

AMENDED IN SENATE JUNE 5, 2014
AMENDED IN ASSEMBLY MAY 6, 2014
AMENDED IN ASSEMBLY APRIL 22, 2014
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1653

Introduced by Assembly Member Garcia

February 11, 2014

An act to amend Section 11495.15 of, and to add Section 11495.20 to, the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1653, as amended, Garcia. CalWORKs: victims of domestic violence.

Existing law requires each county to provide cash assistance and other social services to needy families through the California Work Opportunity and Responsibility to Kids (CalWORKs) program using federal Temporary Assistance to Needy Families block grant program, and state and county funds. Existing law authorizes a county to excuse a participant from the welfare-to-work requirements for good cause if the person is a victim of domestic violence and participation would be detrimental to or unfairly penalize the individual or his or her family. Existing law also authorizes each county to waive a program requirement at any time for a recipient who is a past or present victim of abuse, as specified.

This bill would require the State Department of Social Services to establish a standard, statewide notice to inform all CalWORKs applicants and recipients that victims of ~~domestic violence~~ *abuse* have a right to request a waiver of program requirements. The bill would

also require the county to waive, for applicants or recipients, program requirements *when the requirement would encourage the individual to return to the abuser, or would be detrimental to or unfairly penalize the individual or his or her family, and to waive the welfare-to-work requirements for an applicant or recipient* if the county determines that good cause to waive those requirements exists, as specified. The bill would also require counties to use the standard, statewide notice, or an approved county notice, to inform all CalWORKs applicants and recipients of their rights and how to secure a waiver. By increasing the duties of county human services agencies, 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 these statutory provisions.

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. (a) In enacting this act, the Legislature
- 2 recognizes that some individuals who are in need of public
- 3 assistance are, or have been, victims of abuse.
- 4 (b) It is the intent of the Legislature to ensure that victims of
- 5 abuse and recipients who are past or present victims of abuse are
- 6 not placed at further risk or unfairly penalized by program
- 7 requirements or procedures.
- 8 (c) The Legislature intends that, in implementing this act, a
- 9 standard, statewide notice to CalWORKs applicants and recipients
- 10 will be established, informing them of rights for ~~domestic violence~~
- 11 *abuse* victims and survivors and instructing them how to secure
- 12 these rights, as well as referrals for counseling services.
- 13 SEC. 2. Section 11495.15 of the Welfare and Institutions Code
- 14 is amended to read:
- 15 11495.15. A county shall waive a program requirement for *an*
- 16 *applicant or a recipient* who has been identified as a past or present
- 17 victim of abuse *when the requirement would encourage the*

1 *individual to return to the abuser, or would be detrimental to or*
2 *unfairly penalize the individual or his or her family. A county shall*
3 *also waive the welfare-to-work requirements for an applicant or*
4 *participant when it has been determined that good cause exists*
5 *pursuant to paragraph (2) of subdivision (f) of Section 11320.3.*
6 *Waivers shall be reevaluated in conjunction with the annual and*
7 *semiannual determinations of eligibility completed by the county.*

8 SEC. 3. Section 11495.20 is added to the Welfare and
9 Institutions Code, to read:

10 11495.20. (a) The department, in consultation with county
11 human services agencies, domestic violence and CalWORKs
12 advocates, and CalWORKs caseworkers, shall develop a standard,
13 statewide notice to inform all CalWORKs applicants and recipients
14 that victims of ~~domestic violence~~ *abuse* have a right to request a
15 waiver of program requirements. The notice shall include all of
16 the following:

17 (1) Examples of the types of program requirements that may be
18 waived.

19 (2) Space for county-specific instructions for securing a waiver
20 and a ~~domestic violence~~ *an abuse* service plan.

21 (3) Space for a list of county domestic abuse resources, such as
22 local hotlines, domestic violence counseling agencies, and mental
23 health services.

24 (4) A statement addressing the scope of confidentiality.

25 (5) A definition of abuse, and other general information
26 regarding abuse, such as safety planning.

27 (6) Information about how to receive county assistance in
28 tailoring welfare-to-work plans to meet the needs of victims who
29 do not have a waiver of the welfare-to-work requirements.

30 (7) A description of the remedies that are available for immigrant
31 ~~domestic violence~~ *abuse* survivors.

32 (b) A county shall inform all CalWORKs applicants and
33 recipients that a victim of ~~domestic violence~~ *abuse* has the right
34 to request a waiver of program requirements, using the statewide
35 notice described in this section or a county notice that has been
36 approved by the department. The county shall give the notice,
37 orally and in writing, *in the person's primary language*, when a
38 person applies for CalWORKs and during the welfare-to-work
39 planning process, when the county redetermines eligibility or sends
40 a notice of action for a sanction resulting from failure to participate

1 in a program requirement, and whenever an applicant or recipient
2 voluntarily discloses that he or she is a victim of abuse. The county
3 shall retain, in a person’s case file, proof that the county provided
4 the person with this notice.

5 (c) The department shall not approve a county’s notice unless
6 the notice contains, at a minimum, all of the information described
7 in this section.

8 (d) An applicant or recipient shall not be required to disclose
9 his or her status, or the status of another member of the assistance
10 unit, as a victim of ~~domestic violence~~ *abuse* in order to be eligible
11 for aid. If the recipient of a notice fails to immediately disclose
12 abuse, the county shall not use this fact as an independent basis to
13 find that the recipient is not credible or treat his or her subsequent
14 request for a domestic violence waiver with prejudice.

15 SEC. 4. If the Commission on State Mandates determines that
16 this act contains costs mandated by the state, reimbursement to
17 local agencies and school districts for those costs shall be made
18 pursuant to Part 7 (commencing with Section 17500) of Division
19 4 of Title 2 of the Government Code.