



CALIFORNIA WORKING FAMILIES POLICY SUMMIT 2009

Legislative History – CalWORKs

The following legislative history offers a brief overview of state legislation related to CalWORKs (the California Work Opportunity and Responsibility to Kids Act). The Western Center on Law and Poverty updated this legislative history from a previous version.

1997

AB 1260 (Ashburn) – Chapter 284, Statutes of 1997

This bill adopts the federal lifetime prohibition that denies CalWORKs and Food Stamps benefits for persons convicted of a felony involving controlled substances. Also denies general assistance to those disqualified from CalWORKs or Food Stamps under the drug felon rule.

AB 1542 (Ducheny, Thompson, Ashburn, Maddy) – Chapter 270, Statutes of 1997

The “Thompson-Maddy-Ducheny-Ashburn Welfare-to-Work Act of 1997” implements the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 and creates the CalWORKs program. Establishes work requirements and time limits; adopts school attendance and immunization requirements; stiffens welfare fraud penalties; and provides for child care and welfare-to-work services.

1998

AB 2772 (Assembly Committee on Human Services) – Chapter 902, Statutes of 1998

This bill contains CalWORKs clean-up legislation. It clarifies the child care guarantee for those leaving CalWORKs; slightly modifies the procedure for distributing county fiscal incentive savings; defines assistance unit composition; and makes other minor miscellaneous cross-reference corrections and clarifications consistent with the original intent of AB 1542.

1999

AB 510 (R. Wright) – Chapter 826, Statutes of 1999

This bill revises recipient reporting requirements for the CalWORKs and federal Food Stamp Program, including timelines for required frequency of reports. Generally reduces the frequency, but requires recipients to report certain changes in information that affect their eligibility.

AB 1111 (Aroner) – Chapter 147, Statutes of 1999

This bill contains the following:

CalWORKs Cost-of-Living Adjustment. Benefit increase of 2.3% effective July 1, 1999. The grant for a nonexempt family of 3 in Region 1 increases from \$611 to \$626, in Region 2 from \$582 to \$596.

SSI/SSP Benefits. A cost-of-living benefit increase of 2.36%, increasing the grant for a single aged or disabled individual from \$676 to \$692 on January 1, 2000, and for aged/disabled couples from \$1,201 to \$1,229. Repealed the “regionalization” scheme for SSI/SSP, providing for 4.9% lower benefits in “low-cost” counties, originally passed in 1995 but never implemented due to a federal maintenance-of-effort barrier. The regionalized reductions would have taken effect in 2002, since annual COLAs would have eliminated the federal MOE barrier by that time.

CalWORKs Homeless Assistance. The nightly shelter allowance is increased from \$30 to \$40. Families who meet exceptions to the once-per-lifetime limitation are eligible one time every 12 months and may be required to participate in a homelessness avoidance case plan.

California Food Assistance Program (CFAP) for Immigrants. The sunset on the program is repealed, and benefits are expanded for one year (to September 30, 2000) to legal immigrants who enter the U.S. after August 22, 1996 and who are otherwise eligible but do not qualify under the prior exceptions for those whose sponsors are dead, disabled, or abusive. CFAP work requirements are modified to conform to existing Food Stamp work requirements. Federal deeming rules govern, but immigrant victims of abuse are exempt from deeming. Authority for program coterminous with authority for federal legal immigrant benefit eligibility under 8 U.S.C. Sec. 1612(a).

Cash Assistance Program for Immigrants (CAPI). Essentially same provisions as with SFAP: repeal of sunset, one year extension to those entering after August 22, 1996, federal deeming, abused immigrant deeming exception, authority coterminous with federal eligibility.

AB 1233 (Aroner) – Chapter 826, Statutes of 1999

This bill clarifies that CalWORKs does not allow use of the earned income disregards ordinarily applied to wages and does not guarantee a stipend to cover mandatory payroll deductions.

AB 1518 (Soto) – Chapter 919, Statutes of 1999

This bill allows the Department of Social Services to develop three-year pilot projects in Alameda, San Bernardino, and Ventura counties, at their option, to create an integrated and coordinated case management system for the delivery of services to families receiving CalWORKs benefits, through the use of multidisciplinary service teams.

2000

AB 2876 (Aroner) – Chapter 108, Statutes of 2000

This bill contains the following:

Cost-of-Living Adjustments. The budget provides for a CalWORKs and SSI/SSP COLA of 2.96%. The effective date for the CalWORKs COLA is October 1, 2000, and for SSI/SSP COLA it is January 1, 2001. The grant for a nonexempt family of three in Region I will be \$645 (up from \$626), and in Region II will be \$614 (up from \$596). The SSI/SSP grant for a single aged or disabled person will be \$712 (up from \$692), and for an aged/disabled couple will be \$1265 (up from \$1229).

Wage-Based Community Service; Auto Resource Reform. The Governor deleted funding in the budget bill for two items (wage-based community service, auto resource exemption) which had been in the budget bills as passed by both houses but were not part of the final budget agreement, and were separated into AB 2873.

CFAP/CAPI. Eligibility for both the Cash Assistance for Immigrants (CAPI) and California Food Assistance Program (CFAP) programs for immigrants entering the U.S. after August 22, 1996, was extended one additional year, to September 30, 2001, with no other changes in eligibility or deeming rules.

CalWORKs Fiscal Incentives. The CalWORKs fiscal incentive fund was capped at \$250 million for 2000-2001, with all the funds available to the counties (rather than considered a "reserve" for possible other uses, as the Administration had proposed in its May Revise). Up to 25% of each county's fiscal incentive allocation can serve "needy families" with incomes up to 200% of the poverty level, apart from their eligibility for any regular CalWORKs services.

Food Stamp Outreach. \$3 million in Food Stamp outreach funding was approved to address declining participation rates of eligible households. However, since it is appropriated from TANF performance bonuses, none of this money qualifies for federal matching funds.

Subsidized Child Care. The subsidized child care program is augmented by \$40 million for one-half year, a \$35 million reduction by the Governor from the amount budgeted by the Legislature. The Governor also reduced the augmentation for migrant child care by \$4.5 million, leaving the total program at \$26.8 million.

SB 962 (Escutia) – Chapter 795, Statutes of 2000

This bill requires the Department of Social Services to review methods of detecting adult learning disabilities, identify model approaches for counties to use, and provide training to county CalWORKs supervisors on detecting and remedying learning disabilities.

SB 2013 (Committee on Health & Human Services) – Chapter 682, Statutes of 2000

This bill requires DSS to develop, in conjunction with stakeholders, a simpler and shorter Food Stamp application form for non-assistance cases. In addition, it prohibits DSS from requiring counties to use a new form until sufficient time has been allowed to reprogram the counties' automation systems.

2001

AB 313 (Goldberg) – Chapter 842, Statutes of 2001

This bill allows participants in the Women, Infants and Children (WIC) program to use coupons at any authorized outlet (though with instructions from the Governor to the Department of Health Services to establish a WIC fraud unit).

AB 429 (Aroner) – Chapter 111, Statutes of 2001

This bill makes the following changes:

CAPI/CFAP. Repeals the sunsets on eligibility for CAPI and CFAP benefits for immigrants entering the U.S. after August 22, 1996. Deeming of sponsor's income for CAPI recipients not meeting the death, disability or abuse exceptions applies for 10 years from the date of execution of the affidavit of support.

Statewide Fingerprint Imaging System. Requires that the Bureau of State Audits submit by January 1, 2003, an audit of the Statewide Fingerprint Imaging System, addressing the levels of fraud detected, the levels of deterrence of fraud, whether the system deters eligibility applicants, especially immigrant populations, and the cost effectiveness of the system. (WIC Sec. 59).

CalWORKs Time Limits. Provides that all counties retain records and provide information sufficient to permit the tracking of CalWORKs time limits. Failure to do so subjects counties to an array of possible fiscal penalties. (W.I.C. Sec. 10850.1).

CalWORKs Eligibility. Allows for 180 days of eligibility of CalWORKs services for parents when a child has been removed from the home and placed in out-of-home care while the family

was receiving CalWORKs. The county will determine that the provision of services is necessary for reunification. (WIC Sec.11203).

Special Circumstances Program. This program, which covers the special needs of the aged, blind and disabled in emergencies, is reformed and expanded. See Sections W.I.C. Secs. 12500 and 12550 et seq. The revisions (1) expressly include CAPI and IHSS recipients as well as SSI recipients among potential beneficiaries; (2) specify its availability for "unmet shelter needs," and increasing amounts for items of need, such as up to \$1,500 for relocation expenses, \$600 for repair or replacement of equipment or appliances, \$250 for repair or replacement of clothing; (3) eliminate the requirement that a recipient be a victim of a "catastrophe" before being eligible for funds to repair or replace appliances or clothing; (4) repeal the separate \$300 resource limit and conform the income and resource rules to the main programs; and (5) allow counties to transfer funds for implementation from administrative allocation to benefits, given expected administrative savings.

AB 429 was an urgency bill and, unless otherwise specified, the changes took effect immediately.

AB 891 (Goldberg) – Chapter 651, Statutes of 2001

This bill modifies child support collection practices when the obligor receives federal payments including benefits paid by the Department of Veterans Affairs.

AB 1449 (Keeley) – Chapter 463, Statutes of 2001

This bill requires the Department of Child Support Services, in consultation with the State Department of Social Services, to establish and promulgate, by October 2, 2002, specified regulations by which the local child support agency may compromise an obligor's liability for public assistance debt in cases where the parent separated from or deserted a child who consequently became the recipient of aid under the AFDC-FC or CalWORKs programs, if specified conditions are met, and the department determines that compromise is necessary for the child's support.

AB 1692 (Committee on Human Services) – Chapter 652, Statutes of 2001

This bill allows participation in Department of Labor Welfare-to-Work community service or work experience activities to satisfy CalWORKs community service requirement. Co-sponsored by Department of Social Services and CWDA.

SB 40 (Alarcon) – Chapter 409, Statutes of 2001

This bill increases the maximum unemployment insurance benefit from \$230. It increases it to \$330 in 2002, \$370 in 2003, \$410 in 2004 and \$450 in 2005. Authorizes a study of methods of capturing recent employee wages, potentially including an alternative base period, to be conducted by a nonprofit, nonpartisan independent research organization, funded from existing EDD funds, to be submitted to the Legislature by December 31, 2002.

SB 739 (Peace) – Chapter 106, Statutes of 2001

This bill provides local assistance to counties a total of \$3.2 billion for assistance payments, \$956 million for services, \$419 million for administration, \$585 million for child care, \$201 million for county probation facilities and \$59 million for the Kin-GAP Program.

2002

SB 1264 CalWORKs (Alpert) – Chapter 439, Statutes of 2002

Provides that any public or private scholarship or award given to the dependent of a CalWORKs recipient will not be counted as income or resources when determining CalWORKs eligibility.

2003

SCR 12 (Alarcón) – Resolution Chapter 117, Statutes of 2003

Establishes a Joint Committee of the Senate and Assembly to create a Master Plan to End Poverty in California, with a report to the Legislature by December 2005.

AB 1402 (Wolk) – Chapter 398, Statutes of 2003

Among a number of provisions, requires the Department of Social Services to report to the Legislature by April 2005 on the impacts of mandatory mid-quarter reporting.

2004

SB 1104 (Committee on Budget and Fiscal Review) – Chapter 229, Statutes of 2004

This human services budget trailer bill, among many CalWORKs-related provisions, changes the CalWORKs work requirements to impose 20 hours of defined "core work" activities of the 32 hours required of single parents, eliminates the 18-24 month welfare-to-work time limit, and requires a review of CalWORKs sanction policy and a report back to the Legislature by April 1, 2005.

SB 1639 (Alarcón) – Chapter 668, Statutes of 2004

Among many provisions, allows for English-language proficiency in the community college vocational education curriculum designed for CalWORKs recipients and the provision of intensive English-language immersion courses as part of a short-term intensive program

2005

SB 68 – Chapter 78, Statutes of 2005

Two Year Suspension of the CalWORKs COLA - The budget did not provide a COLA for the 2005-06 budget or for the 2006-07 budget. A family of three's maximum grant remained at \$723 a month. The suspension of the COLA resulted in a \$29 loss per month for 2005-06 and an estimated \$59 loss per month in 2006-07. A CalWORKs family of three gave up \$1,074 over two years, according to the California Budget Project. This marked the 11th time in 19 years that the CalWORKs/AFDC grant level was either frozen or reduced.

SB 68 also contained the changes to social services, including CalWORKs. The welfare-to-work changes are in Section 25. It borrowed language from AB 379 (Evans) that clarified that counties could count hours spent in "other" activities related to employment and it would not bar a participant from counting hours spent in counseling or education towards the 20-hour work requirement. No change was made related to the ability to count vocational education after 12 months.

2006

AB 1808—Chapter 75, Statutes of 2006

TANF Reauthorization Reforms

The state Legislature and Governor were among the first states to respond to the changes in the federal TANF law that were passed by Congress in February, 2006. The state chose the "high road" of investing in families rather than enact new barriers to participation by families. Specifically the legislation did the following:

- \$26 million increase in county Single Allocation Fund above the 2005-6 amount
- \$90 million for up-front engagement, reducing sanctions and increasing countable federal work activities
- \$9 million for work study at community colleges
- \$5 million for preventing homelessness among CalWORKs families
- \$13 million for Employment Training Panels to train CalWORKs participants

- A new separate state program for families exempt from work requirements. No state cost because TANF MOE is being traded for state General Fund expenditures which qualifies as TANF MOE.
- Eliminated durational sanctions and permits participants to cure at any time.

Perhaps the most significant improvement is from eliminating lengthy sanctions on families for non-compliance. State law was changed to allow a family to “cure” a sanction whenever they are ready and not be barred from engaging until three or six months has passed.. This change will not only help the state work participation rate but will provide more grant assistance to families who have their grants reduced when sanctioned.

2007

SB 84

TANF Reauthorization and Governor’s Full Family Sanctions

The state Legislature and the Governor considered but did not adopt additional reforms for TANF. Since the 2006 session, the federal Administration for Children and Families (ACF) have limited some of the strategies adopted previously by California and other states. Proposals by counties, advocates and the Legislative Analyst that were not adopted include:

- Creating subsidized employment slots
 - Providing a stipend for families in the Safety Net program meeting work participation requirements
 - Adding Food Stamp only cases that were working to the CalWORKs program
- Mandating pre-sanction personal contacts prior to issuing a notice of sanction were not adopted.

As a result the state appears to be headed towards a TANF penalty for federal fiscal years 2007 and 2008.

The Schwarzenegger Administration instead proposed to meet federal work requirements by eliminating eligibility for children if the parent was failing to meet work participation and it proposed to limit citizen children of ineligible adults to a total of 60 months on aid. In total the Administration’s proposals would have cut more than 200,000 children off all cash assistance but the Legislature rejected all the proposals.

AB 98 (Niello) – Creates 1,500 subsidized employment positions with 50% of the subsidy coming from the state. Participants would earn a salary, be eligible for the earned income disregard and the federal EITC. **Passed the Legislature and signed by the Governor.**

AB 314 (Soto) – A WCLP sponsored bill to make study time an eligible work activity as permitted under new federal regulations. **Passed the Legislature but vetoed by the Governor.**

AB 508 (Swanson) - Opts California completely out of the federal bar on providing federal Food Stamps to person convicted of drug felonies. **Passed the Legislature but vetoed by the Governor.**

AB 921 (Krekorian) - A WCLP sponsored bill to require that a request for a state re-hearing of a determination of public benefits is approved unless denied within 15 days by DSS and creates a good cause exception to the statutory re-hearing filing deadlines. **Passed the Legislature and signed by the Governor.**

2008

Federal ACF further limited state's ability to meet work participation by limiting how much state spending could count towards a caseload reduction credit and by severely restricting "front-end" diversion programs. Again the Administration instead proposed to meet federal work requirements by eliminating eligibility for children if the parent was failing to meet work participation and it proposed to limit citizen children of ineligible adults to a total of 60 months on aid. In total, the Administration's proposals would have cut one in four children off aid. The administration also proposed to cut CalWORKs grants by 5%. The Legislature rejected all these proposals but did suspend the CalWORKs Cost of Living Adjustment for the 5th straight year.

- Data from DSS shows that their proposal to promote work by cutting off all aid will fail 78% of the time.
- The Administration's proposal to cut grants by 5% reduces work participation by 4%.
- Research shows that families having trouble working have barriers like mental or physical disabilities and domestic violence. Cutting off aid to these families won't fix any of these problems.

AB 433 (Beall) - Increases the number of families receiving federal Food Stamps by making them categorically eligible for food benefits if they are already on MediCal. **Passed the Legislature and was signed by the Governor.**

AB 2368 (Fuentes) – This bill eliminated the requirement that counties assess the value of a CalWORKs applicants automobile and deny eligibility if the applicant's car exceeds \$4,650. **Bill held in Senate Appropriations.**

AB 2389 (Benoit) – This bill required CalWORKs recipients to submit to random drug tests as a condition of eligibility. If the recipient failed to complete a one year treatment program the entire family's cash assistance would be eliminated. **Failed in the Assembly Human Services Committee.**

AB 2844 (Laird) - This bill would require recipients of Food Stamps and CalWORKs to report their income changes every six months, rather than every three months. **Vetoed by the Governor.**

SOURCES & FOR ADDITIONAL INFORMATION:

Senate Office of Research bill summaries, found at <http://www.sen.ca.gov/sor>

Bill summaries from the Assembly Human Services Committee, found at <http://www.assembly.ca.gov/acs/newcomframeset.asp?committee=13>

This Legislative History is available online @ www.ccrwf.org.
Please e-mail any suggested edits, deletions, or additions to ccrwf@ccrwf.org.