

ASSEMBLY THIRD READING
AB 2277 (Reyes)
As Introduced February 16, 2022
Majority vote

SUMMARY

Requires, instead of allows, a county to waive a California Work Opportunity for and Responsibility to Kids (CalWORKs) program requirement for a recipient who has been identified as a past or present victim of abuse when it has been determined that good cause exists.

Major Provisions

COMMENTS

California Work Opportunity and Responsibility to Kids: The CalWORKs program, which implements the federal Temporary Assistance for Needy Families (TANF) program, provides eligible low-income families with cash grants and supportive services aimed at helping them to secure education, training, and employment. CDSS is charged with program supervision at the state level, and counties administer the caseloads at the local level. CalWORKs is funded largely through the federal TANF block grant and state maintenance-of-effort contributions. Families participating in CalWORKs have access to a range of services that can include childcare and services aimed at addressing mental health needs, substance use disorders, experiences of domestic violence, and learning disabilities, among other issues. Unless deemed exempt or otherwise not required to participate per CalWORKs rules, parents are required to develop and participate in a WTW plan. CalWORKs-approved welfare-to-work (WTW) activities can include public or private sector subsidized or unsubsidized employment; on-the-job training; community service; secondary school, adult basic education and vocational education and training when the education is needed for the recipient to become employed; specific mental health, substance use disorders, or domestic violence services if they are necessary to obtain or retain employment; and a number of other activities necessary to assist a recipient in obtaining unsubsidized employment.

In 2021-22, the maximum monthly grant for a family of three on CalWORKs (one parent and two children), if the family has no other income and lives in a high cost-of-living county, is \$925. The same family living in a lower cost-of-living county would be eligible for up to \$878 per month. However, the average monthly cash grant for the family is estimated to be \$717. Many families earn some income, or live in a lower cost-of-living county, and do not qualify for the maximum grant amount. About 398,400 families are projected to receive CalWORKs benefits in Fiscal Year 2022-23.

Welfare-to-Work: Unless deemed exempt or otherwise not required to participate per CalWORKs rules, parents are required to develop and participate in a WTW plan. CalWORKs recipients may receive employment-related services aimed at moving children out of poverty and helping families meet basic needs as part of their WTW plan. CalWORKs-approved WTW activities can include public or private sector subsidized or unsubsidized employment; on-the-job training; community service; secondary school, adult basic education and vocational education and training when the education is needed for the recipient to become employed; specific mental

health, substance use disorders, or domestic violence services if they are necessary to obtain or retain employment; and a number of other activities necessary to assist a recipient in obtaining unsubsidized employment.

TANF program domestic violence waivers: The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), which was the final piece of federal welfare reform legislation, repealed the Aid to Families with Dependent Children program. Among a number of new requirements and other program changes, PRWORA created a Family Violence Option to address the barriers that domestic violence poses within the context of federal aid under TANF. Under section 402(a)(7) of the Social Security Act, a state may elect to implement a special program, within its TANF program, to serve victims of domestic violence and to waive program requirements for such individuals. Federal regulations grant states broad flexibility to implement program waivers to victims of domestic violence. California's response to the Family Violence Option authority under PRWORA was included in AB 1542 (Ducheny), Chapter 270, Statutes of 1997—California's bill to implement welfare reform.

CalWORKs domestic violence waivers: Section 42-715.51 of the CDSS Manual of Policies and Procedures (MPP) outlines which program requirements counties can and cannot waive for a CalWORKs recipient who has been identified as a past or present victim of domestic abuse when good cause has been established. The MPP specifies that a county cannot waive asset, income, homeless assistance, and deprivation requirements; a county may waive time limit, work, education, and child support requirements and paternity establishment. The MPP also requires a county to develop criteria for waiving requirements and states that a county can establish the duration of WTW and time limit waivers as long as the granting of such waivers complies with the state and federal regulations. Current law permits, but does not require a county to waive CalWORKs program requirements for a recipient who has been identified as a victim of domestic abuse.

CDSS publishes monthly reports that includes disaggregated data on the number of CalWORKs families who are enrolled in mandatory WTW employment-preparation activities. Included in those data are enrollees who have been exempted from WTW requirements, including due to a domestic violence waiver. In November 2021 (the most recent month with all counties reporting) 527 families (not including two-parent families) were granted a waiver of program rules due to domestic abuse. From those data, 47 counties reported granting zero waivers during the month of November. There are no data for the number of families that applied for a waiver but did not receive a waiver. Without such data, it is difficult to ascertain if there are counties that regularly opt not to grant waivers.

Domestic violence in California: Data from the California Study on Violent Experiences Across the Lifespan (Cal-VEX) in 2020 reveals that 24% of adult women and 6% of adult men in California experienced intimate partner violence in their lifetimes. In addition to physical or sexual abuse, many domestic violence victims also experience mental and emotional abuse at the hands of their abusers, including stalking, deprivation of access to the family's financial resources and exertion of economic control, as well as sabotage of the victim's attempts to work or go to school. While state law provides that CalWORKs applicants and recipients should be able to confidentially disclose domestic abuse they have suffered, many victims may still not come forward to report their abuse, sometimes due to fear of retaliation from their abuser. Not reporting abuse that prevents them from complying with CalWORKs requirements can greatly affect their ability to access needed services and aid. A recipient can be sanctioned due to

noncompliance with requirements or for not participating in WTW activities without a waiver, which removes aid from the household and creates greater instability for a family. For many victims who are eligible for the program, CalWORKs benefits and services can help families not have to choose between remaining in an abusive situation and becoming homeless.

According to the Author

"Due to current waiver eligibility requirements, California fails to provide adequate safeguards to ensure that survivors of domestic abuse, who may be facing poverty, are not denied a valuable resource. Requiring counties to provide waivers will allow survivors of domestic violence to receive the assistance they need through an efficient and expedited process. [This bill] will seek to help survivors across the state regardless of which county they reside in."

Arguments in Support

According to the Western Center on Law and Poverty, "[This bill] is a critical measure to ensure that survivors of domestic violence can prioritize their health and safety rather than being burdening with program requirements that may hidden their ability to access assistance to meet their basic needs. By creating this statewide uniformity, we ensure survivors receive services at an equitable rate across the state regardless of the county that they may live in."

Arguments in Opposition

None on file

FISCAL COMMENTS

According to the Assembly Appropriations Committee on April 27, 2022:

- 1) Unknown General Fund costs, potentially in millions of dollars, for CalWORKs assistance to the extent additional recipients would qualify for waivers under the provisions of this measure. According to the California Department of Social Services (CDSS), there are nearly 10,000 CalWORKs domestic violence cases. If half of those cases are determined to show good cause exists and are granted a time waiver for the three-month minimum, the cost of the waivers would be \$4.5 million, assuming a monthly grant of \$300 per case. Actual costs would depend on the number of qualified cases, actual grant levels and the costs of other waivers required to be provided under this bill.
- 2) Unknown, but likely significant administrative costs to counties for additional workload to provide waivers for all CalWORKs recipients who are victims of abuse. These costs are potentially reimbursable by the state, subject to a determination by the Commission on State Mandates.

VOTES**ASM HUMAN SERVICES: 8-0-0**

YES: Calderon, Davies, Arambula, Mia Bonta, Bryan, Stone, Villapudua, Waldron

ASM APPROPRIATIONS: 15-0-1

YES: Holden, Bryan, Calderon, Carrillo, Megan Dahle, Davies, Mike Fong, Fong, Gabriel, Eduardo Garcia, Levine, Quirk, Robert Rivas, Akilah Weber, Wilson

ABS, ABST OR NV: Bigelow

UPDATED

VERSION: February 16, 2022

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