Date of Hearing: April 8, 2025

ASSEMBLY COMMITTEE ON HUMAN SERVICES Alex Lee, Chair AB 969 (Celeste Rodriguez) – As Introduced February 20, 2025

SUBJECT: CalWORKs: family violence option and gender-based violence information

SUMMARY: Removes the requirement for counties to waive program requirements for California Work Opportunity and Responsibility to Kids (CalWORKs) recipients if it is determined that they qualify for welfare-to-work good cause, and instead requires counties to waive CalWORKs program requirements for a recipient who has been identified as a past or present victim of abuse, unless the county has evidence that the requirement would not make it more difficult for the recipient or their children to escape abuse, or that it would not be detrimental or unfairly penalize them. Specifically, **this bill**:

- 1) Clarifies that it is the intent of the Legislature to align with the CalWORKs family violence option and gender-based violence provisions with, and not be more restrictive than, the federal requirements and option concerning survivors of abuse.
- 2) Clarifies for the purpose of this article, "abuse" and "gender-based violence" includes sexual harassment, sexual assault, domestic violence, and stalking.
- 3) Removes the requirement for the California Department of Social Services (CDSS) to convene a task force to develop protocols on handling cases with a past or present victims of abuse, and instead requires CDSS to develop new protocols by January 1, 2027. Makes the following changes to the protocol:
 - a) Removes the requirement that the protocol must be developed to specify how counties waive on a case-by-case basis, as long as necessary and pursuant to good cause, and instead adds that protocol must be developed to specify how counties will waive, on a case-by case basis, any program requirements that would make it more difficult for these individuals or recipients who are past or present victims of domestic abuse, and that would be detrimental or unfairly penalize them.
 - b) Makes waiving eligible services that include but are not limited to, time limits on receipt of assistance, work requirements, educational requirements, paternity establishment, and child support cooperation requirements, a requirement rather than permissive.
 - c) Adds the requirement that protocols must be developed to issue an adequate written notice of action to each applicant or recipient of the determination about whether or not a waiver will be issued, and if a waiver is denied, the specific reasons for the denial.
- 4) Removes the prohibition that waivers of time limits granted pursuant to this section will not be implemented if federal statutes or regulations clarify that abuse victims are included in the 20% hardship exemptions and that no good cause waivers of the 20% limit will be granted to the state for victims of abuse, thereby incurring a penalty to the state.
- 5) Removes the prohibition that waivers of the work requirements granted pursuant to this section will not be implemented if federal statutes or regulations clarify that the state will be

penalized for failing to meet work participation requirements due to granting waivers to abuse victims.

- 6) Strikes the requirement for counties to waive a 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, and instead, requires a county to waive program requirements for a recipient who has been identified that past or prevent victim of domestic abuse unless the county has evidence that the requirement would not make it more difficult for the recipient or their children to escape abuse, or that it would not be detrimental or unfairly penalize them.
- 7) Prohibits a county, when reviewing waiver eligibility, from considering participation hours in domestic violence, mental health, or substance disorder services that contribute to the individual meeting any required participation hours as a basis for denying a waiver.
- 8) Prohibits a county from denying a waiver because a survivor does not receive or participate in services from a victim service provider.
- 9) Requires a county to reevaluate a waiver, as needed, but no more frequently than every six months. Further, permits a county to reevaluate a waiver for welfare-to-work requirements at shorter intervals only if the evaluation is to include an additional waiver of welfare-to-work requirements.
- 10) Requires a county to notify each applicant or recipient about whether or not a waiver will be issued, and if a waiver is denied, the specific reasons for the denial. Requires the county to provide an adequate written notice of action regarding the waiver request by the time of application approval, or, for recipients, within 10 days of the request.
- 11) Requires a county to notify each recipient with written adequate notice of action about whether or not a waiver will be terminated and the reasons for the termination.
- 12) Requires CDSS, on or before January 1, 2026, in consultation with stakeholders, as specified, to develop both of the following:
 - a) A uniform set of written materials to be used statewide that addresses all relevant information and necessary requirements designed to assist individuals to identify, escape, or stop future abuse, overcome the effects of abuse, and make informed decisions. The statewide information may be provided in one document and shall include all of the following information:
 - i) Available domestic abuse, stalking, sexual assault, and sexual harassment resources and victim service providers.
 - ii) How the information of an applicant or recipient abuse survivor is kept confidential and when the county human services agency is legally required to disclose that information.
 - iii) Information on the availability of program waivers, including a specific list of program requirements that may be waived, other program requirements not listed that may be waived, how to request a waiver, and a waiver request form, as described in 13) below.

- iv) Information about safety planning, including the process of identifying risks, mapping out resources, and assessing options to increase survivor safety developed by specialized workers in partnership with the abuse survivor.
- v) How the county will tailor a recipient survivor's welfare-to-work plan and CalWORKs support services to meet their needs.
- vi) Information on CalWORKs eligibility for noncitizen abuse survivors, exceptions to alien sponsor deeming requirements, and information on applying for legal status for noncitizen abuse survivors.
- b) A standardized waiver request form that includes a list of program requirements that may be waived, the ability to request a waiver of a requirement that may not be specifically listed, and a way for an applicant or recipient to indicate whether they are seeking a waiver for a retroactive period of time.
- 13) Requires a county to confidentially verbally inform of, and provide, in the preferred language identified by the applicant or recipient to the extent required by law, the written materials and standardized waiver request form described in 13) above, to each applicant and recipient. Each county must supplement the written materials described in 13) above, with the name and contact information for local service providers, local policies, and local resources.
- 14) Requires CDSS to automate the California Statewide Automated Welfare System and provide the written materials and standardized waiver request form described in 12) above, on BenefitsCal to ensure that technology is fully utilized to ensure that applicants and recipients who are abuse survivors have access to that information and receive the assistance they need.
- 15) Requires CDSS, during the annual budget process, to update the Legislature regarding the number of CalWORKs recipients who have been identified as survivors of nondomestic stalking, sexual abuse, and sexual harassment.
- 16) Requires CDSS to implement this bill via all-county letter by January 1, 2026.

EXISTING LAW:

State law:

- 1) Establishes in state law the "CalWORKs" program to provide cash assistance and other social services for low-income families through Temporary Assistance for Needy Families (TANF). Under CalWORKs, each county provides assistance through a combination of state, county, and federal TANF funds. (Welfare and Institutions Code [WIC] § 11120 et seq.)
- 2) Requires all individuals over 16 years of age, unless they are otherwise exempt, to participate in welfare-to-work activities as a condition of eligibility for CalWORKs. (WIC 11320.3)
- 3) Requires any individual who is required to participate in welfare-to-work activities to enter into a written welfare-to-work plan with the county welfare department after assessment, but no more than 90 days after the date that a recipient's eligibility for aid is determined or the date the recipient is required to participate in welfare-to-work activities. (WIC § 11325.21)

 Establishes qualifying WTW activities to include employment, on-the-job training, community service, adult basic education, and other specified activities, and requires a specified number of weekly hours of WTW participation to remain eligible for aid. (WIC § 11322.6)

Federal law:

5) 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 United States Code 602(a)(7))

FISCAL EFFECT: Unknown, this bill has not been analyzed by a fiscal committee.

COMMENTS: *CalWORKs* is the state's primary cash assistance program. CalWORKs implements the federal TANF program and provides eligible low-income families with cash grants and supportive services aimed at helping them to secure education, training, and employment. Among others, the supportive services include mental health counseling, substance use disorder treatment, or domestic violence services; job skills training; attendance in a secondary school or in a course leading to a certificate of general educational development.

As of October 2024, 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 \$1,039. In 2024-25, the administration estimates the average CalWORKs grant amount to be \$1,001 per month across all family sizes and income levels. CalWORKs recipients are often also eligible to receive supportive services and resources, such as subsidized child care, employment training, mental health counseling, and housing assistance.

CalWORKs Welfare-to-Work Requirement. Unless deemed exempt, an adult in a one-parent assistance unit is required to participate in welfare-to-work activities for an average of 30 hours per week or, in the case of someone who is pregnant or parenting a child under six years of age, an average of 20 hours per week, monthly. In a two-parent assistance unit, one or both adults must participate in welfare-to-work activities for a combined average of 35 hours per week. welfare-to-work activities include participation in subsidized and unsubsidized employment, community service, adult basic education, community college, job skills, training, mental health counseling, substance abuse treatment, domestic abuse services, or other activities necessary to assist recipients in obtaining employment. If a CalWORKs recipient who is not exempt from participation does not meet the welfare-to-work 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 welfare-to-work 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 welfare-to-work activities. The changes made by AB 79 took effect on May 1, 2022.

Welfare-to-Work Exemptions. CalWORKs participants may be granted exemptions that excuse them from welfare-to-work requirements. These exemptions can include, but are not limited to, pregnancy, domestic violence, a disability that will last 30 days or more, providing foster care, being less than 16 years of age (or less than 19 years of age if attending school full time) or more than 60 years of age, or for the care of an infant or a young child. If exempt, a person can still voluntarily participate in the program to be able to access supportive services offered through the welfare-to-work program. CalWORKs recipients exempt from welfare-to-work activities may choose at any time to voluntarily participate in welfare-to-work activities or choose to end this participation, without loss of eligibility for CalWORKs aid, as long as the recipient's exemption status does not change in a way that would require their participation. Currently, individuals receiving CalWORKs can receive an exemption from participation in welfare-to-work activities if they are a parent or other relative who has primary, personal responsibility for caring for an infant in the first 12 weeks, six months, or 12 months after birth.

CalWORKs Program Waivers. Currently, CalWORKs applicants and recipients who are past or present victims of domestic violence may qualify for certain exceptions to the typical welfare-to-work requirements and time limits. However, waivers are not offered broadly, and some counties require that social workers explore with the recipient ways to meet their safety and confidentiality needs while also promoting their self-sufficiency. Further, some counties explicitly instruct social workers not to assume all domestic violence victims need a waiver. Both practices are consistent with existing law.

Sponsors of this bill report that domestic violence waivers are being tied to the welfare-to-work processes when waivers might be needed upfront and not during employment services. For example, establishing paternity and child support cooperation agreements. This means that an applicant could, in theory, be denied because they are unable to establish paternity due to escaping violence. Waivers should be available at any time and can retroactively apply.

In addition to waivers needed up front for eligibility, good cause determinations can be made when recipients are beginning their required activities for welfare-to-work. According to CDSS good cause means a CalWORKs client has a temporary, good reason not to participate in their welfare-to-work activity. The CDSS Manual of Policies and Procedures (MPP) section 42-715.5 provides which CalWORKs program requirements counties may 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 welfare-to-work and time limit waivers, as long as the granting of such waivers comply with the state and federal regulations. Examples of what may constitute good cause for not participating in welfare-towork activities for victims of domestic violence, but are not limited to:

• Currently fleeing the abuser and is in temporary housing or homeless;

- Recently entered a shelter;
- Concerned about the safety of their children;
- The participant is party to a restraining order or divorce action against the abuser; and,
- Undergoing counseling to cope with the side effects of the abuse, including children.

This bill is attempting to make it easier for victims to get waivers by providing written materials so recipients know what is available and by removing the broad discretion of counties.

Author's Statement: According to the Author, "CalWORKs provides cash assistance and benefits to qualified low-income families. Victims of abuse qualify for a waiver of specific program requirements, but the process to getting that waiver is convoluted, causing many victims to miss out on this waiver. For example, a waiver on the time limit on aid may be available. Survivors of domestic abuse can remain on aid longer than the state and federal maximum time limits if granted an exception or an exemption. [This bill] would remove barriers experienced by survivors of domestic violence, sexual assault, sexual harassment, and stalking when applying for and accessing CalWORKs. Specifically, [this bill] would make changes so that domestic violence waivers are no longer conditional on welfare-to-work program requirements. By making these changes, survivors are empowered to request and receive accommodations for the CalWORKs program requirements. Families that have suffered abuse and qualify for this waiver should not have additional hurdles to deal with when accessing the benefits that they qualify for."

Equity Implications: 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 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 30-50% higher than those experienced by Hispanic, White non-Hispanic and Asian or Pacific Islander non-Hispanic women.
- Women with disabilities have a 40% greater risk of intimate partner violence than women without disabilities.

This bill may create additional opportunities for an individual to escape domestic violence by making it easier to understand waiver availability and expand eligibility.

Policy Considerations: This bill requires CDSS to act within a timeframe to provide protocols, promulgate regulations, and finalize an all-counties letter. On the day this bill takes effect, the bill specifies that CDSS must issue an all-counties letter and have protocol developed. CDSS does not have the authority to do either until the bill takes effect, so it is necessary to build in time for the work to happen after the effective date. Additionally, regulations are required to be promulgated after one year. Typically, the regulation process can take two years or more.

Should this bill move forward, the Author may wish to amend the timelines for CDSS to accomplish the work specified in the bill.

This bill broadens when a domestic violence victim qualifies for CalWORKs waivers; however, the bill also makes allowances narrower than current federal law permits.

Should this bill move forward, the Author may wish to align with federal law to maximize program eligibility

Proposed Committee Amendments: The Committee proposes amendments to address the policy considerations stated above:

- Allow CDSS to develop protocols and release an all-counties letter on July 1, 2026 instead of January 1, 2026. Allow CDSS to promulgate regulations by 2028 instead of 2027.
- Align the bill's provisions with federal law by adding the applicability to applicants and someone escaping violence, and clarify that a waiver shall apply if an applicant or a recipient's compliance with the program rules would make it more difficult for individuals receiving assistance under this part 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,

RELATED AND PRIOR LEGISLATION:

AB 2277 (Reyes), Chapter 693, Statues of 2022, required counties to grant domestic violence waivers upon a determination of good cause.

REGISTERED SUPPORT / OPPOSITION:

Support

California Partnership to End Domestic Violence (Co-Sponsor) Coalition of California Welfare Rights Organizations (Co-Sponsor) Western Center on Law & Poverty (Co-Sponsor) Women's Foundation of California, Dr. Beatriz Maria Solis Policy Institute (SPI) (Co-Sponsor) American Association of University Women - California Asian Americans for Community Involvement Black Women for Wellness Action Project Calegislation California Latinas for Reproductive Justice California LGBTQ Health and Human Services Network California State Council of Service Employees International Union (SEIU California) California Women's Law Center Child Care Law Center Community Legal Aid Socal El Concilio California Equal Rights Advocates Family Resource and Referral Center of San Joaquin Family Violence Appellate Project Family Violence Law Center

GLIDE Foundation Golden State Opportunity Grace Institute - End Child Poverty in Ca House of Ruth, INC. Justice2Jobs Coalition LA Defensa Legal Aid At Work Legal Aid Foundation of Los Angeles Legal Services of Northern California Messaging for Success National Association of Social Workers, California Chapter Neighborhood Legal Services of Los Angeles County Parent Voices California Pasadena City College CalWORKs Program Plumas Rural Services PREVAIL (formerly Women's Center - Youth & Family Services) Public Health Advocates South Asian Network Survivor Justice Center Tahirih Justice Center The Sidewalk Project The University Corporation dba Strength United United Way of San Joaquin County Valor US

Opposition

None on file.

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