


City Attorney

15 FEB 10 PM 3:17 OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember Annie Campbell Washington and
Councilmember Desley Brooks

**RESOLUTION TO SUPPORT SENATE BILL (SB) 23 WHICH WOULD END
DISCRIMINATION AGAINST CHILDREN BORN INTO POVERTY AND
REPEAL THE CALWORKS MAXIMUM FAMILY GRANT RULE THAT
DENIES FINANCIAL SUPPORT TO BABIES BORN WHILE THEIR
FAMILIES ARE RECEIVING CALWORKS BASIC NEEDS GRANTS**

WHEREAS, existing state law requires each county to provide cash assistance and other social services to needy families through the California Work Opportunity and Responsibility to Kids (CalWORKs) program; and

WHEREAS, under existing law, for purposes of determining a family's maximum aid payment under the CalWORKs program, the number of needy persons in the same family is not increased for any child born into a family that has received aid under the CalWORKs program continuously for the 10 months prior to the birth of a child; and

WHEREAS, this existing state law, known as the Maximum Family Grant (MFG) rule, prevents parents receiving assistance through the CalWORKs program from receiving a grant for any child born to the household while any member of the household is receiving aid; and

WHEREAS, State Senator Holly Mitchell introduced Senate Bill (SB) 23 to repeal the MFG rule by adding Section 11270.5 to, and repealing Section 11450.04 of, the Welfare and Institutions Code, relating to CalWORKs; and

WHEREAS, if the MFG rule is repealed, the amount most households would receive in additional benefits for the newborn child is \$128/month, hardly enough to pay for the child's basic needs and without it, these children face increased risk of homelessness and other hardship associated with extreme poverty; and

WHEREAS, the MFG policy is intended to control impoverished parents' choices about the size of their families and when to conceive through the threat of economic hardship; and

WHEREAS, the MFG rule has not led to changes in birthrates among poor women but has resulted in women being forced to make desperate decisions that endanger the health and safety of themselves and their children; and

WHEREAS, state law allows only a few exemptions to the MFG rule, including when a child is conceived as a result of incest or rape or from a failure of contraceptives, but only for those contraceptives identified in state statute, thus forcing mothers to decide between disclosing personal and confidential medical information or going without a basic need grant for their child; and

WHEREAS, of the 24 states that initially adopted child exclusion policies, eight have now repealed them, citing the policies' ineffectiveness to achieve the intended goal and its impact on reproductive privacy and child wellbeing; and

WHEREAS, repeal of the MFG rule will also free CalWORKs caseworkers to work with families helping them obtain the services they need to move toward reentering the workforce instead of spending their limited time determining whether children are subject to the MFG rule; now, therefore be it

RESOLVED: That the Oakland City Council supports Senate Bill 23, to prevent the harmful health and human development consequences of denying services to infants and to restore reproductive privacy to CalWORKs families; and be it

FURTHER RESOLVED: That the Oakland City Council urges the passage of Senate Bill 23 and the repeal of the Maximum Family Grant rule in the CalWORKs program.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, and
PRESIDENT GIBSON MCELHANEY

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California