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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, 11322.9, 11324.8, 11325.21, 11325.23, 11454, 18242, 18243, and 18247 of, to add Sections 11322.95 and 11477.03 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 the Director of Social Services to approve demonstration *projects*, *in up to 5* 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:

1 (a) Job search. Recipients shall, and applicants may,
2 at the option of a county and with the consent of the
3 applicant, receive orientation to the welfare-to-work
4 program provided under this article, receive appraisal
5 pursuant to Section 11325.2, and participate in job search
6 and job club activities provided pursuant to Section
7 11325.22.

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

21 (c) Work activities. A participant who has signed a
22 welfare-to-work plan pursuant to Section 11325.21 shall
23 participate in work activities until he or she has received
24 aid for the period specified in subdivision (a) of Section
25 11454. If, after the period specified in paragraph (1) of
26 subdivision (a) of Section 11454, the participant has not
27 obtained unsubsidized employment, the county may
28 extend the welfare-to-work plan by up to six months if the
29 county determines that the extension is likely to lead to
30 unsubsidized employment or if local unemployment or
31 other conditions in the local economy are such that
32 employment is not available. If a recipient has received
33 aid for the period specified in subdivision (a) of Section
34 11454 and returns to aid after a break in aid of at least one
35 month, the county shall determine whether to require
36 the recipient to participate in welfare-to-work activities
37 or in community service.

38 (d) Community service and subsidized employment.

39 (1) If a participant has received aid for the period
40 specified in subdivision (a) of Section 11454, and the

1 participant has not found unsubsidized employment
2 sufficient to meet the hours of participation required by
3 Section 11322.8 and the county has certified that no job is
4 available for that participant, the participant shall remain
5 eligible for aid under this chapter only if he or she
6 participates in community service activities pursuant to
7 Section 11322.9 or subsidized employment for
8 participants in approved demonstration projects
9 pursuant to Section 11322.9 or 11322.95.

10 (2) The county shall provide community service
11 activities or other work activities as described in Section
12 11322.9, or counties that are approved to participate in a
13 demonstration project pursuant to Section 11322.95 may
14 offer subsidized employment as described in that section.

15 (3) An individual may participate in activities
16 pursuant to Section 11322.9, or a participant in a
17 demonstration project approved under Section 11322.95
18 may participate in activities pursuant to Sections 11322.9
19 and 11322.95, subject to the limitations provided in those
20 sections, until he or she has received aid for a total of 60
21 months.

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

24 11322.9. (a) In accordance with the requirements of
25 this section:

26 (1) Counties may provide for community service
27 activities for individuals who have not completed the
28 period specified in subdivision (a) of Section 11454 and
29 are not employed in unsubsidized employment, sufficient
30 to meet the hours of participation required by Section
31 11322.8.

32 (2) Counties shall provide for community service
33 activities for individuals who have completed the period
34 as specified in subdivision (a) of Section 11454, who
35 cannot find unsubsidized employment sufficient to meet
36 the hours of participation required by Section 11322.8,
37 and the county certifies that no job is currently available
38 to fulfill the hours required by Section 11322.8, and who
39 continue to meet the financial eligibility criteria for aid
40 under this chapter.

1 (b) Community service activities shall meet all of the
2 following criteria:

3 (1) Be performed in the public and private nonprofit
4 sector.

5 (2) Provide participants with job skills that can lead to
6 unsubsidized employment.

7 (3) Comply with the antidisplacement provisions
8 contained in Section 11324.6.

9 (c) Participants in community service activities shall
10 do all of the following:

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

15 (2) Participate in other work activities, both before
16 and after the time limits specified in Section 11454, for the
17 number of hours equal to the difference between the
18 hours of participation in community service required
19 under paragraph (1) of subdivision (c) and the number
20 of hours of participation required under Section 11322.8.

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

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

31 (2) The target population to be served.

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

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

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

1 (e) Aid under this chapter for any participant who fails
2 to comply with the requirements of this section without
3 good cause shall be reduced in accordance with Section
4 11327.5.

5 (f) Child care as a supportive service shall be provided
6 to participants in community service activities pursuant
7 to Article 15.5 (commencing with Section 8350) of
8 Chapter 2 of Part 6 of the Education Code, and Section
9 11323.2. Other supportive services may be provided by
10 the county at the county's option. However, if the county
11 does not provide mental health services pursuant to
12 Section 11325.7, the county shall indicate in its county
13 plan under Chapter 1.3 (commencing with Section
14 10530) how mental health services needed by
15 participants will be made available during participation
16 in a community service job.

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

19 11322.95. Notwithstanding any other provision of law,
20 the director may approve demonstration ~~projects in~~
21 ~~counties to projects, in up to five counties, to provide~~
22 subsidized employment in the private or public sector
23 after the period specified in subdivision (a) of Section
24 11454, as an alternative to community service activities
25 pursuant to Section 11322.9, subject to the following:

26 (a) Wages paid pursuant to this section shall be
27 supplemented by a stipend of ninety dollars (\$90) per
28 month for mandatory payroll deductions and other work
29 expenses instead of the income disregards set forth in
30 Section 11451.5. The stipend shall not be considered
31 income for the purposes of CalWORKs eligibility or
32 benefits.

33 (b) Subsidized employment assigned after the time
34 limits specified in Section 11454 shall not exceed one year
35 in duration, unless a county agrees to extend the time in
36 subsidized employment after an assessment of the
37 appropriateness of continued participation.

38 (c) Participants in subsidized employment shall be
39 allowed to accrue the same amount of sick leave or family
40 leave per month that the employer offers to other

1 comparable employees. Hours of sick leave and family
2 leave authorized by the employer and hours that a
3 participant cannot work because of employer recognized
4 holidays shall be counted toward the participants' weekly
5 participation hours under Section 11322.8.

6 (d) Participants in subsidized employment shall be
7 considered employees for all purposes, and shall be
8 compensated at no less than the higher of the state or
9 federal minimum wage.

10 (e) Subsidized employment shall consist of a
11 minimum of 24 hours per week, which may be increased
12 to 32 hours per week at county option. When the hours of
13 subsidized work result in fewer hours than those required
14 to be counted toward the federal work participation rate,
15 counties shall assign other activities authorized under
16 Section 11322.6 until the federal hourly requirements are
17 met. When the number of hours satisfy the federal
18 standard but are fewer than those set forth in Section
19 11322.8, counties may assign other activities under
20 Section 11322.6 to satisfy the requirement of that section,
21 consistent with the federal Fair Labor Standards Act of
22 1938 (Chapter 8 (commencing with Section 201) of Title
23 29 of the United States Code).

24 (f) Counties shall arrange for participants in
25 subsidized employment to apply and qualify for the
26 earned income tax credit and its advance payment
27 option.

28 (g) (1) Participants in subsidized employment who
29 fail to satisfy the required hours of work in a single month
30 for reasons constituting good cause, as specified in
31 subdivision (f) of Section 11320.3, shall be paid an amount
32 equal to the wages not received for the hours not worked.
33 For CalWorks eligibility and grant determination, this
34 payment shall be treated in the same manner as wages
35 paid pursuant to this section.

36 (2) Participants in subsidized employment who fail to
37 satisfy the required hours of work in two months,
38 counting allowed hours of sick and family leave, whether
39 or not the failure is due to reasons constituting good cause,
40 shall be reassigned to community service or a

1 welfare-to-work activity other than subsidized
2 employment.

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

8 (h) Wages paid to participants pursuant to this section
9 shall be paid by the employer or an entity other than the
10 county.

11 (i) Counties may fund the wages for subsidized
12 employment through any combination of the single
13 allocation to counties, any other funds or grant diversion.
14 For purposes of this subdivision, “grant diversion” means
15 public or private sector employment in which the
16 recipient’s grant, or a portion thereof, or the aid grant
17 savings resulting from employment, is diverted to the
18 employer as a wage subsidy to partially or wholly offset
19 the payment of wages to the participant.

20 (j) Counties using subsidized employment shall
21 monitor the retention of participants as permanent
22 employees by employers participating in subsidized
23 employment, and shall cancel the participation of
24 employers who demonstrate, over a reasonable period of
25 time, an unwillingness to permanently hire recipients
26 who have participated in subsidized employment with
27 that employer.

28 (k) Recipients in counties approved to participate in
29 this demonstration project shall be given the option of
30 participating in community service pursuant to Section
31 11322.95 in lieu of subsidized employment as provided in
32 this section.

33 (l) Earnings from the subsidized employment
34 authorized under the demonstration projects approved
35 pursuant to this section shall not be considered in
36 determining eligibility for the CalWORKs program, but
37 shall be considered in determining the CalWORKs grant
38 amount.

39 (m) For purposes of this section, ‘subsidized
40 employment’ means only that subsidized employment

1 authorized pursuant to the demonstration projects
2 established pursuant to this section.

3 (n) The department shall determine the duration of
4 this demonstration project.

5 (o) The director shall evaluate the demonstration
6 projects established pursuant to this section. Costs of the
7 evaluation shall be paid by the state from federal funds
8 provided through the federal Temporary Assistance for
9 Needy Families block grant. The evaluation shall, at a
10 minimum, assess all of the following:

11 (1) The change in income for participating families
12 during their participation in the project.

13 (2) Participation patterns, including length of time in
14 a subsidized employment position, rates of successful
15 completion, and reasons for failure to complete the
16 assigned term.

17 (3) Employment, earnings, and income patterns
18 following participation in the subsidized employment
19 project.

20 (p) Subsidized employment under this section shall be
21 counted as welfare-to-work activities under Section
22 11322.8, and shall be deemed to be grant-based on-the-job
23 training for purposes of Section 11322.6.

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

26 11324.8. (a) At the time an individual applies for aid
27 under this chapter, or at the time a recipient's eligibility
28 for aid is determined, the county shall do all of the
29 following:

30 (1) Provide the individual, in writing and orally as
31 necessary, with at least the following program
32 information:

33 (A) A general description of the education,
34 employment, and training opportunities and the
35 supportive services available, including transitional
36 benefits.

37 (B) A description of the exemptions from required
38 participation provided under this article and the
39 consequences of a refusal to participate in program
40 components, if not exempt.



1 (C) A description of the responsibility of the
2 participant to cooperate in establishing paternity and
3 enforcing child support obligations, and to assist
4 individuals in establishing paternity and obtaining child
5 support as a condition of eligibility.

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

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

10 (b) At the time an individual is required to participate
11 pursuant to this article, he or she shall receive a written
12 preliminary determination that he or she is a member of
13 a targeted group, for purposes of any applicable and
14 operative federal Targeted Jobs Tax Credit and California
15 Jobs Tax Credit.

16 (c) Persons not required to participate may volunteer
17 to participate.

18 (d) An applicant for, or a recipient of, aid who is
19 dissatisfied with the provisions of the welfare-to-work
20 plan may seek redress through the independent
21 assessment process, as described in subdivision (c) of
22 Section 11325.4 or the state hearing or county grievance
23 process, as described in Section 11327.8.

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

26 11325.21. (a) Any individual who is required to
27 participate in welfare-to-work activities pursuant to this
28 article shall enter into a written welfare-to-work plan
29 with the county welfare department after assessment as
30 required by subdivision (b) of Section 11320.1, except as
31 provided for in Section 11320.3. The plan shall include the
32 activities and services that will move the individual into
33 employment.

34 (b) The county shall allow the participant three
35 working days after completion of the plan or subsequent
36 amendments to the plan in which to evaluate and request
37 changes to the terms of the plan.

38 (c) The plan shall be written in clear and
39 understandable language, and have a simple and
40 easy-to-read format.

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

3 (1) A general description of the program provided for
4 in this article, including available program components
5 and supportive services.

6 (2) A general description of the rights, duties, and
7 responsibilities of program participants, including a list of
8 the exemptions from the required participation under
9 this article, the consequences of a refusal to participate in
10 program components, and criteria for successful
11 completion of the program.

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

17 (4) A description of the right to contest the terms of
18 the welfare-to-work plan through an independent
19 assessment, as provided in Section 11325.4, and by the
20 state hearing or county grievance process, as described in
21 Section 11327.8.

22 (e) The plan shall specify, and shall be amended to
23 reflect changes in, the participant's welfare-to-work
24 activity, a description of services to be provided in
25 accordance with Sections 11322.6, and 11322.8 as needed,
26 and specific requirements for successful completion of
27 assigned activities including required hours of
28 participation.

29 The plan shall also include a general description of
30 supportive services pursuant to Section 11323.2 that are
31 to be provided as necessary for the participant to
32 complete assigned program activities.

33 (f) Any assignment to a program component shall be
34 reflected in the plan or an amendment to the plan. The
35 participant shall maintain satisfactory progress toward
36 employment through the methods set forth in the plan,
37 and the county shall provide the services pursuant to
38 Section 11323.2.



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

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

6 11325.23. (a) (1) Except as provided in paragraph
7 (2), any student who, at the time he or she is required to
8 participate under this article pursuant to Section 11320.3,
9 is enrolled in any undergraduate degree or certificate
10 program that leads to employment may continue in that
11 program within the time period specified in subdivisions
12 (a) and (d) of Section 11454 if he or she is making
13 satisfactory progress in that program, the county
14 determines that continuing in the program is likely to
15 lead to self-supporting employment for that recipient,
16 and the welfare-to-work plan reflects that determination.

17 (2) Any individual who possesses a baccalaureate
18 degree shall not be eligible to participate under this
19 section unless the individual is pursuing a California
20 regular classroom teaching credential in a college or
21 university with an approved teacher credential
22 preparation program.

23 (3) (A) Subject to the limitation provided in
24 subdivision (f), a program shall be determined to lead to
25 employment if it is on a list of programs that the county
26 welfare department and local education agencies or
27 providers agree lead to employment. The list shall be
28 agreed to annually, with the first list completed no later
29 than January 31, 1998. By January 1, 2000, all educational
30 providers shall report data regarding programs on the list
31 for the purposes of the report card established under
32 Section 15037.1 of the Unemployment Insurance Code for
33 the programs to remain on the list.

34 (B) For students not in a program on the list prepared
35 under subparagraph (A), the county shall determine if
36 the program leads to employment. The recipient shall be
37 allowed to continue in the program within the time
38 period specified in subdivisions (a) and (d) of Section
39 11454 if the recipient demonstrates to the county that the
40 program will lead to self-supporting employment for that

1 recipient and the documentation is included in the
2 welfare-to-work plan.

3 (C) If participation in educational or vocational
4 training, as determined by the number of hours required
5 for attendance at or preparation for classroom,
6 laboratory, or internship activities, is not at least 32 hours,
7 the county shall require concurrent participation in work
8 activities pursuant to subdivisions (a) to (r), inclusive, of
9 Section 11322.6 and Section 11325.22. Preparation time
10 shall be presumed to be one hour of study for each hour
11 of instruction, up to a maximum of six hours per week.
12 The maximum preparation time may be increased by the
13 department through regulation after January 1, 2002,
14 depending upon its assessment of whether the existing
15 limit promotes success in participants' education
16 programs and self-supporting employment.

17 (D) If an individual is enrolled in an education or
18 training program at the time he or she is required to
19 participate under this article and the county determines
20 that the individual's welfare-to-work plan should contain
21 other activities instead of the education or training
22 program, the county shall notify the individual in writing
23 of its determination and inform the individual of the right
24 to appeal the decision pursuant to any available
25 procedure. This subdivision is declaratory of existing law.

26 (b) Participation in the self-initiated education or
27 vocational training program shall be reflected in the
28 welfare-to-work plan required by Section 11325.21. The
29 welfare-to-work plan shall provide that whenever an
30 individual ceases to participate in, refuses to attend
31 regularly, or does not maintain satisfactory progress in the
32 self-initiated program, the individual shall participate
33 under this article in accordance with Section 11325.22.

34 (c) Any person whose previously approved
35 self-initiated education or training program is
36 interrupted for reasons that meet the good cause criteria
37 specified in subdivision (f) of Section 11320.3 may resume
38 participation in the same program if the participant
39 maintained good standing in the program while
40 participating and the self-initiated program continues to

1 meet the approval criteria. The county shall adjust the
2 completion date of the program, accounting for the time
3 of absence to allow the participant a cumulative
4 timeframe outlined in subdivision (a).

5 (d) Supportive services reimbursement shall be
6 provided for any participant in a self-initiated training or
7 education program approved under this subdivision. This
8 reimbursement shall be provided if no other source of
9 funding for those costs is available. Any offset to
10 supportive services payments shall be made in
11 accordance with subdivision (e) of Section 11323.4.

12 (e) Any student who, at the time he or she is required
13 to participate under this article pursuant to Section
14 11320.3, has been enrolled and is making satisfactory
15 progress in a degree or certificate program, but does not
16 meet the criteria set forth in subdivision (a), shall have
17 until the beginning of the next educational semester or
18 quarter break to continue his or her educational program
19 if he or she continues to make satisfactory progress. At the
20 time the educational break occurs, the individual is
21 required to participate pursuant to Section 11320.1. The
22 time spent in the educational program shall count
23 towards the time limits and community service
24 requirements established for recipients in Sections
25 11320.1 and 11454. A recipient not expected to complete
26 the program by the next break may continue his or her
27 education under the timelines in subdivision (a),
28 provided he or she transfers at the end of the current
29 quarter or semester to a program that qualifies under that
30 subdivision, the county determines that participation is
31 likely to lead to self-supporting employment of the
32 recipient, and the welfare-to-work plan reflects that
33 determination.

34 (f) Any degree, certificate, or vocational program
35 offered by a private postsecondary training provider shall
36 not be approved under this section unless the program is
37 either approved or exempted by the appropriate state
38 regulatory agency and the program is in compliance with
39 all other provisions of law.

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

3 11454. (a) (1) Except as otherwise provided in this
4 chapter and in paragraph (2), a parent or caretaker
5 relative shall not be eligible to receive aid for a
6 cumulative period of more than 18 months after the
7 individual signs, or refuses, without good cause, to sign a
8 welfare-to-work plan, unless it is certified by the county
9 that there is no job currently available for the recipient
10 and the recipient participates in community service
11 activities, pursuant to Section 11322.9, or the recipient
12 participates in subsidized employment in an approved
13 demonstration project pursuant to Section 11322.95.

14 (2) A parent or caretaker relative recipient who is
15 subject to the requirements of paragraph (2) of
16 subdivision (c) of Section 10532 shall not be eligible to
17 receive aid under this chapter for a cumulative period of
18 more than 24 months, unless it is certified by the county
19 that there is no job currently available for the recipient
20 and the recipient participates in community service
21 activities pursuant to Section 11322.9, or the recipient
22 participates in subsidized employment in an approved
23 demonstration project pursuant to Section 11322.95.

24 (3) For purposes of this subdivision, a job shall not be
25 considered to be currently available if a recipient has
26 taken and continues to take all steps to apply for
27 appropriate positions and has not refused an offer of
28 employment without good cause.

29 (4) A parent or caretaker relative recipient to whom
30 paragraph (1) or (2) applies, who is in a job for less than
31 the number of hours required by Section 11322.8, and for
32 whom no job is currently available for the required
33 number of hours, shall remain eligible for aid under this
34 chapter and shall participate in community service
35 activities for the additional number of hours necessary to
36 meet the requirements of Section 11322.8.

37 (b) A parent or caretaker relative shall not be eligible
38 for aid under this chapter when he or she has received aid
39 under this chapter or from any state under the
40 Temporary Assistance for Needy Families program (Part

1 A (commencing with Section 401) of Title IV of the
2 federal Social Security Act (42 U.S.C. Sec. 601 et seq.) for
3 a cumulative total of 60 months.

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

8 (d) Each county shall adopt criteria for extending the
9 18-month limitation prescribed by subdivision (a) for up
10 to six months if the extension is likely to result in
11 unsubsidized employment or if local unemployment
12 rates or other conditions in the local economy are such
13 that employment is not available.

14 (e) Subdivision (b) shall not be applicable when all
15 parent or caretaker relatives of the aided child who are
16 living in the home of the child meet any of the following
17 requirements:

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

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

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

22 (4) They are receiving benefits under Section 12200 or
23 Section 12300, State Disability Insurance benefits or
24 Workers' Compensation Temporary Disability
25 Insurance, if the disability significantly impairs the
26 recipient's ability to be regularly employed or participate
27 in welfare-to-work activities.

28 (5) They are incapable of maintaining employment or
29 participating in welfare-to-work activities, as determined
30 by the county, based on the assessment of the individual
31 and the individual has a history of participation and full
32 cooperation in welfare-to-work activities.

33 SEC. 7. Section 11477.03 is added to the Welfare and
34 Institutions Code, to read:

35 11477.03. (a) Prior to referral of any individual or
36 recipient, or that person's case, to the district attorney for
37 child support services under Section 11350.1 or 11475.1,
38 the county welfare department shall determine if a
39 former recipient with welfare arrearages has good cause
40 for noncooperation, as set forth in Section 11477.04.

1 (b) In circumstances to which subdivision (a) applies,
2 Section 11477.02 shall apply.

3 SEC. 8. Section 18242 of the Welfare and Institutions
4 Code is amended to read:

5 18242. (a) Upon application by a county board of
6 supervisors, the department may approve up to three
7 demonstration projects to test models of child support
8 assurance. The projects shall either test different models
9 of child support assurance or may test the same model if
10 counties in which the same model is tested involve
11 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) A county may limit the number of families that will
31 be permitted to enroll in its child support assurance
32 demonstration program.

33 SEC. 9. Section 18243 of the Welfare and Institutions
34 Code is amended to read:

35 18243. The department shall develop research
36 designs to ensure thorough evaluations of the child
37 support assurance demonstration projects that shall
38 include, but not be limited to, the impact of the project
39 on work participation rates of custodial parents,
40 household incomes and family well-being, CalWORKs

1 participation rates and costs, rates of paternity and child
2 support order establishment, and any other relevant
3 information the director may require.

4 SEC. 10. Section 18246 of the Welfare and Institutions
5 Code is repealed.

6 SEC. 11. Section 18247 of the Welfare and Institutions
7 Code is amended to read:

8 18247. (a) The state share of child support assurance
9 payments under this article shall be paid in accordance
10 with Section 15200.

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

16 (c) The county administrative cost for the operation of
17 a child support assurance program shall be paid from the
18 county's allocation provided under Sections 15204.2 and
19 15204.3.

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

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

