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## SENATE COMMITTEE ON HUMAN SERVICES

Senator Hurtado, Chair  
2021 - 2022 Regular

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<b>Bill No:</b>	AB 2277		
<b>Author:</b>	Reyes		
<b>Version:</b>	February 16, 2022	<b>Hearing Date:</b>	June 6, 2022
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Bridgett Hankerson		

**Subject:** CalWORKs: victims of abuse.

### SUMMARY

This bill requires, instead of permits, a county to waive a California Work Opportunity and Responsibility to Kids (CalWORKs) program requirement for a recipient who has been identified as a past or present survivor of domestic violence, when good cause exists.

### ABSTRACT

#### Existing Law:

- 1) Establishes the federal Temporary Assistance for Needy Families (TANF) program, which permits states to implement the program under a state plan. (*42 United States Code (USC) 601 et seq.*)
- 2) Establishes an optional program for states, under TANF, commonly known as the Family Violence Option, which requires states to establish standards and procedures to ensure that the state will screen for and identify individuals receiving TANF assistance with a history of domestic violence, refer such individuals to counseling and supportive services, and waive, pursuant to a determination of good cause, program requirements for individuals receiving assistance in cases where compliance with such requirements would make it more difficult for individuals receiving assistance to escape domestic violence or unfairly penalize such individuals who are or have been victimized by such violence, or individuals who are at risk of further domestic violence. (*42 USC 602(a)(7)*)
- 3) Establishes in state law the CalWORKs program, to provide cash assistance and other social services for low-income families through the federal TANF program. Under CalWORKs, each county provides assistance through a combination of state, county, and federal TANF funds. (*WIC 11200 et seq.*)
- 4) Establishes income, asset, and real property limits used to determine eligibility for the CalWORKs program and grant amounts based on family size and county of residence. (*WIC 11150-11160, 11450 et seq.*)

- 5) Requires all individuals 16 years of age or older, unless they are otherwise exempt, to participate in WTW activities as a condition of eligibility for CalWORKs. (*WIC 11320.3, 11322.6*)
- 6) Establishes the number of weekly hours of WTW participation necessary to remain eligible for aid, including requirements for an unemployed parent in a two-parent assistance unit, as specified. (*WIC 11322.8*)
- 7) Requires, for a school-aged child in a CalWORKs family assistance unit that is not attending school, good cause for school nonparticipation be found to exist in instances where the applicant or recipient is in a domestic violence situation that results in school nonparticipation or the failure to cooperate, among other things. (*WIC 11253.5(d)(3)*)
- 8) Requires the California Department of Social Services (CDSS) to convene a task force, as specified, to develop protocols on handling cases in which CalWORKs recipients are past or present victims of abuse. Further, requires the protocol to specify, amongst other things, how counties shall waive, on a case-by-case basis any program requirements that would make it more difficult for these individuals or their children to escape abuse, and that would be detrimental or unfairly penalize past or present victims of abuse. Also provides the following requirements, among others, may be waived: time limits on receipt of assistance; work requirements; educational requirements; paternity establishment; and, child support cooperation requirements. (*WIC 11495.1(a)*)
- 9) Authorizes a county to waive a 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, as specified. (*WIC 11495.15*)
- 10) Allows for sworn statements by a victim of past or present abuse to be sufficient to establish abuse unless the agency documents a basis to find the recipient not credible, as specified. Further, provides that evidence to support the statement may include, but is not limited to, police, government, or court records or files; documentation from a domestic violence program; or, a statement from any other individual with knowledge of the circumstances that provide the basis for the claim. (*WIC 11495.25*)
- 11) Allows, among the reasons for which a county may grant good cause, that the applicant or recipient is a victim of domestic violence and participation in work or other WTW activities would be detrimental to, or unfairly penalize, the individual or their family, pursuant to the state option granted under federal TANF law. (*WIC 11320.3(f)(2)*)
- 12) Requires a CalWORKs applicant or recipient to cooperate with the county welfare department and local child support agency in establishing the paternity of their child and in establishing, modifying, or enforcing a support order with respect that child, if the applicant or recipient does not qualify for a good cause exemption. Further, requires the county to provide a good cause exemption from this requirement when cooperation would increase the risk of abuse for the child or the child's parent or caretaker. (*WIC 11477, WIC 11477.04*)

**This Bill:**

- 1) Provides that counties are required, rather than allowed, to waive CalWORKs program WTW requirements for a recipient who has been identified as a past or present victim of abuse, when it has been determined that good cause exists.
- 2) Provides that no appropriation will be made for purposes of implementing this act, as specified.

**FISCAL IMPACT**

According to an analysis prepared by the Assembly Committee on Appropriations, this bill will likely have the following fiscal impact:

- 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 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.
- 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.

**BACKGROUND AND DISCUSSION****Purpose of the Bill:**

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. AB 2277 will seek to help survivors across the state regardless of which county they reside in.”

*Domestic Violence*

Domestic violence is “abuse or threats of abuse when the person being abused and the abuser are or have been in an intimate relationship (married or domestic partners, are dating or used to date, live or lived together, or have a child together). It is also when the abused person and the abusive

person are closely related by blood or by marriage.”<sup>1</sup> It is experienced by all segments of society; however, certain communities are disproportionately affected. During the beginning of the Covid-19 pandemic, incidents of domestic violence and subsequent calls to help lines increased as people had to stay home due to the public health orders. Of the 695,060 known incidents of intimate partner violence in 2019, only 58 percent were reported to police.<sup>2</sup>

According to the 2015 National Intimate Partner and Sexual Violence Survey, about one in four women reported experiencing sexual violence, physical violence, and/or stalking by an intimate partner and reported an interpersonal violence related impact during their lifetime.<sup>3</sup> Additional data on domestic or intimate partner violence includes the following:

- Approximately four in every ten non-Hispanic Black women, four in every ten American Indian or Alaska Native women, and one in two multiracial non-Hispanic women reported being the victim of rape, physical violence, and/or stalking by an intimate partner in their lifetime. These rates are 30 to 50 percent higher than those experienced by Hispanic, White non-Hispanic and Asian or Pacific Islander non-Hispanic women.<sup>4</sup>
- Women with disabilities have a 40 percent greater risk of intimate partner violence than women without disabilities.<sup>5</sup>

### *CalWORKs*

CalWORKs, the state’s largest anti-poverty program, provides temporary cash assistance aimed at moving children out of poverty and helping qualified low-income families meet their basic needs, such as rent, clothing, utility bills, food, and other items needed to ensure children are cared for at home and safely remain with their families. In addition to cash assistance, adult CalWORKs recipients are provided education and employment and training services designed to help remove barriers to work and promote self-sufficiency. These services are typically outlined in a WTW plan.

CalWORKs grant amounts generally are adjusted for family size, income level, and region. According to the Legislative Analyst’s Office, the average CalWORKs grant amounted to \$717 per month across all family sizes and income levels in 2021-22. CalWORKs is funded with a mix of federal TANF money and state and county funds. CDSS is the designated state agency responsible for program supervision at the state level, and counties are responsible for administering the program at the local level. Families enrolled in CalWORKs typically are also eligible for CalFresh and Medi-Cal health coverage.

### *CalWORKs Welfare-to-Work (WTW) Requirements*

Unless deemed exempt, an adult in a one-parent assistance unit is required to participate in WTW activities for an average of 30 hours per week or, in the case of someone who is pregnant

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<sup>1</sup> <https://www.courts.ca.gov/selfhelp-domesticviolence.htm?rdeLocaleAttr=en>

<sup>2</sup> <https://bjs.ojp.gov/content/pub/pdf/cv19.pdf>

<sup>3</sup> <https://www.cdc.gov/violenceprevention/pdf/2015data-brief508.pdf>

<sup>4</sup> [https://www.cdc.gov/violenceprevention/pdf/NISVS\\_Report2010-a.pdf](https://www.cdc.gov/violenceprevention/pdf/NISVS_Report2010-a.pdf)

<sup>5</sup> <http://www.apa.org/topics/violence/women-disabilities.aspx>

or parenting a child under age six, an average of 20 hours per week, monthly. In a two-parent assistance unit, one or both adults must participate in WTW activities for a combined average of 35 hours per week. WTW activities include participation in subsidized and unsubsidized employment, community service, adult basic education, community college, job skills, training, mental health counseling, substance abuse treatment, or other activities necessary to assist recipients in obtaining employment. If a CalWORKs recipient who is not exempt from participation does not meet the WTW requirements, the recipient may be sanctioned, and that recipient's portion of the family's grant may be subtracted from the amount provided to the family.

Prior to 2011, CalWORKs recipients could receive cash aid for up to 60 months, which aligned with federal rules. During recessionary state budget cuts, the maximum time on aid was reduced to 48-months and a 24-month time clock for WTW was created through SB 1041 (*Committee on Budget and Fiscal Review, Chapter 47, Statutes of 2012*). However, AB 79 (*Committee on Budget, Chapter 11, Statutes of 2020*) restored the 60-month lifetime limit on receipt of benefits for qualified individuals and removed the 24-month limit on WTW activities. The changes made by AB 79 took effect on May 1, 2022.

#### *CalWORKs and Survivors of Domestic Violence*

Existing state law and regulation allows for the waiver of certain CalWORKs requirements for survivors of domestic violence. This is allowed because of federal welfare reform legislation in the 1990s created the optional Family Violence Option program, among a variety of other changes.<sup>6</sup> The goal of the Family Violence Option program was to address the barriers that domestic violence poses within the context of federal aid under TANF. Federal law allows a state to elect to implement a special program within its TANF program to serve survivors of domestic violence and to waive program requirements for those individuals.<sup>7</sup> Federal law grants states broad federal flexibility to implement program waivers for survivors of domestic violence. California chose to adopt the Family Violence Option provisions while implementing other welfare reforms through AB 1542 (*Ducheny, Chapter 270, Statutes of 1997*).

The CDSS Manual of Policies and Procedures (MPP) section 42-715.5 provides which CalWORKs program requirements counties can and cannot waive for a recipient who has been identified as a past or present victim of domestic abuse, when good cause has been established. Some specific requirements counties cannot waive include: asset, income, and deprivation requirements. Counties may waive: paternity establishment, time limit, work, education, and child support requirements. The MPP also requires counties to develop criteria for waiving requirements and states that counties can establish the duration of WTW and time limit waivers, as long as the granting of such waivers comply with the state and federal regulations. Current state law permits, but does not require, counties to waive CalWORKs program requirements for recipients that are identified as being survivors of domestic abuse.

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<sup>6</sup> Federal welfare reform legislation, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), created the TANF program, and made a number of new program requirements and other optional program changes to the welfare program. Among those optional program changes was the Family Violence Option, as discussed above.

<sup>7</sup> For more information see section 402(a)(7) of the Social Security Act

Examples of what may constitute good cause for waiving CalWORKs program requirements for survivors of domestic abuse include, but are not limited to:

- The participant is fleeing the abuser and is in temporary housing or is homeless;
- The participant has entered a shelter;
- The participant is concerned about the safety of their children;
- The participant is a party to a restraining order or divorce action against the abuser; or,
- The participant and/or the children are undergoing counseling to cope with the effects of the abuse.

This bill would require, instead of permit, counties to waive CalWORKs program requirements for recipients who are identified as being survivors of domestic abuse when good cause exists.

**Related/Prior Legislation:**

**AB 79 (Committee on Budget, Chapter 11, Statutes of 2020)**, among other things, authorized a 60-month CalWORKs lifetime time limit and eliminated the 24-month time clock for certain WTW activities, effective May 1, 2022, or when CDSS notifies the Legislature that all necessary automation changes are complete.

**AB 557 (Rubio, Chapter 691, Statutes of 2017)** among other things, provides that a CalWORKs applicant or recipient who is in a domestic violence situation that results in school nonparticipation or the failure to cooperate constitutes good cause for purposes of a CalWORKs program waiver.

**AB 1653 (Garcia, 2014)** would have required the development and dissemination of a standard, statewide notice about waivers of CalWORKs requirements for applicants and recipients who are victims of domestic violence. AB 1653 was held in the Senate Appropriations Committee.

**AB 1107 (Garcia, 2013)** among other provisions, would have required CDSS to develop a standard notice and procedures to ensure victims of domestic violence are not unfairly penalized for noncompliance with CalWORKs rules and specified requirements for counties and aid recipients with respect to retroactive waivers of program requirements due to domestic violence. AB 1107 was held in the Assembly Appropriations Committee.

**AB 1542 (Ducheny, Chapter 270, Statutes of 1997)** implemented the CalWORKs program, California's version of the TANF program.

**COMMENTS**

As noted in the Assembly Committee on Appropriations fiscal analysis, above, it is difficult to know the number of CalWORKs recipients this change would impact. CDSS receives monthly reports on the CalWORKs caseload from the counties. In November 2021, the most recent month

with all counties reporting, four counties reported they granted 546 families a waiver of program rules due to domestic abuse. Meaning 54 counties reported they granted zero of these waivers. Additionally, these reports do not have data on the number of individuals whose domestic violence program waiver request was denied. Therefore it is difficult to determine how many counties may regularly deny these requests. By requiring all counties to grant these waivers whenever good cause is found, this bill would allow more people impacted by domestic violence to access the assistance and time they need to protect themselves and their children.

### **PRIOR VOTES**

Assembly Floor:	74 - 0
Assembly Appropriations Committee:	15 - 0
Assembly Human Services Committee:	8 - 0

### **POSITIONS**

#### **Support:**

None received

#### **Oppose:**

None received

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