



2015 FEB -6 PM 4: 44



END DISCRIMINATION AGAINST CHILDREN BORN INTO POVERTY REPEAL THE CALWORKS MAXIMUM FAMILY GRANT RULE

Just over 20 years ago, California enacted a law denying financial support to babies born while their families are receiving CalWORKs basic needs grants, based on the misguided belief that poor women were having babies in order to receive an additional \$120 per month in assistance. This child exclusion law, referred to as the Maximum Family Grant (MFG) rule, has been proven to have no impact on birth rates among low-income families. Instead, it has been proven to increase and deepen child poverty and deep poverty, causing great harm to children born into poverty and their siblings while restricting the private reproductive decisions of their families.

Excluding infants and children endangers the health and wellbeing of all children in the home.

Children who experience the toxic stress of deep poverty are more likely to experience health and physiological problems than those who do not and may be burdened with cognitive deficits and a reduced ability to cope with challenging situations throughout their lifetimes.

The maximum monthly CalWORKs grant for a family of three is \$638. The average CalWORKs family - similar to the general population - has only 2 children and receives aid for about 2 years. Upon repeal of the rule, most households would receive an additional benefit of \$128/month for a newborn. While recipient households will still live in poverty and be unable to afford basic necessities, this modest could reduce the frequency at which their basic needs would go unmet. *The MFG rule exacerbates poverty and its effects.*

The MFG rule goes against California's support for reproductive freedom and privacy.

California has a long history of supporting women's personal reproductive decisions. By denying basic needs grants to the children of poor women, the MFG rule undermines that longstanding commitment to reproductive freedom and privacy. The only exceptions to the MFG rule - granted for rape, incest, and the failure of certain long-acting contraceptives - also force a woman to choose between receiving aid to feed and clothe her family and disclosing personal medical information. If a child is conceived due to rape or incest, a mother must prove it by disclosing her status as a survivor of sexual assault, which could cause additional, unnecessary emotional pain. All parents, regardless of income, deserve dignity and the right to make decisions that are best and healthiest for themselves and their families without harmful government overreach. *The MFG rule restricts reproductive freedom and denies privacy to low-income women.*

Child exclusion rules like the MFG rule are so ineffective that few other states still employ them.

Out 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. Families on CalWORKs are striving to re-enter the workforce, and as California moves out of the recession, the CalWORKs caseload will continue decline. Prior to the recession, families on CalWORKs stayed in the program for an average of two years. But forcing families deeper into poverty by denying them aid for a newborn makes it harder for them to gather the resources they need to become employed and may actually contribute to an increase in caseload.

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, caseworkers can redirect their efforts toward the core mission of the CalWORKs program, which is to provide transitional support to low-income families. *The MFG rule reduces the effectiveness of the CalWORKs program in moving families toward self-sufficiency.*

For more information:

Jessica Bartholow, Western Center on Law & Poverty
jbartholow@wclp.org :: 916-282-511

Natasha Minsker, ACLU of California
nminsker@acluca.org :: 619-442-1036

Introduced by Senator MitchellDecember 1, 2014

An act to add Section 11270.5 to, and to repeal Section 11450.04 of, the Welfare and Institutions Code, relating to CalWORKs.

LEGISLATIVE COUNSEL'S DIGEST

SB 23, as introduced, Mitchell. CalWORKs: eligibility.

Existing 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 using federal Temporary Assistance to Needy Families (TANF) block grant program, state, and county funds. 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 the child, with specified exceptions.

This bill would repeal that exclusion for purposes of determining the family's maximum aid payment and would expressly prohibit the denial of aid, or the denial of an increase in the maximum aid payment, if a child, on whose behalf aid or an increase in aid is being requested, was born into an applicant's or recipient's family while the applicant's or recipient's family was receiving aid under the CalWORKs program. The bill would specify that an applicant or recipient is not entitled to an increased benefit payment for any month prior to January 1, 2016, as a result of the repeal of that exclusion or the enactment of that express prohibition. The bill would also prohibit the department from conditioning an applicant's or recipient's eligibility for aid on the applicant's or recipient's disclosure of information regarding rape,

1 imposes lifetime limits on aid and requires adult CalWORKs
2 participants to meet work requirements in order to receive a
3 maximum benefit of approximately 40 percent of the federal
4 poverty level.

5 (e) The Maximum Family Grant rule makes poor children
6 poorer, reducing the income of families with infants to below 30
7 percent of the federal poverty level.

8 (f) This act is necessary to protect infants born to families
9 receiving CalWORKs from experiencing lifelong cognitive
10 impairments due to the toxic stress of deep poverty and to ready
11 those children for participation in California's public school
12 system.

13 (g) This act is also necessary to protect the reproductive and
14 privacy rights of all applicants for, and recipients of, aid under
15 CalWORKs.

16 SEC. 2. Section 11270.5 is added to the Welfare and
17 Institutions Code, immediately following Section 11270, to read:

18 11270.5. (a) An applicant for, or recipient of, aid under this
19 chapter shall not be required, as a condition of eligibility, to do
20 any of the following:

21 (1) Divulge that any member of the assistance unit is a victim
22 of rape or incest.

23 (2) Share confidential medical records related to any member
24 of the assistance unit's rape or incest.

25 (3) Use contraception, choose a particular method of
26 contraception, or divulge the method of contraception that any
27 member of the assistance unit uses.

28 (b) An applicant for, or recipient of, aid under this chapter shall
29 not be denied aid, nor denied an increase in the maximum aid
30 payment, for a child born into the applicant's or recipient's family
31 during a period in which the applicant's or recipient's family was
32 receiving aid under this chapter.

33 (c) An applicant for, or recipient of, aid under this chapter shall
34 not be entitled to an increased benefit payment for any month prior
35 to January 1, 2016, as a result of the repeal of former Section
36 11450.04 (as added by Section 1 of Chapter 196 of the Statutes of
37 1994) or the enactment of this section.

38 SEC. 3. Section 11450.04 of the Welfare and Institutions Code
39 is repealed.

1 ~~11450.04. (a) For purposes of determining the maximum aid~~
2 ~~payment specified in subdivision (a) of Section 11450 and for no~~
3 ~~other purpose, the number of needy persons in the same family~~
4 ~~shall not be increased for any child born into a family that has~~
5 ~~received aid under this chapter continuously for the 10 months~~
6 ~~prior to the birth of the child. For purposes of this section, aid shall~~
7 ~~be considered continuous unless the family does not receive aid~~
8 ~~during two consecutive months. This subdivision shall not apply~~
9 ~~to applicants for, or recipients of, aid unless notification is provided~~
10 ~~pursuant to this section.~~

11 ~~(b) This section shall not apply with respect to any of the~~
12 ~~following children:~~

13 ~~(1) Any child who was conceived as a result of an act of rape,~~
14 ~~as defined in Sections 261 and 262 of the Penal Code, if the rape~~
15 ~~was reported to a law enforcement agency, medical or mental~~
16 ~~health professional or social services agency prior to, or within~~
17 ~~three months after, the birth of the child.~~

18 ~~(2) Any child who was conceived as a result of an incestuous~~
19 ~~relationship if the relationship was reported to a medical or mental~~
20 ~~health professional or a law enforcement agency or social services~~
21 ~~agency prior to, or within three months after, the birth of the child,~~
22 ~~or if paternity has been established.~~

23 ~~(3) Any child who was conceived as a result of contraceptive~~
24 ~~failure if the parent was using an intrauterine device, a Norplant,~~
25 ~~or the sterilization of either parent.~~

26 ~~(c) This section shall not apply to any child born on or before~~
27 ~~November 1, 1995.~~

28 ~~(d) (1) This section shall not apply to any child to whom it~~
29 ~~would otherwise apply if the family has not received aid for 24~~
30 ~~consecutive months while the child was living with the family.~~

31 ~~(2) This section shall not apply to any child conceived when~~
32 ~~either parent was a nonneedy caretaker relative.~~

33 ~~(3) This section shall not apply to any child who is no longer~~
34 ~~living in the same home with either parent.~~

35 ~~(e) One hundred percent of any child support payment received~~
36 ~~for a child born into the family, but for whom the maximum aid~~
37 ~~payment is not increased pursuant to this section, shall be paid to~~
38 ~~the assistance unit. Any such child support payment shall not be~~
39 ~~considered as income to the family for the purpose of calculating~~
40 ~~the amount of aid for which the family is eligible under this article.~~

1 ~~(f) Commencing January 1, 1995, each county welfare~~
2 ~~department shall notify applicants for assistance under this chapter,~~
3 ~~in writing, of the provisions of this section. The notification shall~~
4 ~~also be provided to recipients of aid under this chapter, in writing,~~
5 ~~at the time of recertification, or sooner. The notification required~~
6 ~~by this section shall set forth the provisions of this section and~~
7 ~~shall state explicitly the impact these provisions would have on~~
8 ~~the future aid to the assistance unit. This section shall not apply~~
9 ~~to any recipient's child earlier than 12 months after the mailing of~~
10 ~~an informational notice as required by this subdivision.~~

11 ~~(g) (1) The department shall seek all appropriate federal waivers~~
12 ~~for the implementation of this section.~~

13 ~~(2) The department shall implement this section commencing~~
14 ~~on the date the Director of Social Services executes a declaration,~~
15 ~~that shall be retained by the director, stating that the administrative~~
16 ~~actions required by paragraph (1) as a condition of implementation~~
17 ~~of this section have been taken by the United States Secretary of~~
18 ~~Health and Human Services.~~

19 ~~(h) Subdivisions (a) to (g), inclusive, shall become operative~~
20 ~~on January 1, 1995.~~

21 SEC. 4. No appropriation pursuant to Section 15200 of the
22 Welfare and Institutions Code shall be made for the purposes of
23 this act.

24 SEC. 5. If the Commission on State Mandates determines that
25 this act contains costs mandated by the state, reimbursement to
26 local agencies and school districts for those costs shall be made
27 pursuant to Part 7 (commencing with Section 17500) of Division
28 4 of Title 2 of the Government Code.

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

DRAFT
City Attorney

2015 FEB -6 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,
DENYING 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 was 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 for 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