

AMENDED IN ASSEMBLY JUNE 1, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

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, 11451.5, and 18242 of the Welfare and Institutions Code, relating to human services, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1233, as amended, 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~~ up to \$7,500 of the equity 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~~ *up to 5 counties*, 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: 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



1 recipient under Chapter 2 (commencing with Section
2 11200) may retain countable resources in an amount
3 equal to the amount permitted under federal law for
4 qualification for food stamps, except that ~~the full value up~~
5 ~~to seven thousand five hundred dollars (\$7,500) of the~~
6 ~~equity value~~ of one automobile shall be exempt from
7 consideration as a resource for each household. The
8 county shall determine the value of personal ~~property~~
9 ~~and nonexempt automobiles in conformance with~~
10 ~~methods established under the Food Stamp Program.~~

11 ~~SEC. 2. Section 11201 of the Welfare and Institutions~~
12 ~~Code is repealed.~~

13 ~~SEC. 3. Section 11250 of the Welfare and Institutions~~
14 ~~Code is amended to read:~~

15 ~~11250. Aid, services, or both shall be granted under~~
16 ~~the provisions of this chapter, and subject to the~~
17 ~~regulations of the department, to families with related~~
18 ~~children under the age of 18 years, except as provided in~~
19 ~~Section 11253, in need thereof.~~

20 ~~SEC. 4. Section 11320.3 of the Welfare and Institutions~~
21 ~~Code is amended to read:~~

22 ~~11320.3. (a) (1) Except as provided in subdivision~~
23 ~~(b) or if otherwise exempt, every individual, as a~~
24 ~~condition of eligibility for aid under this chapter, shall~~
25 ~~participate in welfare-to-work activities under this~~
26 ~~article.~~

27 ~~(2) Individuals eligible under Section 11331.5 shall be~~
28 ~~required to participate in the Cal-Learn Program under~~
29 ~~Article 3.5 (commencing with Section 11331) during the~~
30 ~~time that article is operative, in lieu of the~~
31 ~~welfare-to-work requirements, and subdivision (b) shall~~
32 ~~not apply to that individual.~~

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

35 ~~(1) An individual under 16 years of age.~~

36 ~~(2) A child attending an elementary, secondary,~~
37 ~~vocational, postsecondary, or technical school on a~~
38 ~~full-time basis. A person who is 16 or 17 years of age, or a~~
39 ~~person described in subdivision (d) who loses this~~
40 ~~exemption, shall not requalify for the exemption by~~

1 attending school as a required activity under this article.
2 A dependent child who graduates from high school shall
3 continue to be exempt so long as he or she enrolls and
4 attends any postsecondary education or training program
5 on a full-time basis.

6 (3) An individual who meets either of the following
7 conditions:

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

14 (B) The individual is of advanced age.

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

25 (5) An individual whose presence in the home is
26 required because of illness or incapacity of another
27 member of the household and whose caretaking
28 responsibilities impair the recipient's ability to be
29 regularly employed or to participate in welfare-to-work
30 activities.

31 (6) A parent or other relative who meets the criteria
32 in subparagraph (A) or (B):

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



1 ~~(ii) An individual who received an exemption~~
2 ~~pursuant to clause (i) shall be exempt for a period of 12~~
3 ~~weeks, upon the birth or adoption of any subsequent~~
4 ~~children, except that this period may be extended on a~~
5 ~~case-by-case basis to six months, based on criteria~~
6 ~~developed by the county.~~

7 ~~(iii) In making the determination to extend the period~~
8 ~~of exception under clause (i) or (ii), the following may be~~
9 ~~considered:~~

10 ~~(I) The availability of child care.~~

11 ~~(II) Local labor market conditions.~~

12 ~~(III) Other factors determined by the county.~~

13 ~~(B) In a family eligible for aid under this chapter due~~
14 ~~to the unemployment of the principal wage earner, the~~
15 ~~exemption criteria contained in subparagraph (A) shall~~
16 ~~be applied to only one parent.~~

17 ~~(7) A woman who is pregnant and for whom it has~~
18 ~~been medically verified that the pregnancy impairs her~~
19 ~~ability to be regularly employed or participate in~~
20 ~~welfare-to-work activities or the county has determined~~
21 ~~that, at that time, participation will not readily lead to~~
22 ~~employment or that a training activity is not appropriate.~~

23 ~~(e) Any individual not required to participate may~~
24 ~~choose to participate voluntarily under this article, and~~
25 ~~end that participation at any time without loss of~~
26 ~~eligibility for aid under this chapter, if his or her status has~~
27 ~~not changed in a way that would require participation.~~

28 ~~(d) (1) Notwithstanding subdivision (a), a custodial~~
29 ~~parent who is under 20 years of age and who has not~~
30 ~~earned a high school diploma or its equivalent, and who~~
31 ~~is not exempt or whose only basis for exemption is~~
32 ~~subparagraph (A) of paragraph (6) of subdivision (b),~~
33 ~~shall be required to participate solely for the purpose of~~
34 ~~earning a high school diploma or its equivalent. During~~
35 ~~the time that Article 3.5 (commencing with Section~~
36 ~~11331) is operative, this subdivision shall only apply to a~~
37 ~~custodial parent who is 19 years of age.~~

38 ~~(2) Section 11325.25 shall apply to a custodial parent~~
39 ~~who is 18 or 19 years of age and who is required to~~
40 ~~participate under this article.~~



1 ~~(c) Notwithstanding paragraph (1) of subdivision (d),~~
2 ~~the county may determine that participation in education~~
3 ~~activities for the purpose of earning a high school diploma~~
4 ~~or equivalent is inappropriate for an 18 or 19 year old~~
5 ~~custodial parent only if that parent is reassigned pursuant~~
6 ~~to an evaluation under Section 11325.25, or, at appraisal~~
7 ~~is already in an educational or vocational training~~
8 ~~program that is approvable as a self-initiated program as~~
9 ~~specified in Section 11325.23. If that determination is~~
10 ~~made, the parent shall be allowed to continue~~
11 ~~participation in the self initiated program subject to~~
12 ~~Section 11325.23. During the time that Article 3.5~~
13 ~~(commencing with Section 11331) is operative, this~~
14 ~~subdivision shall only apply to a custodial parent who is 19~~
15 ~~years of age.~~

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

31 ~~(1) Lack of necessary supportive services.~~

32 ~~(2) In accordance with Article 7.5 (commencing with~~
33 ~~Section 11495), the applicant or recipient is a victim of~~
34 ~~domestic violence, but only if participation under this~~
35 ~~article is detrimental to or unfairly penalizes that~~
36 ~~individual or his or her family.~~

37 ~~(3) Licensed or license-exempt child care for a child 10~~
38 ~~years of age or younger is not reasonably available during~~
39 ~~the individual's hours of training or employment~~
40 ~~including commuting time, or arrangements for child~~



1 care have broken down or have been interrupted, or
2 child care is needed for a child who meets the criteria of
3 subparagraph (C) of paragraph (1) of subdivision (a) of
4 Section 11323.2, but who is not included in the assistance
5 unit. For purposes of this paragraph, “reasonable
6 availability” means child care that is commonly available
7 in the recipient’s community to a person who is not
8 receiving aid and that is in conformity with the
9 requirements of Public Law 104-193. The choices of child
10 care shall meet either licensing requirements or the
11 requirements of Section 11324. This good cause criterion
12 shall include the unavailability of suitable special needs
13 child care for children with identified special needs,
14 including, but not limited to, disabilities or chronic
15 illnesses.

16 ~~SEC. 5.~~ *property. The department may annually*
17 *adjust the value of the automobile. The county shall*
18 *determine the value of personal property and*
19 *automobiles in conformance with the numerical value*
20 *limits under the Food Stamp Program, with the exception*
21 *of the first vehicle for each family, and according to*
22 *procedures established by the department.*

23 *SEC. 2.* Section 11450.019 of the Welfare and
24 Institutions Code is amended to read:

25 11450.019. Effective the first day of the month
26 following 90 days after a change in federal law that allows
27 states to reduce aid payments without any risk to federal
28 funding under Title XIX of the Social Security Act
29 contained in Subchapter XIX (commencing with Section
30 1396) of Chapter 7 of Title 42 of the United States Code,
31 the reductions in maximum aid payments specified in
32 Section 11450.01, 11450.015, and 11450.017 shall not be
33 applied when all of the parents or caretaker relatives of
34 the aided child living in the home of the aided child meet
35 one of the following conditions:

36 (a) The individual is disabled and receiving benefits
37 under Section 12200 or 12300 or as defined in paragraph
38 (2) of subdivision (b) of Section 11451.5.

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



1 (c) The individual is disabled and is receiving State
2 Disability Insurance benefits or Worker’s Compensation
3 Temporary Disability benefits.

4 ~~SEC. 6.—~~

5 *SEC. 3.* Section 11451.5 of the Welfare and Institutions
6 Code is amended to read:

7 11451.5. (a) Notwithstanding Section 11008, the
8 following amounts shall be exempt from the calculation
9 of the income of the family for purposes of subdivision (a)
10 of Section 11450:

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

14 (A) All disability-based unearned income plus any
15 amount of not otherwise exempt earned income equal to
16 the amount of the difference between the amount of
17 disability-based unearned income and two hundred
18 twenty-five dollars (\$225).

19 (B) Fifty percent of all not otherwise exempt earned
20 income in excess of the amount applied to meet the
21 differential applied in subparagraph (A).

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

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

27 (B) Fifty percent of all earned income.

28 ~~(3) The amount of actual payments made in support
29 of a child or spouse who is not in the home, if paid
30 pursuant to a court order.~~

31 ~~(4) Up to one hundred seventy five dollars (\$175) per
32 month for each employed recipient for the reasonable
33 and necessary costs of obtaining care for an incapacitated
34 individual in the assistance unit when the county
35 determines that adequate dependent care cannot be
36 provided during his or her working hours by a person in
37 the assistance unit.~~

38 (b) For purposes of this section:

39 (1) Earned income means gross income received as
40 wages, salary, employer provided sick leave benefits,



1 commissions, or profits from activities such as a business
2 enterprise or farming in which the recipient is engaged
3 as a self-employed individual or as an employee.

4 (2) Disability-based unearned income means State
5 Disability Insurance benefits, private disability insurance
6 benefits, Temporary Workers' Compensation benefits,
7 and provided under Title 2 of the Social Security Act
8 (Subchapter 2 (commencing with Section 401) of
9 Chapter 7 of Title 42 of the United State Code) that
10 requires a determination of disability, and any publicly or
11 privately provided benefit for which eligibility depends
12 upon a determination of disability made or accepted by
13 the agency or entity administering the program.

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

16 ~~SEC. 7. Section 11454.5 of the Welfare and Institutions~~
17 ~~Code is amended to read:~~

18 ~~11454.5. (a) Any month in which a recipient meets~~
19 ~~any of the following conditions shall not be counted as a~~
20 ~~month of receipt of aid for the purpose of subdivision (a)~~
21 ~~of Section 11454:~~

22 ~~(1) The recipient is not required to participate in~~
23 ~~welfare-to-work activities pursuant to subdivision (b) or~~
24 ~~(f) of Section 11320.3 because of a condition that is~~
25 ~~expected to last at least 30 days.~~

26 ~~(2) The recipient satisfies the hourly work~~
27 ~~participation requirements of Section 11322.8 entirely~~
28 ~~through unsubsidized employment.~~

29 ~~(3) The recipient is eligible for, participating in, or~~
30 ~~exempt from, the Cal-Learn program provided for~~
31 ~~pursuant to Article 3.5 (commencing with Section 11331)~~
32 ~~or is participating in another teen parent program~~
33 ~~approved by the department.~~

34 ~~(b) Any month in which the following conditions exist~~
35 ~~shall not be counted as a month of receipt of aid for the~~
36 ~~purposes of subdivision (b) of Section 11454:~~

37 ~~(1) The recipient is exempt from participation under~~
38 ~~Article 3.2 (commencing with Section 11320) due to~~
39 ~~disability, or advanced age in accordance with paragraph~~
40 ~~(3) of subdivision (b) of Section 11320.3, or due to~~



1 caretaking responsibilities that impair the recipient's
2 ability to be regularly employed, in accordance with
3 paragraph (4) or (5) of subdivision (b) of Section 11320.3.

4 (2) The recipient is eligible for, participating in, or
5 exempt from, the Cal-Learn Program provided for
6 pursuant to Article 3.5 (commencing with Section 11331)
7 or is participating in another teen parent program
8 approved by the department.

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

13 (4) The family is a former recipient of cash aid under
14 this chapter and currently receives only child care, case
15 management, or supportive services pursuant to Section
16 11323.2 or Article 15.5 (commencing with Section 8350)
17 of Chapter 2 of Part 6 of the Education Code.

18 (5) To the extent provided by federal law, the
19 recipient lived in Indian country, as defined by federal
20 law, or an Alaskan native village in which at least 50
21 percent of the adults living in the Indian country or in the
22 village are not employed.

23 (e) In cases where a lump-sum diversion payment is
24 provided in lieu of cash aid under Section 11266.5, the
25 month in which the payment is made or the months
26 calculated pursuant to subdivision (f) of Section 11266.5
27 shall count against the limits specified in Section 11454.

28 ~~SEC. 8.~~

29 *SEC. 4.* Section 18242 of the Welfare and Institutions
30 Code is amended to read:

31 18242. (a) Upon application by a county board of
32 supervisors, the department may approve demonstration
33 projects *in up to five counties* to test models of child
34 support assurance. The projects shall either test different
35 models of child support assurance or may test the same
36 model if counties in which the same model is tested
37 involve counties with different demographics.

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



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

3 (2) The project includes appropriate operational and
4 fiscal arrangements between the counties submitting the
5 joint project.

6 (c) It is the intent of the Legislature that the purpose
7 of the demonstration projects authorized by this article is
8 to test child support assurance models as alternatives to
9 welfare under which families with earnings and a child
10 support order receive a guaranteed child support
11 payment, in lieu of a grant under the CalWORKs
12 program, from funds continuously appropriated for the
13 CalWORKs program.

14 (d) A county may limit the number of families that will
15 be permitted to enroll in its child support assurance
16 demonstration program.

17 ~~SEC. 9. Section 18243 of the Welfare and Institutions~~
18 ~~Code is amended to read:~~

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

28 ~~SEC. 10. Section 18244 of the Welfare and Institutions~~
29 ~~Code is amended to read:~~

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

37 ~~(b) A family's participation under this article shall not~~
38 ~~affect its eligibility to receive Medi-Cal and child care~~
39 ~~benefits under Chapter 2 (commencing with Section~~
40 ~~11200) of Part 3, if otherwise eligible.~~



1 ~~SEC. 11. Section 18245 of the Welfare and Institutions~~
2 ~~Code is amended to read:~~

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

6 ~~(1) Assigned the child's right to collect child support~~
7 ~~to the state.~~

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

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

16 ~~(b) As a condition of receiving a child support~~
17 ~~assurance payment under this article, a custodial parent~~
18 ~~shall also be required to do both of the following:~~

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

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

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

32 ~~(d) A custodial parent shall be deemed to have met~~
33 ~~the requirements of paragraphs (1) and (2) of subdivision~~
34 ~~(a), and to be eligible to receive child support assurance~~
35 ~~program benefits, if the parent has demonstrated, to the~~
36 ~~satisfaction of the county, a diligent effort to obtain a child~~
37 ~~support order, including providing the county with the~~
38 ~~information necessary to file a petition for child support,~~
39 ~~or he or she has been unable to obtain a child support~~



1 ~~order due to reasons outside the control of the custodial~~
2 ~~parent.~~

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

5 ~~(1) The child resides in the county.~~

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

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

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

16 ~~SEC. 12. Section 18246 of the Welfare and Institutions~~
17 ~~Code is repealed.~~

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

20 ~~18246. (a) The state share of child support assurance~~
21 ~~payments under this article shall be paid in accordance~~
22 ~~with Section 15200.~~

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

28 ~~(c) The county administrative cost for the operation of~~
29 ~~a child support assurance program shall be paid from the~~
30 ~~county's allocation provided under Sections 15204.2 and~~
31 ~~15204.3.~~

32 ~~SEC. 14.—~~

33 ~~SEC. 5. Notwithstanding Section 17610 of the~~
34 ~~Government Code, if the Commission on State Mandates~~
35 ~~determines that this act contains costs mandated by the~~
36 ~~state, reimbursement to local agencies and school~~
37 ~~districts for those costs shall be made pursuant to Part 7~~
38 ~~(commencing with Section 17500) of Division 4 of Title~~
39 ~~2 of the Government Code. If the statewide cost of the~~
40 ~~claim for reimbursement does not exceed one million~~



1 dollars (\$1,000,000), reimbursement shall be made from
2 the State Mandates Claims Fund.

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