

ASSEMBLY BILL

No. 1233

Introduced by Assembly Member Aroner

February 26, 1999

An act to amend Sections 11155, 11250, 11320.3, 11450.019, 11451.5, 11454.5, 18242, 18243, 18244, and 18245 of, to amend and renumber Section 18247 of, and to repeal Sections 11201 and 18246 of, the Welfare and Institutions Code, relating to human services, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1233, as introduced, Aroner. CalWORKs program.

Existing law authorizes a recipient or applicant for aid under the CalWORKs program to retain certain income and resources without a reduction in eligibility for aid, and exempts from that calculation of income and resources for purposes of determining eligibility for aid under the CalWORKs program those countable resources in an amount equal to the amount permitted under federal law for qualification for food stamps, and requires a county to determine the value of personal property and automobiles in conformance with methods established under the Food Stamp Program.

This bill would exempt the full value of one automobile from consideration as a resource for each household in determining eligibility for aid under the CalWORKs program.

Under existing law, counties are responsible for the determination of eligibility of applicants and recipients of aid under the CalWORKs program and the food stamp programs.

By revising the eligibility standards applicable to the exemption of the full value of an automobile from that determination, the bill would result in an increase in the number of persons eligible for aid, thereby resulting in an increase in county responsibilities in the administration of aid. The CalWORKs program is funded through a continuing appropriation, and, by increasing the level of funding due to the increase in the number of persons eligible for those benefits, this bill would result in an appropriation.

Existing law provides for the provision of aid under the CalWORKs program to children who have been deprived of parental support or care due to the death, physical or mental incapacity, incarceration, unemployment, or continued absence of parents, and defines an unemployed parent for these purposes.

This bill would repeal that definition.

Existing law states that aid shall be provided under the CalWORKs program to families with related children under 18 years of age because they have been deprived of parental support or care due to the death, physical or mental incapacity, incarceration, unemployment, or continued absence of parents.

This bill would revise that provision to eliminate the condition that the children shall have been deprived of parental support or care. By revising the scope of eligible participation in the program, this bill would result in an increase in aid payments that are funded through a continuous appropriation, thereby resulting in an appropriation. By increasing the scope of eligible participation in the program, this bill would increase the responsibilities of the counties in implementing this program, thereby resulting in a state-mandated local program.

Existing law requires that, as a condition of eligibility for aid under the CalWORKs program, participants who are not otherwise exempt shall participate in welfare-to-work activities, and exempts from that requirement a dependent child attending an elementary, secondary, vocational, or technical school on a full-time basis.

This bill would extend that exemption to a dependent child attending a postsecondary school, and would continue the



period of exemption to apply to a dependent child who graduates from high school, so long as he or she enrolls and attends any postsecondary education or training program on a full-time basis. By extending the exemption from participation in the otherwise required welfare-to-work activities, this bill would increase the responsibilities in the administration of the CalWORKs program, thereby resulting in a state-mandated local program.

Existing law provides that, effective the first day of the month following 90 days after a change in federal law that allows states to reduce aid payments under the CalWORKs program without any risk to federal funding under the federal medicaid program, certain reductions in maximum aid payments shall not be applied when all of the parents or caretaker relatives of the aided child living in the home of the aided child meet specified conditions, including the condition that the individual is disabled and receiving benefits under the Supplemental Security Program or the In-Home Supportive Services Program.

This bill would include within the scope of that exemption persons who are disabled and receiving benefits through state disability insurance benefits, private disability insurance benefits, temporary workers' compensation benefits, and social security disability benefits. By limiting the reduction of aid payments under the CalWORKs program, this bill would result in an increase in the payments under the program that are funded through continuously appropriated funds, thereby resulting in an appropriation. By increasing the scope of eligible participation in the program, this bill would increase the responsibilities of the counties in implementing this program, thereby resulting in a state-mandated local program.

Existing law exempts specified types of income from the income used in calculating a family aid grant under the CalWORKs program.

This bill would exempt from that calculation child support payments paid in support of a child who is not in the home pursuant to a court order, and up to \$175 per month per employed recipient for the cost of obtaining care for an incapacitated individual if the county determines that



adequate dependant care cannot be provided during his or her working hours by a person in the assistance unit. By revising the scope of eligible participation in the program, this bill would result in an increase in aid payments that are funded through a continuous appropriation, thereby resulting in an appropriation. By increasing the scope of eligible participation in the program, this bill would increase the responsibilities of the counties in implementing this program, thereby resulting in a state-mandated local program.

Existing law exempts certain disability-based income from the calculation of income that shall be used to determine the amount of aid grant that shall be paid to a family under the CalWORKs program.

This bill would revise the definition of disability-based unearned income. By extending the limitation on the amount applied in calculating payments under the CalWORKs program, this bill would result in an increase in the payments under the program that are funded through continuously appropriated funds, thereby resulting in an appropriation. By increasing the scope of participation in the program, this bill would increase the responsibilities of the counties in implementing this program, thereby resulting in a state-mandated local program.

Existing law requires recipients of aid under the CalWORKs program to participate in welfare-to-work activities, with specified exceptions.

This bill would revise the scope of conditions for which the exemption from required participation in welfare-to-work activities to include circumstances where the county has determined there is a condition or other circumstance that temporarily prevents or significantly impairs the recipient's ability to be regularly employed or to participate in welfare-to-work activities or where the recipient satisfies the hourly work participation requirements entirely through unsubsidized employment. By revising the scope of the exemption from the welfare-to-work activities required as a condition of eligibility for aid under the CalWORKs program, this bill would increase the level of aid grants under the program funded through continuously appropriated funds. By increasing the level of participation in the CalWORKs



program this bill would increase county responsibilities in the administration of the program, resulting in a state-mandated local program.

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 authorize the approval of child support assurance demonstration projects in any county, and would eliminate the requirement that one of the projects conform to a specified design. To the extent this elimination of the limitation on the number of demonstration projects, this bill would result in an increase in funding through the use of funds continuously appropriated for the CalWORKs program, this bill would result in an increase in a continuing appropriation, thereby resulting in an appropriation.

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 specifies that a family will be eligible to participate in the child support assurance demonstration project if the family has been determined to be eligible to receive an aid grant under the CalWORKs program.

This bill would recast the requirement to specify that that requirement shall not require that a family shall be eligible for an aid grant under the CalWORKs program as a condition of participation in the child support assurance demonstration project, and, by eliminating a limitation on eligibility for the program funded by a continuous appropriation, this bill would result in an appropriation.

Existing law requires that, as a condition of receiving a child support assurance payment under the child support assurance



demonstration project, a custodial parent shall be required to provide relevant information requested by the county, and appear at required interviews, conference hearings, or legal proceedings, except when compliance would make it more difficult for a victim of domestic violence to escape physical abuse or when cooperation would increase the risk of further violence or unfairly penalize the victim, and, by eliminating a limitation on eligibility for the program funded by a continuous appropriation, this bill would result in an appropriation.

This bill would deem a custodial parent's diligent effort to obtain a child support order, including providing the county with the information necessary to file a petition for child support or he or she has been unable to obtain a child support order due to reasons outside the control of the custodial parent as having met the requirements for participation in the child support assurance demonstration project. The bill would also limit custodial parent employment requirements for which conformity is a condition of eligibility under the program.

Under existing law, a child shall be eligible to continue to receive a child support assurance payment under the child support assurance demonstration project only if the family's income is not more than 150% of the federal poverty level, and specifies that for family income below the federal poverty level, the earned income disregard shall be 90%, and for income between 100% and 150% of the federal poverty level, the earned income disregard shall be incrementally decreased until the assistance benefit reaches zero at 150% of the federal poverty level.

This bill would repeal that requirement, and, by eliminating a limitation on eligibility for the program funded by a continuous appropriation, this bill would result in an appropriation.

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: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.

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

1 SECTION 1. Section 11155 of the Welfare and
 2 Institutions Code is amended to read:
 3 11155. Notwithstanding the provisions of Section
 4 11257, in addition to the personal property or resources
 5 permitted by other provisions of this part, and to the
 6 extent permitted by federal law, an applicant or recipient
 7 for aid under this chapter, including an applicant or
 8 recipient under Chapter 2 (commencing with Section
 9 11200) may retain countable resources in an amount
 10 equal to the amount permitted under federal law for
 11 qualification for food stamps, *except that the full value of*
 12 *one automobile shall be exempt from consideration as a*



1 *resource for each household.* The county shall determine
2 the value of personal property and *nonexempt*
3 automobiles in conformance with methods established
4 under the Food Stamp Program.

5 SEC. 2. Section 11201 of the Welfare and Institutions
6 Code is repealed.

7 ~~11201. For the purposes of this chapter, the following~~
8 ~~shall apply:~~

9 (a) ~~“Unemployed parent” means a natural or adoptive~~
10 ~~parent with whom the child is living.~~

11 (b) ~~A child for whom a parent is applying for assistance~~
12 ~~under this chapter shall be considered to be deprived of~~
13 ~~parental support or care due to the unemployment of his~~
14 ~~or her parent or parents when the parent has worked less~~
15 ~~than 100 hours in the preceding four weeks and meets the~~
16 ~~requirements concerning an unemployed parent in~~
17 ~~effect on August 21, 1996, as set forth in Section 233.100 of~~
18 ~~Title 45 of the Code of Federal Regulations except for the~~
19 ~~provisions of subparagraph (i) to (v), inclusive, of~~
20 ~~paragraph (3) of subsection (a) of that section.~~

21 (c) ~~A family receiving aid under this chapter with a~~
22 ~~child who is considered to be deprived of parental~~
23 ~~support or care due to unemployment may continue to~~
24 ~~receive assistance regardless of the number of hours his~~
25 ~~or her parent works provided the family does not exceed~~
26 ~~the applicable gross or net income limits and is otherwise~~
27 ~~eligible for assistance.~~

28 SEC. 3. Section 11250 of the Welfare and Institutions
29 Code is amended to read:

30 11250. Aid, services, or both shall be granted under
31 the provisions of this chapter, and subject to the
32 regulations of the department, to families with related
33 children under the age of 18 years, except as provided in
34 Section 11253, in need thereof ~~because they have been~~
35 ~~deprived of parental support or care due to:~~

36 (a) ~~The death, physical or mental incapacity, or~~
37 ~~incarceration of a parent.~~

38 (b) ~~The unemployment of a parent or parents.~~

39 (c) ~~Continued absence of a parent from the home due~~
40 ~~to divorce, separation, desertion, or any other reason;~~



1 ~~except absence occasioned solely by reason of the~~
2 ~~performance of active duty in the uniformed services of~~
3 ~~the United States. “Continued absence” exists when the~~
4 ~~nature of the absence is such as either to interrupt or to~~
5 ~~terminate the parent’s functioning as a provider of~~
6 ~~maintenance, physical care, or guidance for the child, and~~
7 ~~the known or indefinite duration of the absence~~
8 ~~precludes counting on the parent’s performance of the~~
9 ~~function of planning for the present support or care of the~~
10 ~~child. If these conditions exist, the parent may be absent~~
11 ~~for any reason, and may have left only recently or some~~
12 ~~time previously.~~

13 SEC. 4. Section 11320.3 of the Welfare and Institutions
14 Code is amended to read:

15 11320.3. (a) (1) Except as provided in subdivision
16 (b) or if otherwise exempt, every individual, as a
17 condition of eligibility for aid under this chapter, shall
18 participate in welfare-to-work activities under this
19 article.

20 (2) Individuals eligible under Section 11331.5 shall be
21 required to participate in the Cal-Learn Program under
22 Article 3.5 (commencing with Section 11331) during the
23 time that article is operative, in lieu of the
24 welfare-to-work requirements, and subdivision (b) shall
25 not apply to that individual.

26 (b) The following individuals shall not be required to
27 participate for so long as the condition continues to exist:

28 (1) An individual under 16 years of age.

29 (2) A child attending an elementary, secondary,
30 vocational, *postsecondary*, or technical school on a
31 full-time basis. A person who is 16 or 17 years of age, or a
32 person described in subdivision (d) who loses this
33 exemption, shall not requalify for the exemption by
34 attending school as a required activity under this article.

35 *A dependent child who graduates from high school shall*
36 *continue to be exempt so long as he or she enrolls and*
37 *attends any postsecondary education or training program*
38 *on a full-time basis.*

39 (3) An individual who meets either of the following
40 conditions:



1 (A) The individual is disabled as determined by a
2 doctor's verification that the disability is expected to last
3 at least 30 days and that it significantly impairs the
4 recipient's ability to be regularly employed or participate
5 in welfare-to-work activities, provided that the individual
6 is actively seeking appropriate medical treatment.

7 (B) The individual is of advanced age.

8 (4) A nonparent caretaker relative who has primary
9 responsibility for providing care for a child and is either
10 caring for a child who is a dependent or ward of the court
11 or caring for a child in a case in which a county
12 determines the child is at risk of placement in foster care,
13 and the county determines that the caretaking
14 responsibilities are beyond those considered normal
15 day-to-day parenting responsibilities such that they
16 impair the caretaker relative's ability to be regularly
17 employed or to participate in welfare-to-work activities.

18 (5) An individual whose presence in the home is
19 required because of illness or incapacity of another
20 member of the household and whose caretaking
21 responsibilities impair the recipient's ability to be
22 regularly employed or to participate in welfare-to-work
23 activities.

24 (6) A parent or other relative who meets the criteria
25 in subparagraph (A) or (B).

26 (A) (i) The parent or other relative has primary
27 responsibility for personally providing care to a child six
28 months of age or under, except that, on a case-by-case
29 basis, and based on criteria developed by the county, this
30 period may be reduced to the first 12 weeks after the birth
31 or adoption of the child, or increased to the first 12 months
32 after the birth or adoption of the child. An individual may
33 be exempt only once under this clause.

34 (ii) An individual who received an exemption
35 pursuant to clause (i) shall be exempt for a period of 12
36 weeks, upon the birth or adoption of any subsequent
37 children, except that this period may be extended on a
38 case-by-case basis to six months, based on criteria
39 developed by the county.



1 (iii) In making the determination to extend the period
2 of exception under clause (i) or (ii), the following may be
3 considered:

- 4 (I) The availability of child care.
- 5 (II) Local labor market conditions.
- 6 (III) Other factors determined by the county.

7 (B) In a family eligible for aid under this chapter due
8 to the unemployment of the principal wage earner, the
9 exemption criteria contained in subparagraph (A) shall
10 be applied to only one parent.

11 (7) A woman who is pregnant and for whom it has
12 been medically verified that the pregnancy impairs her
13 ability to be regularly employed or participate in
14 welfare-to-work activities or the county has determined
15 that, at that time, participation will not readily lead to
16 employment or that a training activity is not appropriate.

17 (c) Any individual not required to participate may
18 choose to participate voluntarily under this article, and
19 end that participation at any time without loss of
20 eligibility for aid under this chapter, if his or her status has
21 not changed in a way that would require participation.

22 (d) (1) Notwithstanding subdivision (a), a custodial
23 parent who is under 20 years of age and who has not
24 earned a high school diploma or its equivalent, and who
25 is not exempt or whose only basis for exemption is
26 subparagraph (A) of paragraph (6) of subdivision (b),
27 shall be required to participate solely for the purpose of
28 earning a high school diploma or its equivalent. During
29 the time that Article 3.5 (commencing with Section
30 11331) is operative, this subdivision shall only apply to a
31 custodial parent who is 19 years of age.

32 (2) Section 11325.25 shall apply to a custodial parent
33 who is 18 or 19 years of age and who is required to
34 participate under this article.

35 (e) Notwithstanding paragraph (1) of subdivision (d),
36 the county may determine that participation in education
37 activities for the purpose of earning a high school diploma
38 or equivalent is inappropriate for an 18 or 19 year old
39 custodial parent only if that parent is reassigned pursuant
40 to an evaluation under Section 11325.25, or, at appraisal



1 is already in an educational or vocational training
2 program that is approvable as a self-initiated program as
3 specified in Section 11325.23. If that determination is
4 made, the parent shall be allowed to continue
5 participation in the self-initiated program subject to
6 Section 11325.23. During the time that Article 3.5
7 (commencing with Section 11331) is operative, this
8 subdivision shall only apply to a custodial parent who is 19
9 years of age.

10 (f) A recipient shall be excused from participation for
11 good cause when the county has determined there is a
12 condition or other circumstance that temporarily
13 prevents or significantly impairs the recipient's ability to
14 be regularly employed or to participate in
15 welfare-to-work activities. The county welfare
16 department shall review the good cause determination
17 for its continuing appropriateness in accordance with the
18 projected length of the condition, or circumstance, but
19 not less than every three months. The recipient shall
20 cooperate with the county welfare department and
21 provide information, including written documentation,
22 as required to complete the review. Conditions that may
23 be considered good cause include, but are not limited to,
24 the following:

25 (1) Lack of necessary supportive services.

26 (2) In accordance with Article 7.5 (commencing with
27 Section 11495), the applicant or recipient is a victim of
28 domestic violence, but only if participation under this
29 article is detrimental to or unfairly penalizes that
30 individual or his or her family.

31 (3) Licensed or license-exempt child care for a child 10
32 years of age or younger is not reasonably available during
33 the individual's hours of training or employment
34 including commuting time, or arrangements for child
35 care have broken down or have been interrupted, or
36 child care is needed for a child who meets the criteria of
37 subparagraph (C) of paragraph (1) of subdivision (a) of
38 Section 11323.2, but who is not included in the assistance
39 unit. For purposes of this paragraph, "reasonable
40 availability" means child care that is commonly available



1 in the recipient's community to a person who is not
2 receiving aid and that is in conformity with the
3 requirements of Public Law 104-193. The choices of child
4 care shall meet either licensing requirements or the
5 requirements of Section 11324. This good cause criterion
6 shall include the unavailability of suitable special needs
7 child care for children with identified special needs,
8 including, but not limited to, disabilities or chronic
9 illnesses.

10 SEC. 5. Section 11450.019 of the Welfare and
11 Institutions Code is amended to read:

12 11450.019. Effective the first day of the month
13 following 90 days after a change in federal law that allows
14 states to reduce aid payments without any risk to federal
15 funding under Title XIX of the Social Security Act
16 contained in Subchapter XIX (commencing with Section
17 1396) of Chapter 7 of Title 42 of the United States Code,
18 the reductions in maximum aid payments specified in
19 Section 11450.01, 11450.015, and 11450.017 shall not be
20 applied when all of the parents or caretaker relatives of
21 the aided child living in the home of the aided child meet
22 one of the following conditions:

23 (a) The individual is disabled and receiving benefits
24 under Section 12200 or 12300 *or as defined in paragraph*
25 *(2) of subdivision (b) of Section 11451.5.*

26 (b) The individual is a nonparent caretaker who is not
27 included in the assistance unit with the child.

28 (c) The individual is disabled and is receiving State
29 Disability Insurance benefits or Worker's Compensation
30 Temporary Disability benefits.

31 SEC. 6. Section 11451.5 of the Welfare and Institutions
32 Code is amended to read:

33 11451.5. (a) Notwithstanding Section 11008, the
34 following amounts shall be exempt from the calculation
35 of the income of the family for purposes of subdivision (a)
36 of Section 11450:

37 (1) If disability-based unearned income does not
38 exceed two hundred twenty-five dollars (\$225), both of
39 the following amounts:



1 (A) All disability-based unearned income plus any
2 amount of not otherwise exempt earned income equal to
3 the amount of the difference between the amount of
4 disability-based unearned income and two hundred
5 twenty-five dollars (\$225).

6 (B) Fifty percent of all not otherwise exempt earned
7 income in excess of the amount applied to meet the
8 differential applied in subparagraph (A).

9 (2) If disability-based unearned income exceeds two
10 hundred twenty-five dollars (\$225), both of the following
11 amounts:

12 (A) All of the first two hundred twenty-five dollars
13 (\$225) in disability-based unearned income.

14 (B) Fifty percent of all earned income.

15 (3) *The amount of actual payments made in support*
16 *of a child or spouse who is not in the home, if paid*
17 *pursuant to a court order.*

18 (4) *Up to one hundred seventy-five dollars (\$175) per*
19 *month for each employed recipient for the reasonable*
20 *and necessary costs of obtaining care for an incapacitated*
21 *individual in the assistance unit when the county*
22 *determines that adequate dependent care cannot be*
23 *provided during his or her working hours by a person in*
24 *the assistance unit.*

25 (b) For purposes of this section:

26 (1) Earned income means gross income received as
27 wages, salary, employer provided sick leave benefits,
28 commissions, or profits from activities such as a business
29 enterprise or farming in which the recipient is engaged
30 as a self-employed individual or as an employee.

31 (2) Disability-based unearned income means State
32 Disability Insurance benefits, private disability insurance
33 benefits, Temporary Workers' Compensation benefits,
34 and ~~social security disability benefits provided under~~
35 *Title 2 of the Social Security Act (Subchapter 2*
36 *commencing with Section 401) of Chapter 7 of Title 42*
37 *of the United State Code) that requires a determination*
38 *of disability, and any publicly or privately provided*
39 *benefit for which eligibility depends upon a*



1 *determination of disability made or accepted by the*
2 *agency or entity administering the program.*

3 (3) Unearned income means any income not
4 described in paragraph (1) or (2).

5 SEC. 7. Section 11454.5 of the Welfare and Institutions
6 Code is amended to read:

7 11454.5. (a) Any month in which a recipient ~~is~~*meets*
8 *any of the following conditions shall not be counted as a*
9 *month of receipt of aid for the purpose of subdivision (a)*
10 *of Section 11454:*

11 (1) *The recipient is not required to participate in*
12 *welfare-to-work activities pursuant to subdivision (b) or*
13 *(f) of Section 11320.3 because of a condition that is*
14 *expected to last at least 30 days*~~or~~.

15 (2) *The recipient satisfies the hourly work*
16 *participation requirements of Section 11322.8 entirely*
17 *through unsubsidized employment.*

18 (3) *The recipient is eligible for, participating in, or*
19 *exempt from, the Cal-Learn program provided for*
20 *pursuant to Article 3.5 (commencing with Section 11331)*
21 *or is participating in another teen parent program*
22 *approved by the department*~~shall not be counted as a~~
23 ~~month of receipt of aid for the purpose of subdivision (a)~~
24 ~~of Section 11454.~~

25 (b) Any month in which the following conditions exist
26 shall not be counted as a month of receipt of aid for the
27 purposes of subdivision (b) of Section 11454:

28 (1) The recipient is exempt from participation under
29 Article 3.2 (commencing with Section 11320) due to
30 disability, or advanced age in accordance with paragraph
31 (3) of subdivision (b) of Section 11320.3, or due to
32 caretaking responsibilities that impair the recipient's
33 ability to be regularly employed, in accordance with
34 paragraph (4) or (5) of subdivision (b) of Section 11320.3.

35 (2) The recipient is eligible for, participating in, or
36 exempt from, the Cal-Learn Program provided for
37 pursuant to Article 3.5 (commencing with Section 11331)
38 or is participating in another teen parent program
39 approved by the department.



1 (3) The cost of the cash aid provided to the recipient
2 for the month is fully reimbursed by child support,
3 whether collected in that month or any subsequent
4 month.

5 (4) The family is a former recipient of cash aid under
6 this chapter and currently receives only child care, case
7 management, or supportive services pursuant to Section
8 11323.2 or Article 15.5 (commencing with Section 8350)
9 of Chapter 2 of Part 6 of the Education Code.

10 (5) To the extent provided by federal law, the
11 recipient lived in Indian country, as defined by federal
12 law, or an Alaskan native village in which at least 50
13 percent of the adults living in the Indian country or in the
14 village are not employed.

15 (c) In cases where a lump-sum diversion payment is
16 provided in lieu of cash aid under Section 11266.5, the
17 month in which the payment is made or the months
18 calculated pursuant to subdivision (f) of Section 11266.5
19 shall count against the limits specified in Section 11454.

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

22 18242. (a) Upon application by a county board of
23 supervisors, the department may approve demonstration
24 projects ~~in up to three counties~~ to test models of child
25 support assurance. ~~One of the projects shall conform to~~
26 ~~the design contained in Section 18246.~~ The other two
27 projects shall either test different models of child support
28 assurance or may test the same model if ~~the two~~ counties
29 in which ~~that~~ *the same* model is tested involve counties
30 with different demographics.

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

33 (1) *The equity of access to the project and its related*
34 *services is assured to all participants.*

35 (2) *The project includes appropriate operational and*
36 *fiscal arrangements between the counties submitting the*
37 *joint project.*

38 (c) It is the intent of the Legislature that the purpose
39 of the demonstration projects authorized by this article is
40 to test child support assurance models as alternatives to



1 welfare under which families with earnings and a child
2 support order receive a guaranteed child support
3 payment, in lieu of a grant under the CalWORKs
4 program, from funds continuously appropriated for the
5 CalWORKs program.

6 ~~(e)~~

7 (d) A county may ~~determine~~—*limit* the ~~maximum~~
8 number of ~~participants in that county, but not more than~~
9 ~~five percent of the county CalWORKs caseload or 8,000~~
10 ~~persons, whichever is greater~~—*families that will be*
11 *permitted to enroll in its child support assurance*
12 *demonstration program.*

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

15 18243. The department shall develop research
16 designs to ensure thorough evaluations of the child
17 support assurance demonstration projects that shall
18 include, but not be limited to, the impact of *the project*
19 *on work participation rates of custodial parents,*
20 *household incomes and family well-being,* CalWORKs
21 participation rates and costs, *rates of paternity and child*
22 *support order establishment,* and any other relevant
23 information the director may require.

24 SEC. 10. Section 18244 of the Welfare and Institutions
25 Code is amended to read:

26 18244. (a) ~~A~~—*Nothing in this section shall be*
27 *construed to require that a family shall be eligible to*
28 *participate in the project described in Section 18246*
29 *under this article* only if, at the time of application to
30 participate in the child assurance program, the family is
31 receiving, or has been determined to be eligible to
32 receive, an aid grant under Chapter 2 (commencing with
33 Section 11200) of Part 3.

34 (b) A family’s participation under this article shall not
35 affect its eligibility to receive Medi-Cal and child care
36 benefits under Chapter 2 (commencing with Section
37 11200) of Part 3, if otherwise eligible.

38 SEC. 11. Section 18245 of the Welfare and Institutions
39 Code is amended to read:



1 18245. (a) A family shall be eligible to receive a child
 2 support assurance payment on behalf of a child only if the
 3 child’s custodial parent has done all of the following:

4 (1) Assigned the child’s right to collect child support
 5 to the state.

6 (2) Established paternity, obtained a child support
 7 order, and is using the services available under the state
 8 plan approved under Part D (commencing with Section
 9 651) of Chapter 7 of Title 42 of the United States Code.

10 (3) Opted to participate in the child assurance
 11 program in lieu of cash assistance under Chapter 2
 12 (commencing with Section 11200) or its successor
 13 program.

14 ~~(b) (1) Except as provided in paragraph (2), as~~ As a
 15 condition of receiving a child support assurance payment
 16 under this article, a custodial parent shall also be required
 17 to do both of the following:

18 ~~(A)–~~

19 (1) Continue to provide all other relevant information
 20 that the applicant has that may be requested by the
 21 county.

22 ~~(B)–~~

23 (2) Appear at required interviews, conference
 24 hearings, or legal proceedings, if notified in advance and
 25 an illness or emergency does not prevent attendance.

26 ~~(2)–~~

27 (c) A custodial parent shall not be required to comply
 28 with ~~paragraph (1) paragraphs (1) and (2) of subdivision~~
 29 ~~(a) or with any of the provisions of subdivision (b)~~ when
 30 compliance would make it more difficult for a domestic
 31 violence victim to escape physical abuse or when
 32 cooperation would increase the risk of further violence or
 33 unfairly penalize the victim.

34 ~~(e)–~~

35 (d) *A custodial parent shall be deemed to have met*
 36 *the requirements of paragraphs (1) and (2) of subdivision*
 37 *(a), and to be eligible to receive child support assurance*
 38 *program benefits, if the parent has demonstrated, to the*
 39 *satisfaction of the county, a diligent effort to obtain a child*
 40 *support order, including providing the county with the*



1 *information necessary to file a petition for child support,*
2 *or he or she has been unable to obtain a child support*
3 *order due to reasons outside the control of the custodial*
4 *parent.*

5 (e) In order to be eligible under this article, a child
6 shall meet all of the following conditions:

7 (1) The child resides in the county.

8 (2) The child has a noncustodial parent living in the
9 United States, or if not living in the United States, is
10 subject to service of process by a state or territory of the
11 United States.

12 (3) The child is under 18 years of age or, if enrolled in
13 high school, under 19 years of age.

14 (4) The custodial parent is employed. *However,*
15 *participation shall not be conditioned upon the*
16 *maintenance of a specific number of hours of*
17 *employment.*

18 SEC. 12. Section 18246 of the Welfare and Institutions
19 Code is repealed.

20 ~~18246. (a) A child or children shall be eligible to~~
21 ~~continue to receive a child support assurance payment~~
22 ~~under this section only if the family's income is not more~~
23 ~~than 150 percent of the federal poverty level. For family~~
24 ~~income below the federal poverty level, the earned~~
25 ~~income disregard shall be 90 percent. For income~~
26 ~~between 100 percent and 150 percent of the federal~~
27 ~~poverty level, the earned income disregard shall be~~
28 ~~incrementally decreased until the assistance benefit~~
29 ~~reaches zero at 150 percent of the federal poverty level.~~

30 ~~(b) In any month, the child shall receive the greater~~
31 ~~of the child support paid by the noncustodial parent or~~
32 ~~the assured amount as defined in subdivision (d), less the~~
33 ~~earned income disregard specified in subdivision (a). In~~
34 ~~any month in which the noncustodial parent pays an~~
35 ~~amount of support less than the assured amount, the~~
36 ~~county shall retain the payment as reimbursement for the~~
37 ~~assured amount.~~

38 ~~(c) For purposes of this article, the child support~~
39 ~~assurance payable to the custodial parent of one or more~~
40 ~~eligible children shall be the amount by which the~~



1 support assurance payment exceeds the dollar value of
2 the child support, if any, received on behalf of the family
3 during the month from the noncustodial parent for the
4 support of any eligible child or children.

5 (d) The monthly child support assurance payment
6 shall be the sum of all of the following:

7 (1) Two hundred fifty dollars (\$250) for the first
8 eligible child.

9 (2) One hundred twenty five dollars (\$125) for the
10 second eligible child, if any.

11 (3) Sixty five dollars (\$65) for each subsequent eligible
12 child, if any.

13 SEC. 13. Section 18247 of the Welfare and Institutions
14 Code is amended and renumbered to read:

15 ~~18247.~~—

16 18246. (a) The state share of child support assurance
17 payments under this article shall be paid in accordance
18 with Section 15200.

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

24 (c) The county administrative cost for the operation of
25 a child support assurance program shall be paid from the
26 county’s allocation provided under Sections 15204.2 and
27 15204.3.

28 SEC. 14. Notwithstanding Section 17610 of the
29 Government Code, if the Commission on State Mandates
30 determines that this act contains costs mandated by the
31 state, reimbursement to local agencies and school
32 districts for those costs shall be made pursuant to Part 7
33 (commencing with Section 17500) of Division 4 of Title
34 2 of the Government Code. If the statewide cost of the
35 claim for reimbursement does not exceed one million
36 dollars (\$1,000,000), reimbursement shall be made from
37 the State Mandates Claims Fund.

