Section 401) of Title IV of the
23 federal Social Security Act (42 U.S.C. Sec. 601 et seq.) for
24 a cumulative total of 60 months.

25 (c) No month in which aid has been received prior to
26 January 1, 1998, shall be taken into consideration in
27 computing the 18-month, 24-month, or 60-month
28 limitation provided for in subdivision (a) or (b).

29 (d) Each county shall adopt criteria for extending the
30 18-month limitation prescribed by subdivision (a) for up
31 to six months if the extension is likely to result in
32 unsubsidized employment or if local unemployment
33 rates or other conditions in the local economy are such
34 that employment is not available.

35 (e) Subdivision (b) shall not be applicable when all
36 parent or caretaker relatives of the aided child who are
37 living in the home of the child meet any of the following
38 requirements:

39 (1) They are 60 years of age or older.

1 (2) They meet one of the conditions specified in
2 paragraph (4) or (5) of subdivision (b) of Section 11320.3.

3 (3) They are not included in the assistance unit.

4 (4) They are receiving benefits under Section 12200 or
5 Section 12300, State Disability Insurance benefits or
6 Workers' Compensation Temporary Disability
7 Insurance, if the disability significantly impairs the
8 recipient's ability to be regularly employed or participate
9 in welfare-to-work activities.

10 (5) They are incapable of maintaining employment or
11 participating in welfare-to-work activities, as determined
12 by the county, based on the assessment of the individual
13 and the individual has a history of participation and full
14 cooperation in welfare-to-work activities.

15 SEC. 7. Section 11477.02 of the Welfare and
16 Institutions Code is amended to read:

17 11477.02. Prior to referral of any individual or
18 recipient, or that person's case, to the district attorney for
19 child support services under Section 11350.1 or 11475.1,
20 the county welfare department shall determine if an
21 applicant, recipient, or former recipient with welfare
22 arrearages has good cause for noncooperation, as set forth
23 in Section 11477.04. If the applicant or recipient claims a
24 good cause exception at any subsequent time to the
25 county welfare department or the district attorney, the
26 district attorney shall suspend child support services until
27 the county welfare department determines the good
28 cause claim, as set forth in Section 11477.04. If good cause
29 is determined to exist, the district attorney shall suspend
30 child support services until the applicant or recipient
31 requests their resumption, and shall take such other
32 measures as are necessary to protect the applicant or
33 recipient and the children. If the applicant, recipient, or
34 former recipient with welfare arrearages is the parent of
35 the child for whom aid is sought and the parent is found
36 to have not cooperated without good cause as provided
37 in Section 11477.04, the applicant's or recipient's family
38 grant shall be reduced by 25 percent for such time as the
39 failure to cooperate lasts.

1 SEC. 8. *Section 18242 of the Welfare and Institutions*
2 *Code is amended to read:*

3 18242. (a) Upon application by a county board of
4 supervisors, the department may approve *up to three*
5 ~~demonstration projects in up to three counties~~ to test
6 models of child support assurance. ~~One of the projects~~
7 ~~shall conform to the design contained in Section 18246.~~
8 ~~The other two~~ projects shall either test different models
9 of child support assurance or may test the same model if
10 ~~the two~~ counties in which ~~that~~ the same model is tested
11 involve counties with different demographics.

12 (b) *The department may approve joint projects by*
13 *two or more counties if both of the following apply:*

14 (1) *The equity of access to the project and its related*
15 *services is ensured to all participants.*

16 (2) *The project includes appropriate operational and*
17 *fiscal arrangements between the counties submitting the*
18 *joint project.*

19 (c) *If the department approves a joint project by two*
20 *or more counties, that joint project shall constitute one of*
21 *the projects authorized by subdivision (a).*

22 (d) It is the intent of the Legislature that the purpose
23 of the demonstration projects authorized by this article is
24 to test child support assurance models as alternatives to
25 welfare under which families with earnings and a child
26 support order receive a guaranteed child support
27 payment, in lieu of a grant under the CalWORKs
28 program, from funds continuously appropriated for the
29 CalWORKs program.

30 ~~(e)~~

31 (e) A county may ~~determine~~ *limit* the ~~maximum~~
32 ~~number of participants in that county, but not more than~~
33 ~~five percent of the county CalWORKs caseload or 8,000~~
34 ~~persons, whichever is greater~~ *families that will be*
35 *permitted to enroll in its child support assurance*
36 *demonstration program.*

37 SEC. 9. *Section 18243 of the Welfare and Institutions*
38 *Code is amended to read:*

39 18243. The department shall develop research
40 designs to ensure thorough evaluations of the child

1 support assurance demonstration projects that shall
2 include, but not be limited to, the impact of *the project*
3 *on work participation rates of custodial parents,*
4 *household incomes and family well-being,* CalWORKs
5 participation rates and costs, *rates of paternity* and child
6 support order establishment, and any other relevant
7 information the director may require.

8 *SEC. 10. Section 18246 of the Welfare and Institutions*
9 *Code is repealed.*

10 ~~18246. (a) A child or children shall be eligible to~~
11 ~~continue to receive a child support assurance payment~~
12 ~~under this section only if the family's income is not more~~
13 ~~than 150 percent of the federal poverty level. For family~~
14 ~~income below the federal poverty level, the earned~~
15 ~~income disregard shall be 90 percent. For income~~
16 ~~between 100 percent and 150 percent of the federal~~
17 ~~poverty level, the earned income disregard shall be~~
18 ~~incrementally decreased until the assistance benefit~~
19 ~~reaches zero at 150 percent of the federal poverty level.~~

20 ~~(b) In any month, the child shall receive the greater~~
21 ~~of the child support paid by the noncustodial parent or~~
22 ~~the assured amount as defined in subdivision (d), less the~~
23 ~~earned income disregard specified in subdivision (a). In~~
24 ~~any month in which the noncustodial parent pays an~~
25 ~~amount of support less than the assured amount, the~~
26 ~~county shall retain the payment as reimbursement for the~~
27 ~~assured amount.~~

28 ~~(c) For purposes of this article, the child support~~
29 ~~assurance payable to the custodial parent of one or more~~
30 ~~eligible children shall be the amount by which the~~
31 ~~support assurance payment exceeds the dollar value of~~
32 ~~the child support, if any, received on behalf of the family~~
33 ~~during the month from the noncustodial parent for the~~
34 ~~support of any eligible child or children.~~

35 ~~(d) The monthly child support assurance payment~~
36 ~~shall be the sum of all of the following:~~

37 ~~(1) Two hundred fifty dollars (\$250) for the first~~
38 ~~eligible child.~~

39 ~~(2) One hundred twenty-five dollars (\$125) for the~~
40 ~~second eligible child, if any.~~

1 ~~(3) Sixty-five dollars (\$65) for each subsequent eligible~~
2 ~~child, if any.~~

3 *SEC. 11. Section 18247 of the Welfare and Institutions*
4 *Code is amended to read:*

5 18247. (a) The state share of child support assurance
6 payments under this article shall be paid in accordance
7 with Section 15200.

8 (b) *The department shall, to the extent possible,*
9 *ensure that no funding streams will be utilized to pay for*
10 *child support assurance payments if the use of the*
11 *funding streams would cause participants to be subject to*
12 *the limitations of Section 11454 or any similar limitation.*

13 (c) *The county administrative cost for the operation of*
14 *a child support assurance program shall be paid from the*
15 *county's allocation provided under Sections 15204.2 and*
16 *15204.3.*

17 *SEC. 12. It is the intent of the Legislature that the*
18 *State Department of Social Services implement the*
19 *amendments made to Sections 11320.1, 11322.6, 11322.8,*
20 *11322.9, 11324.8, 11325.21, 11325.23, 11454, and 11477.02 of*
21 *the Welfare and Institutions Code, by this act, and Section*
22 *11322.95 of the Welfare and Institutions Code, as added by*
23 *this act, to the extent of funding made available pursuant*
24 *to the Budget Act or any other act.*

25 ~~SEC. 9.—~~

26 *SEC. 13. Notwithstanding Section 17610 of the*
27 *Government Code, if the Commission on State Mandates*
28 *determines that this act contains costs mandated by the*
29 *state, reimbursement to local agencies and school*
30 *districts for those costs shall be made pursuant to Part 7*
31 *(commencing with Section 17500) of Division 4 of Title*
32 *2 of the Government Code. If the statewide cost of the*
33 *claim for reimbursement does not exceed one million*
34 *dollars (\$1,000,000), reimbursement shall be made from*
35 *the State Mandates Claims Fund.*