



## New Laws Impacting CalWORKs 2016-18 Legislative Session

*October 1, 2018*

During the 2016-2018 Two-Year Legislative Session, there were several changes to the Welfare and Institutions Code that impact the California Work Opportunity and Responsibility to Kids (CalWORKs) program. Below we offer a summary of these changes and a link to the enacting legislation. If a new section of the code was added, we provide a copy of the new statute. Please note that, by linking to the legislation, you can also view the bill analysis, list of support and opposition, and the committee and floor vote counts.

### *Changes to CalWORKs Impacting Grant Levels*

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- [Budget Act of 2018](#): The Act includes the largest one-year increase in the California grant in at least 40 years. The 10 percent increase will raise the maximum grant from \$714 a month to \$785 a month for a family of three, effective April 1, 2019. The CalWORKs grant will increase from 41.2 percent of the federal poverty level to 43.6 percent. The trailer bill also sets out a two-step process for pushing the grants to at least 50 percent of the federal poverty level over the next two budgets pending appropriation of funds. The implementing letter has yet to be issued. Below is a chart detailing what the increase will mean for families.
- [Budget Act of 2017](#): The Act added a small, temporary investment to create CalWORKs Educational Opportunity and Attainment Program, which provides a supplemental education incentive grant when a CalWORKs recipient reaches an educational milestone, including by completing a High School Degree or equivalent, or by enrolling in a college program. Funding for the grants was included in the Budget Act of 2017-18 and ran out quickly. No additional funding has been allocated. The implementing letter can be found here: [ACL 17-115E \(December 20, 2017\)](#)
- [SB 380 \(Bradford\)](#): Chapter 729, Statutes of 2017, allows – at the option of the head of household – a step or half-sibling to have their needs excluded in calculating the family’s CalWORKs grant if the child support received for the child is more than the child’s portion of the benefit. The bill added the following sections of law. The implementing letter is found here: [ACIN I-45-18 \(July 19, 2018\)](#)

**11008.14.** (a) The income of the natural or adoptive parent, the spouse of the natural or adoptive parent, and the sibling of an eligible child unless the sibling is not included in the number of needy persons used to calculate the maximum aid payment pursuant to Section 11450.17, living in the same home with an eligible child shall be considered available, in addition to the income of an applicant for or recipient of aid under Chapter 2 (commencing with Section 11200), for purposes of eligibility determination and grant computation. Except as otherwise provided in this section, in the case of a parent or legal guardian of a minor who is also the parent of an eligible child, the income of the parent or guardian shall be considered available to the minor parent and eligible child to the same extent that income to a stepparent is considered available to an assistance unit. Income through child support for a child not included in the number of needy persons used to calculate the maximum aid payment pursuant to Section 11450.17 shall not be considered available to any member of the assistance unit.

[\[Cal. Wel. & Inst. Code § 11450.17 continued\]](#)

(b) This section shall be applied to all applicants for, and recipients of, aid provided through the CalWORKs program under Chapter 2 (commencing with Section 11200), except that income of a guardian of an applicant for, or recipient of, foster care benefits provided under Article 5 (commencing with Section 11400) of Chapter 2 shall not be considered available to the ward or to a child of the ward for the purpose of eligibility determination and grant computation under Article 5 (commencing with Section 11400) of Chapter 2. This section shall be applied regardless of whether federal financial participation is available for the family.

(c) This section shall become operative on November 1, 2018.

**11450.17.** (a) (1) For purposes of determining the maximum aid payment specified in subdivision (a) of Section 11450 and for no other purpose, the number of needy persons in the same family shall not include a stepsibling or a half-sibling, as defined in subdivision (d).

(2) One hundred percent of any child support payment received for a child described in subdivision (d) shall be paid to the assistance unit. Any child support payment received for that child shall not be considered as income to the family for the purpose of calculating the amount of aid for which the family is eligible under this article.

(b) Each county welfare department shall notify applicants for assistance under this chapter, in writing, of the provisions of this section. The county welfare department shall also provide the notification to recipients of aid under this chapter, in writing, at the time of redetermination, or sooner.

(c) Both the department and the Department of Child Support Services shall each seek all appropriate federal waivers for the implementation of this section as necessary. If federal waivers are deemed necessary, this section shall be implemented only if federal waivers are granted.

(d) For purposes of this section, "stepsibling" or "half-sibling" means a child who meets all of the following conditions:

(1) He or she lives with at least one eligible child.

(2) He or she is a child for whom child support payments are received.

(3) The monthly child support payments received for the child are greater than the monthly amount of aid that the child would receive under Section 11450.

(4) The parent or caretaker relative for the assistance unit has requested in writing that the child not be included in the number of needy persons used to calculate the maximum aid payment.

(e) The designation of whether or not a child is a stepsibling or half-sibling, as defined in subdivision (d), shall only be made or reevaluated at the same time as the annual redetermination of eligibility and the processing of the semiannual report, except when it has been determined by the county that good cause exists for the designation to be made at a different time when the parent or caretaker relative voluntarily reports mid-period pursuant to Section 11265.3 or 11265.47 that the child support payment or payments have decreased or ended.

(f) This section shall become operative on November 1, 2018.

- [SB 570 \(Newman\)](#): Chapter 463, Statutes of 2017, clarifies that income received through the Veterans Administration for disability, GI Bill or survivor benefits shall be exempt income in CalWORKs. The implementing letter can be found here: [ACL 17-125 \(December 29, 2017\)](#) and [ACL 17-125E \(August 14, 2018\)](#).

## *Changes to CalWORKs Impacting Grant Levels*

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- [AB 480 \(Gonzalez Fletcher\)](#): Chapter 690, Statutes of 2017, establishes a \$30 diaper benefit for low-income parents participating in the CalWORKs welfare-to-work program who need diapers for infants and toddlers. The bill added the following section of law. The implementing letter can be found here: [ACL 18-38E \(June 4, 2018\)](#) & [ACL 18-38 \(March 28, 2018\)](#)

**11323.2(a)(2)** “Diaper costs” was added: (A) On and after April 1, 2018, a participant who is participating in a welfare-to-work plan shall be eligible for thirty dollars (\$30) per month to assist with diaper costs for each child who is under 36 months of age. (B) The department shall adopt regulations by January 1, 2020, to implement this paragraph. 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 shall implement this paragraph through all-county letters until regulations are adopted.

[SB 726 \(Wiener\)](#): Chapter 930, Statutes of 2018, would make several changes to CalWORKs overpayment recovery policies.

## *Changes to CalWORKs Welfare-To-Work*

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- [Budget Act of 2018](#): The Act includes trailer bill language conforming study time rules for Self-Initiated Program (SIP) Welfare-to-Work Participants with the study time rules of non-SIP students. The implementing letter can be found here: [ACL 18-115 \(September 11, 2018\)](#)
- [Budget Act of 2017](#): The Act created a new CalWORKs Outcome and Accountability Review (CalOAR) system intended to move the program beyond the rigid work participation measurement that has governed the program for twenty years and to establish both process and outcome measures that will better reflect how the CalWORKs program is doing in helping participating families move out of poverty. CalOAR represents the first significant change in how the state measures the program since its inception in 1998. The Department has a webpage with information about CalOAR found here: <http://www.cdss.ca.gov/inforesources/CalWORKs/Cal-OAR>
- [SB 282 \(Wiener\)](#): Chapter 355, Statutes of 2017, among other things, allows counties to offer CalWORKs employment and training to non-custodial parents of eligible children. The bill added the following section of law. The implementing letter can be found here: [ACL 18-24 \(March 15, 2018\)](#).

**11320.16.** Employment services may be provided to a noncustodial parent of a child receiving benefits under the CalWORKs program, at the option of the county, from the county’s CalWORKs single allocation funds described in Section 15204.2.

- [AB 818 \(Burke\)](#): Chapter 141, Statutes of 2017, entitles a CalWORKs recipient to receive an extension of the 24-month time limit if they are working toward their H.S. diploma or its equivalent or have received one through participating in their Welfare-to-Work plan. The implementing letter can be found here: [ACL 18-41 \(April 2, 2018\)](#)
- [AB 910 \(Ridley-Thomas\)](#): Chapter 318, Statutes of 2017, codifies recent changes in regulation made to the CalWORKs work requirements for pregnant parents, two-parent households and households where a parent is disabled.

- [AB 1604 \(Nazarian\)](#): Chapter 343, Statutes of 2017, provides that if a CalWORKs recipient has not received his or her H.S. diploma or its equivalent, he or she may participate in a H.S. equivalency program instead of participating in a job search or job club, and prohibits the county from requiring the recipient to participate in an assessment before receiving their degree or equivalency. The implementing letter can be found here: [ACL 18-40 \(April 2, 2018\)](#)

### *Changes to CalWORKs Housing Assistance & Other Non-Cash Support*

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- [Budget Act of 2018](#): The Act increases the daily rate allowed for the CalWORKs Homeless Assistance Program (HAP) from \$65 a day to \$85 a day. It also increases the maximum allowance for families from \$125 a day to \$145 a day.
- [Budget Act of 2018](#): The Act includes an increase in funding for the CalWORKs rapid re-housing program, CalWORKs Housing Support Program (HSP), by \$24 million each year for the next two years bringing the program's total funding from \$47 million annually to \$95 million. More about HSP can be found here: <http://www.cdss.ca.gov/inforesources/CDSS-Programs/Housing-Programs/CalWORKs-Housing-Support-Program>
- [Budget Act of 2018](#): The Act establishes the CalWORKs Baby Wellness and Family Support Home Visiting Program, a voluntary public health home visiting program for people who are pregnant and new parents. More about this program can be found here: <https://www.cdph.ca.gov/Programs/CFH/DMCAH/CDPH%20Document%20Library/Communications/Issue-Brief-CHVP-CalWORKs.pdf>
- [AB 236 \(Maienschein\)](#): Chapter 545, Statutes of 2017, made improvements to the CalWORKs Temporary Homeless Assistance Program. The implementing letter can be found here: [ACL 18-71 \(June 25, 2018\)](#)
- [AB 557 \(Rubio\)](#): Chapter 691, Statutes of 2017, requires counties to disregard income and assets of a spouse or partner if the applicant has self-certified that they are fleeing as a result of domestic abuse. It also establishes a new benefit for applicants who are fleeing domestic abuse by providing them up to two 16-day periods of CalWORKs Temporary Homeless Assistance (shelter vouchers) if they self-certify that they are fleeing domestic abuse. The implementing letter can be found here: [ACL 17-125 \(December 29, 2017\)](#)

### *Changes to CalWORKs Eligibility Determination Process and EBT Benefit Issuance*

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- [Budget Act of 2018](#): The Act increased the county single allocation, added a new Safety Net Reserve for Medi-Cal and CalWORKs, and includes \$200 million in funding for CalWORKs to protect against a decline in state general fund revenue in an effort to prevent deep cuts to Medi-Cal and CalWORKs.
- [Budget Act of 2018](#): The Act requires the Department of Social Services, Department of Health Care Services, Office of Systems Integration, SAWS consortia, and counties to meet with advocates, clients, and other stakeholders no less than quarterly to review the development status of the California Automated Consortium Eligibility System (CalACES) and California Statewide Automated Welfare System (CalSAWS) projects.

- [Budget Act of 2018](#): Officially sunsets finger imaging as a requirement for CalWORKs applicants, and approves supplemental report language requiring the Administration to report to the Legislature and stakeholders, including county representatives and advocates, on options for improving the “file clearance process” for CalWORKs, CalFresh, and Medi-Cal in the Medi-Cal Eligibility Data System (MEDS). The letter implementing the repeal of the finger image requirement can be found here: [ACL 18-68 \(June 7, 2018\)](#)
- [AB 2030 \(Limón\)](#): Chapter 485, Statutes of 2018, would require the department to make improvements to application and reporting forms, and to computer eligibility files, to ensure that disability accommodation or domestic abuse status is immediately visible to county workers each time they are serving a public benefits applicant or recipient.
- [AB 2313 \(Stone\)](#): Chapter 712, Statutes of 2018, reinforces protections for low-income people who have their benefits stolen through the Electronic Benefit Transfer (EBT) system. Information about replacement benefits for electronically stolen CalWORKs benefits can be found here: <http://www.ebtproject.ca.gov/ClientInformation/scams.shtml> and <http://www.ebtproject.ca.gov/clientinformation/loststolen.shtml>
- [AB 3224 \(Thurmond\)](#): Chapter 179, Statutes of 2018, codifies current federal regulation and state practice by requiring that eligibility decisions in CalWORKs, CalFresh and Medi-Cal be made by someone who is a civil servant or merit employee.

*For more information about Western Center's CalWORKs advocacy*, please see our website at [www.wclp.org](http://www.wclp.org), or contact: Jessica Bartholow at [jbartholow@wclp.org](mailto:jbartholow@wclp.org); Antionette Dozier at [adozier@wclp.org](mailto:adozier@wclp.org); or Mike Herald at [mherald@wclp.org](mailto:mherald@wclp.org).