

---

THIRD READING

---

Bill No: AB 904  
Author: Aguiar-Curry (D)  
Amended: 9/3/25 in Senate  
Vote: 21

---

SENATE HUMAN SERVICES COMMITTEE: 4-0, 6/16/25  
AYES: Arreguín, Becker, Limón, Wahab  
NO VOTE RECORDED: Ochoa Bogh

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

ASSEMBLY FLOOR: 62-4, 5/19/25 - See last page for vote

---

**SUBJECT:** Childcare services: workday

**SOURCE:** Author

---

**DIGEST:** This bill amends the definition of “workday” to include time a parent requires child care in order to search for a job, care for oneself during pregnancy-related leave from work, or care for a family member during a period of paid family leave. This bill codifies the definition of “parental incapacity” and requires a parent to provide a self-attestation at the time of eligibility certification or recertification if they are on family and medical leave from employment.

*Senate Floor Amendments* of 9/3/25 revise the meaning of and references to parental incapacity for subsidized child care eligibility.

**ANALYSIS:**

Existing law:

- 1) Defines “childcare and development services” to mean services designed to meet a wide variety of children and families’ needs while parents and guardians are working, in training, seeking employment, incapacitated, or in need of respite. (Welfare and Institutions Code (WIC) 10213.5(j))

- 2) Defines “workday” as meaning the time that the parent requires temporary care for a child for any of the following reasons: to undertake training in preparation for a job; to undertake or retain a job; or to undertake other activities that are essential to maintaining or improving the social and economic function of the family, are beneficial to the community, or are required because of health problems in the family. (WIC 10213.5(ah))
- 3) Provides that, in order to be eligible for federal and state subsidized child development services, families shall meet at least one requirement in each of the following areas:
  - a) A family is either:
    - i) A current aid recipient,
    - ii) Income eligible,
    - iii) Homeless,
    - iv) One whose children are recipients of protective services, or whose children have been identified as being or at risk of being abused, neglected, or exploited, or
    - v) One who has a member of its household who is certified to receive benefits from specified means-tested government programs, as determined by the California Department of Social Services (CDSS).
  - b) A family needs the child care services:
    - i) Because the child is identified as:
      - (1) A recipient of protective services,
      - (2) Being neglected, abused, or exploited, or at risk of neglect, abuse, or exploitation, or
      - (3) Being homeless; or
    - ii) Because the parents are:

- (1) Engaged in vocational training leading directly to a recognized trade, paraprofession, or profession,
  - (2) Engaged in an educational program for English language learners to attain a high school diploma or general educational development certificate,
  - (3) Employed or seeking employment,
  - (4) Seeking permanent housing for family stability, or
  - (5) Incapacitated. (WIC 10271(a))
- 4) Establishes priority for federal and state subsidized child development services as follows:
- a) First priority shall be given to neglected or abused children who are recipients of child protective services, or children who are at risk of being neglected or abused, as specified.
  - b) Second priority shall be given equally to eligible families, regardless of the number of parents in the home, who are income eligible. Families with the lowest gross monthly income in relation to family size, as determined by a schedule adopted by CDSS, shall be admitted first. If two or more families are in the same priority in relation to income, prioritization shall be as follows: a family with a child with exceptional needs shall be admitted first, then a family in which the primary home language is a language other than English, then the family that has been on the waiting list for the longest time. (WIC 10271(b))
- 5) Requires a family, except as provided, upon establishing initial eligibility or ongoing eligibility for child care services, to be considered to meet all eligibility and need requirements for those services for not less than 24 months, to receive those services for not less than 24 months before having their eligibility or need recertified, and to not be required to report changes to income or other changes for at least 24 months. (WIC 10271(h)(1))
- 6) Requires a family that establishes initial eligibility or ongoing eligibility on the basis of income to report increases in income that exceed the threshold for ongoing income eligibility, which is at or below 85% of the state median

income, adjusted for family size, and requires the family's ongoing eligibility for services to be recertified at that time. (WIC 10271(h)(3))

- 7) Defines "parental incapacity" as the temporary or permanent inability of the child's parent(s) to provide care and supervision of the child(ren) for any part of the day due to a physical and/or mental health condition. (5 California Code of Regulations (CCR) 18078(r))
- 8) Specifies that, if the basis of need as stated on the application for services is parental incapacity, the following shall apply:
  - a) The certified schedule for early learning and care services shall not exceed 50 hours per week; and,
  - b) The parent's period of eligibility for early learning and care services shall be for no less than 12 months and the parent shall receive services for not less than 12 months before having eligibility and need recertified. (5 CCR 18088(a))
- 9) Requires documentation of parental incapacity to include a release signed by the incapacitated parent authorizing a legally qualified health professional to disclose information necessary to establish that the parent meets the definition of parental incapacity and needs services. (5 CCR 18088(b))
- 10) Requires the documentation of incapacitation provided by the legally qualified health professional to include: a statement that the parent is incapacitated and incapable of providing care or supervision of the child for part of the day; the days and hours per week that services are recommended to accommodate the incapacitation; the name, business address, telephone number, professional license number, and signature of the legally qualified health professional who is rendering the opinion of incapacitation; and, if applicable, the name of the health organization with which the professional is associated. (5 CCR 18088(c))
- 11) Authorizes the contractor to contact the legally qualified health professional for verification or clarification. (5 CCR 18088(d))
- 12) Requires the contractor to determine the days and hours of the certified schedule based on the parent's requested days and hours and the recommendation of the health professional. (5 CCR 18088(e))

This bill:

- 1) States the intent of the Legislature to improve access to child care to support families with young children in finding and maintaining employment during a period of transition by ensuring uninterrupted access to child care.
- 2) Amends the definition of “workday” to additionally include time that a parent requires temporary care for a child for any of the following reasons:
  - a) To search for a job.
  - b) To provide care for oneself during a pregnancy-related leave from work.
  - c) To provide care for a family member during a period of family leave.
- 3) Defines “parental incapacity” as the temporary or permanent inability of a child’s parent or parents to provide care and supervision of the child for any part of the day. Specifies this may be due to a physical or mental health condition, including a physical or health condition related to pregnancy.
- 4) Specifies, for purposes of eligibility for federal and state subsidized child development services, a family that needs child care services because the parents are employed or seeking employment includes time while on family and medical leave from employment.
- 5) Requires a parent, if they are on family and medical leave from employment at the time of eligibility certification or recertification, consistent with state or federal family or medical leave laws, to provide a self attestation, under penalty of perjury, that they are on leave. Requires the contractor to determine their certified schedule based on the employment verification.
- 6) Specifies no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution.

## **Background**

*Child Care Eligibility.* Certain eligibility and prioritization rules apply to subsidized child care in California. Families are eligible for non-CalWORKs subsidized child care if they meet at least one requirement in each of two areas: eligibility and need. First, they must meet one of the eligibility criteria, which include currently receiving aid, being income eligible, experiencing homelessness,

or having children who are recipients of protective services or who have been identified as being, or at risk of being, abused, neglected, or exploited. Second, the family must meet one of the “need” requirements, which are either that the child has been identified as a recipient of protective services or being, or at risk of being, abused, neglected or exploited; or the parents need to be employed or seeking employment, engaged in vocational training, seeking permanent housing for family stability, or are incapacitated.

*Definition of Workday.* With regard to subsidized child care administration, state law defines “workday” as the time that a parent requires temporary care for a child for any of the following reasons: to undertake training in preparation for a job, to undertake or retain a job, or to undertake other activities that are essential to maintaining or improving the family’s social and economic function, beneficial to the community, or required because of health problems in the family. When determining a parent or family’s allowable hours for child care, an Alternative Payment Program agency must verify the parent’s work or school schedule, then add any time needed to commute to work or school. Under current law, taking leave from work, including pregnancy and family leave, does not qualify a parent to receive subsidized child care. This means that if a parent’s eligibility recertification month lands during the time they are on leave from work they would not have an eligible need for child care. Parents on pregnancy leave can prove their need for child care if they follow steps outlined in regulations to prove parental incapacity, described below. Parents on family leave from work would lose their eligibility, as they would no longer be deemed as having a need for child care.

*Parental Incapacity.* Title 5 licensing regulations define “parental incapacity” as the temporary or permanent inability of the child’s parent to provide care and supervision of the child for any part of the day due to a physical and/or mental health condition. Regulations additionally describe the required documentation to prove parental incapacitation and determine the certified schedule for care. This process includes obtaining documentation of incapacitation provided by a qualified health professional and signed authorization release allowing the health professional to disclose relevant information. According to Child Action, Inc., an Alternative Payment Program agency, this often results in parents needing to make time to visit their doctor in person to get the incapacity paperwork completed. Additionally, according to Child Action, Inc., Kaiser Permanente, one of the region’s largest healthcare providers, no longer allows doctors to fill out parental incapacity forms. Instead, Kaiser redirects parents to a business services office and uses its own form, creating more administrative hurdles for families.

*Benefits of Paid Leave.* According to Prenatal-to-3 Policy Impact Center, studies have found that six weeks of paid leave immediately after the birth or adoption of a child leads to improvements in children's physical health and safety, both in infancy and longer term; increases timely vaccinations; boosts maternal mental health; and increases parent-child activities together, including reading and meals. Additionally, according to a study by the Office of the Assistant Secretary for Planning and Evaluation (ASPE), paid family leave around the time of childbirth can support lower income mothers' return to work. ASPE found that paid family leave assisted mothers in making child care arrangements by providing time for them to find care and address logistics, and to let babies acclimate to care.

### **Related/Prior Legislation**

SB 792 (Arreguín) of the current legislative session would make a series of changes to child care programs, including: aligning the income cap for disenrollment from subsidized child care programs with the income eligibility cap at 85% of the state median income, extending the family fee exemption for a family with children who are recipients of child protective services, and amending the definition of "attendance." The bill is pending in the Senate Human Services Committee.

AB 1528 (Committee on Human Services) of the current legislative session would, among other things, extend family fee exemptions from 12 to 24 months for children referred for or at risk of receiving child protective services and amend the definition of "attendance." The bill is pending in the Senate Human Services Committee.

### **Comments**

This bill seeks to make retaining eligibility for subsidized child care easier for parents by recognizing pregnancy and family leave as an eligible need. Simply being on leave from work would not make someone eligible for child care; the parent or family would still need to be income eligible to receive a child care subsidy. This bill would allow families on leave from work to maintain their existing child care arrangement.

This bill would additionally recognize that care work is real work that often requires one's whole focus. Taking leave from work to care for oneself during or after pregnancy or to care for a family member can be a vulnerable time. Additionally, it may not be optimal for caretakers to multitask care for a family member and young children. This bill would ensure that families do not have to

choose between priorities and would expand the capacity of caretakers to provide for the wellbeing of the whole family.

**FISCAL EFFECT:** Appropriation: No Fiscal Com.: Yes Local: Yes

**SUPPORT:** (Verified 9/3/25)

Child Action, Inc.  
Child Care Resource Center  
Children Now  
Grace Institute - End Child Poverty in CA  
Silicon Valley Community Foundation

**OPPOSITION:** (Verified 9/3/25)

None received

**ASSEMBLY FLOOR:** 62-4, 5/19/25

**AYES:** Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Connolly, Davies, Elhawary, Fong, Gabriel, Garcia, Gipson, Mark González, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Krell, Lee, Lowenthal, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Patel, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

**NOES:** DeMaio, Lackey, Sanchez, Tangipa

**NO VOTE RECORDED:** Castillo, Chen, Dixon, Ellis, Flora, Gallagher, Jeff Gonzalez, Hadwick, Kalra, Macedo, Papan, Patterson, Ta

Prepared by: Diana Dominguez / HUMAN S. / (916) 651-1524  
9/6/25 10:30:15

\*\*\*\* **END** \*\*\*\*