

ASSEMBLY BILL

No. 1074

Introduced by Assembly Member Patel

February 20, 2025

An act to amend Section 11203 of, and to add Section 11265.85 to, the Welfare and Institutions Code, relating to CalWORKs.

LEGISLATIVE COUNSEL'S DIGEST

AB 1074, as introduced, Patel. CalWORKs.

(1) Under existing law, if the federal government provides funds for the care of a needy relative with whom a needy child is living, aid to the child for any month includes aid to meet the needs of that relative, except as prescribed. Existing law establishes the California Work Opportunity and Responsibility to Kids (CalWORKs) program, under which each county provides cash assistance and other benefits to qualified low-income families using federal, state, and county funds. Existing law provides that the parent or parents are to be considered living with the needy child for a period of up to 6 months, or for a time period as determined by the State Department of Social Services, of the needy child's absence from the family assistance unit, and that the parents are eligible for CalWORKs aid and childcare services if specified conditions are met, including, among others, that the child has been removed from the parent or parents and that the family was receiving aid under when the child was removed.

This bill would specify that the department may determine the time period determined by the department to be a longer time period and that the parents are eligible to receive aid as if the child or children were living with them. The bill would also specify that those provisions do not require (A) all children to be removed from the parent or parents

or (B) that the parent or parents were receiving aid independently from the family at the time of removal.

(2) Existing law generally prohibits the governing authority of a school or other institution from unconditionally admitting a person as a pupil of a public or private elementary or secondary school, childcare center, day nursery, nursery school, family daycare home, or development center, unless prior to the person's admission to that institution they have been fully immunized against various diseases, including measles, mumps, and pertussis, subject to any specific age criteria.

Existing law requires all applicants for or recipients of CalWORKs to ensure and provide documentation that each child in the assistance unit who is not required to be enrolled in school has received all age-appropriate immunizations, as specified, and prohibits the needs of all parents or caretaker relatives in the assistance unit from being considered in determining the grant to the assistance unit until the required documentation is provided. Existing law requires a notice of that immunization requirement to be given to an applicant or recipient at the time of application and at the next redetermination of eligibility for aid.

This bill would require that a sanction imposed for failing to verify the immunization of a child end upon the removal of the child from the assistance unit and their placement into out-of-home care. To the extent that this bill would expand county responsibilities under the CalWORKs program, this bill would impose a state-mandated local program.

(3) Existing law continuously appropriates moneys from the General Fund to defray a portion of county costs under the CalWORKs program.

This bill would provide that the continuous appropriation would not be made for the purposes of implementing the bill.

(4) 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.

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 the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

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

SECTION 1. Section 11203 of the Welfare and Institutions Code is amended to read:

11203. (a) During those times as the federal government provides funds for the care of a needy relative with whom a needy child or needy children are living, aid to the child or children for any month includes aid to meet the needs of that relative, if money payments are made with respect to the child or children for that month, and if the relative is not receiving aid under Chapter 3 (commencing with Section 12000) or 5.1 (commencing with Section 13000) of this part or Part A of Title XVI of the Social Security Act for that month. Needy relatives under this chapter include only natural or adoptive parents, the spouse of a natural or adoptive parent, and other needy caretaker relatives.

(b) ~~The parent or parents~~ *For a family receiving CalWORKs, a needy child or children shall be considered living with the needy child or needy children their parent or parents* for a period of up to six months, or for a *longer* time period as determined by the department, of the needy child's or children's absence from the family assistance unit, and the parent or parents shall be eligible ~~for aid to receive aid, as otherwise eligible as if the child or children were living with the parent or parents,~~ as specified in subdivision (a) of Section 11450 and childcare services under Article 15.5 (commencing with Section 8350) of Chapter 2 of Part 6 of Division 1 of Title 1 of the Education Code, as that article read on May 1, 2021, as well as services under this chapter, including services funded under Sections 15204.2 and 15204.8, and the special needs benefit specified in clause (i) of subparagraph (A) of paragraph (3) of subdivision (f) of Section 11450, if all of the following conditions are met:

(1) (A) The child has been removed from the parent or parents and placed in out-of-home care.

(B) *This paragraph does not require that all children be removed from the parent or parents.*

(2) (A) When the child was removed from the parent or parents, the family was receiving aid under this section.

(B) *This paragraph does not require that the parent or parents were receiving aid independently from the family at the time of removal.*

(3) The county has determined that the provision of aid as specified in subdivision (a) of Section 11450 or the provision of childcare services under Article 15.5 (commencing with Section 8350) of Chapter 2 of Part 6 of Division 1 of Title 1 of the Education Code, as that article read on May 1, 2021, or the provision of services under this chapter, including services funded under Sections 15204.2 and 15204.8, and the special needs benefit specified in clause (i) of subparagraph (A) of paragraph (3) of subdivision (f) of Section 11450, is necessary for reunification.

(c) The department shall revise its state Temporary Assistance for Needy Families plan to incorporate the provisions of subdivision (b) and to incorporate the good cause exception provisions the department deems necessary as authorized by Section 608(a)(10)(B) of Title 42 of the United States Code.

(d) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the department may implement and administer this section through all-county letters or similar instruction that shall have the same force and effect as regulations until regulations are adopted.

(e) This section shall become operative on July 1, 2022. Prior to this date, the department shall issue comprehensive policy, fiscal, and claiming instructions to the counties. The department shall notify the Legislature when the Statewide Automated Welfare System has automated this section.

SEC. 2. Section 11265.85 is added to the Welfare and Institutions Code, to read:

11265.85. A sanction imposed for failing to verify the immunization of a child, pursuant to Section 11265.8, shall end upon the removal of the child from the assistance unit and their placement into out-of-home care.

SEC. 3. No appropriation pursuant to Section 15200 of the Welfare and Institutions Code shall be made for purposes of this act.

SEC. 4. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

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