

CALIFORNIA WORKING FAMILIES POLICY SUMMIT 2002

LEGISLATIVE HISTORY – *CalWORKS*

The following legislative history offers a brief overview of key state and federal legislation that defined the CalWORKs program. In addition, it highlights CalWORKs legislation signed in 2001.

FEDERAL LEGISLATION

SIGNED INTO LAW

1996

Personal Responsibility and Work Opportunity Reconciliation Act of 1996

This bill enacted major welfare reform provisions and replaced the prior AFDC (Aid to Families with Dependent Children) Program with a new program commonly referred to as TANF (Temporary Assistance for Needy Families).

STATE LEGISLATION

SIGNED INTO LAW

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, 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 it 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 Service 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.