

ASSEMBLY BILL

No. 969

Introduced by Assembly Member Celeste Rodriguez

February 20, 2025

An act to amend Sections 11495, 11495.1, and 11495.17 of, and to repeal and add Sections 11495.15 and 11495.16 of, the Welfare and Institutions Code, relating to CalWORKs.

LEGISLATIVE COUNSEL'S DIGEST

AB 969, as introduced, Celeste Rodriguez. CalWORKs: family violence option and gender-based violence information.

Existing law provides for 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 and individuals. Existing law imposes various requirements on CalWORKs recipients, including the requirement to participate in specified welfare-to-work activities, unless a good cause exception applies. Existing law requires a county to waive a program requirement for a recipient who has been identified as a past or present victim of domestic abuse when it has been determined that good cause under the welfare-to-work requirement exists.

This bill would, among other things, instead require a county to waive a program requirement for a recipient who has been identified as a past or present victim of domestic abuse unless the county has evidence that the requirement would not make it more difficult for the recipient or their children to escape abuse, or that it would not be detrimental or unfairly penalize them. The bill would require counties, within specified timeframes, to notify each applicant or recipient about whether or not a waiver will be issued, and if a waiver is denied, the specific reasons

for the denials. The bill would require the State Department of Social Services, in consultation with stakeholders, to develop a uniform set of written materials that addresses all relevant information and necessary requirements designed to assist individuals to identify, escape, or stop future abuse, overcome the effects of abuse, and make informed decisions, and a standardized waiver request form. The bill would require each county to provide the written materials and standardized waiver request form to each applicant and recipient, as specified. The bill would require the department to implement these provisions through an all-county letter or similar instruction. By imposing duties on counties, the bill would impose a state-mandated local program.

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:

1 SECTION 1. Section 11495 of the Welfare and Institutions
2 Code is amended to read:
3 11495. (a) It is the intent of the Legislature in enacting this
4 article to ~~adopt a family violence provision by enacting the federal~~
5 ~~option concerning victims of domestic violence align the~~
6 ~~CalWORKs family violence option and gender-based violence~~
7 ~~provisions with, and not be more restrictive than, the federal~~
8 ~~requirements and option concerning survivors of abuse provided~~
9 for in the Temporary Assistance to Needy Families program
10 pursuant to ~~Section~~ Sections 402(a)(7) and 402(a)(8) of the federal
11 Social Security Act (42 U.S.C. Sec. ~~602(a)(7); 602(a)(7),(8))~~ and
12 any relevant federal guidelines. By adopting this provision, the
13 Legislature recognizes that some individuals who may need public
14 assistance have been or are victims of abuse, and intends to ensure
15 that applicants and recipients who are past or present victims of
16 abuse are not placed at further risk or unfairly penalized by
17 CalWORKs requirements and procedures. The Legislature intends

that, in implementing this article, program requirements not be created or applied in such a way as to encourage a victim to remain with the abuser. It is also the intent of the Legislature that CalWORKs recipients participate in welfare-to-work activities, to the full extent of their abilities, including participation in counselling and treatment programs, as appropriate, to enable the recipient to obtain unsubsidized employment and move towards self-sufficiency. *person committing the abuse.*

(b) For purposes of this article, “abuse” and “gender-based violence” includes sexual harassment, sexual assault, domestic violence, and stalking.

SEC. 2. Section 11495.1 of the Welfare and Institutions Code is amended to read:

11495.1. (a) ~~The department shall convene a task force including, but not limited to, district attorney domestic violence units, county departments of social services, the County Welfare Directors Association of California, the California State Association of Counties, statewide domestic violence prevention groups, local domestic violence prevention advocates, and service providers, the State Department of Health Care Services, the State Department of Public Health, and the California Emergency Management Agency. The department shall develop, in consultation with the task force, develop~~ protocols on handling cases in which recipients are past or present victims of abuse. The protocols shall define domestic abuse, and shall address training standards and curricula, individual case assessments, confidentiality procedures, notice procedures and counseling or other appropriate participation requirements as part of an overall plan to transition from welfare-to-work. The protocol shall specify how counties shall do the following:

(1) Identify applicants and recipients of assistance under this chapter who have been or are victims of abuse, including those who self-identify, while protecting confidentiality.

(2) Refer these individuals to supportive services.

(3) (A) Waive, on a case-by-case basis, ~~for so long as necessary, pursuant to a determination of good cause under paragraph (2) of subdivision (f) of Section 11320.3,~~ any program requirements that would make it more difficult for ~~these individuals~~ recipients who are past or present victims of domestic abuse or their children to escape abuse, and that would be detrimental or unfairly penalize

1 ~~past or present victims of abuse; them.~~ Requirements that may be
2 ~~waived shall be waived, if eligible,~~ include, but are not limited to,
3 time limits on receipt of assistance, work requirements, educational
4 requirements, paternity establishment and child support cooperation
5 requirements.

6 *(B) Issue an adequate written notice of action to each applicant*
7 *or recipient of the determination about whether or not a waiver*
8 *will be issued, and if a waiver is denied, the specific reasons for*
9 *the denial.*

10 (b) The department shall issue regulations describing the
11 protocol identified in subdivision (a) no later than January 1, ~~1999~~.
12 2027.

13 ~~(c) Waivers of time limits granted pursuant to this section shall~~
14 ~~not be implemented if federal statutes or regulations clarify that~~
15 ~~abuse victims are included in the 20 percent hardship exemptions~~
16 ~~and that no good cause waivers of the 20 percent limit will be~~
17 ~~granted to the state for victims of abuse, thereby incurring a penalty~~
18 ~~to the state.~~

19 ~~(d) Waivers of the work requirements granted pursuant to this~~
20 ~~section shall not be implemented if federal statutes or regulations~~
21 ~~clarify that the state will be penalized for failing to meet work~~
22 ~~participation requirements due to granting waivers to abuse victims.~~

23 SEC. 3. Section 11495.15 of the Welfare and Institutions Code
24 is repealed.

25 ~~11495.15. A county shall waive a program requirement for a~~
26 ~~recipient who has been identified as a past or present victim of~~
27 ~~abuse when it has been determined that good cause exists pursuant~~
28 ~~to paragraph (2) of subdivision (f) of Section 11320.3. Until~~
29 ~~implementation of the regulations required pursuant to subdivision~~
30 ~~(b) of Section 11495.1, a county may utilize standards, procedures,~~
31 ~~and protocols currently available and shall identify them in its~~
32 ~~county plan. Waivers shall be reevaluated in accordance with other~~
33 ~~routine periodic reevaluations by the county.~~

34 SEC. 4. Section 11495.15 is added to the Welfare and
35 Institutions Code, to read:

36 11495.15. (a) A county shall waive a program requirement
37 for a recipient who has been identified as a past or present victim
38 of domestic abuse unless the county has evidence that the
39 requirement would not make it more difficult for the recipient or

1 their children to escape abuse, or that it would not be detrimental
2 or unfairly penalize them.

3 (b) When reviewing waiver eligibility, a county shall not
4 consider participation hours in domestic violence, mental health,
5 or substance disorder services that contribute to the individual
6 meeting any required participation hours as a basis for denying a
7 waiver. In no event shall a county deny a waiver because a survivor
8 does not receive or participate in services from a victim service
9 provider.

10 (c) A county shall reevaluate a waiver, as needed, but shall not
11 reevaluate the waiver more frequently than every six months. A
12 county may reevaluate a waiver for welfare-to-work requirements
13 at shorter intervals only if the evaluation is to include an additional
14 waiver of welfare-to-work requirements.

15 (d) A county shall notify each applicant or recipient about
16 whether or not a waiver will be issued, and if a waiver is denied,
17 the specific reasons for the denial. The county shall provide an
18 adequate written notice of action regarding the waiver request by
19 the time of application approval, or, for recipients, within 10 days
20 of the request.

21 (e) A county shall notify each recipient about whether or not a
22 waiver will be terminated and the reasons for the termination. The
23 county shall provide a written adequate notice of action the
24 termination.

25 SEC. 5. Section 11495.16 of the Welfare and Institutions Code
26 is repealed.

27 ~~11495.16. All CalWORKs applicants and recipients shall be~~
28 ~~informed verbally and in writing, and to the extent required by~~
29 ~~law, in the language understood by the applicant or recipient, of~~
30 ~~the availability of services designed to assist individuals to identify,~~
31 ~~escape, or stop future domestic abuse as well as to overcome the~~
32 ~~effects of domestic abuse.~~

33 SEC. 6. Section 11495.16 is added to the Welfare and
34 Institutions Code, to read:

35 11495.16. (a) On or before January 1, 2026, the department,
36 in consultation with stakeholders, including, but not limited to,
37 federally recognized state domestic violence and sexual assault
38 coalitions, other domestic abuse, sexual assault, and sexual
39 harassment advocates, and public benefits advocates, shall develop
40 both of the following:

(1) A uniform set of written materials to be used statewide that addresses all relevant information and necessary requirements designed to assist individuals to identify, escape, or stop future abuse, overcome the effects of abuse, and make informed decisions. The statewide information may be provided in one document and shall include all of the following information:

(A) Available domestic abuse, stalking, sexual assault, and sexual harassment resources and victim service providers.

(B) How the information of an applicant or recipient abuse survivor is kept confidential and when the county human services agency is legally required to disclose that information.

(C) Information on the availability of program waivers, including a specific list of program requirements that may be waived, other program requirements not listed that may be waived, how to request a waiver, and a waiver request form, as described in paragraph (2).

(D) Information about safety planning, including the process of identifying risks, mapping out resources, and assessing options to increase survivor safety developed by specialized workers in partnership with the abuse survivor.

(E) How the county will tailor a recipient survivor's welfare-to-work plan and CalWORKs support services to meet their needs.

(F) Information on CalWORKs eligibility for noncitizen abuse survivors, exceptions to alien sponsor deeming requirements, and information on applying for legal status for noncitizen abuse survivors.

(2) A standardized waiver request form that shall include a list of program requirements that may be waived, the ability to request a waiver of a requirement that may not be specifically listed, and a way for an applicant or recipient to indicate whether they are seeking a waiver for a retroactive period of time.

(b) A county shall safely and confidentially verbally inform of, and provide, in the preferred language identified by the applicant or recipient to the extent required by law, the written materials and standardized waiver request form described in subdivision (a) to each applicant and recipient. Each county shall supplement the written materials described in subdivision (a) with the name and contact information for local service providers, local policies, and local resources.

1 (c) The department shall automate CalSAWS and provide the
2 written materials and standardized waiver request form described
3 in subdivision (a) on BenefitsCal to ensure that technology is fully
4 utilized to ensure that applicants and recipients who are abuse
5 survivors have access to that information and receive the assistance
6 they need.

7 SEC. 7. Section 11495.17 of the Welfare and Institutions Code
8 is amended to read:

9 11495.17. ~~(a)~~ During the annual budget process, the department
10 shall update the Legislature at hearings regarding the number of
11 CalWORKs welfare-to-work recipients, aggregated by county,
12 who have been identified as potential victims of domestic abuse
13 during the online CalWORKs appraisal ~~process~~; *process, and the*
14 *number of CalWORKs recipients who have been identified as*
15 *survivors of nondomestic stalking, sexual abuse, and sexual*
16 *harassment*. The report shall also include a list of counties that
17 require domestic violence survivors to be offered waivers pursuant
18 to Section 11495.15 and a summary of actions taken by the
19 department to address the specific and unique needs of survivors
20 of domestic abuse.

21 ~~(b) This section shall become operative on July 1, 2018.~~

22 SEC. 8. Notwithstanding the rulemaking provisions of the
23 Administrative Procedure Act (Chapter 3.5 (commencing with
24 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
25 Code), the State Department of Social Services shall implement
26 this act through an all-county letter or similar instruction no later
27 than January 1, 2026.

28 SEC. 9. If the Commission on State Mandates determines that
29 this act contains costs mandated by the state, reimbursement to
30 local agencies and school districts for those costs shall be made
31 pursuant to Part 7 (commencing with Section 17500) of Division
32 4 of Title 2 of the Government Code.