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WELFARE AND INSTITUTIONS CODE - WIC

DIVISION 9. PUBLIC SOCIAL SERVICES [10000 - 18999.98] (*Division 9 added by Stats. 1965, Ch. 1784.*)

PART 3. AID AND MEDICAL ASSISTANCE [11000 - 15771] (*Part 3 added by Stats. 1965, Ch. 1784.*)

CHAPTER 2. California Work Opportunity and Responsibility to Kids Act [11200 - 11526.5] (*Heading of Chapter 2 amended by Stats. 1997, Ch. 270, Sec. 49.*)

ARTICLE 2. Eligibility for Aid [11250 - 11270] (*Article 2 added by Stats. 1965, Ch. 1784.*)

11250. Aid, services, or both shall be granted under the provisions of this chapter, and subject to the regulations of the department, to families with related children under the age of 18 years, except as provided in Section 11253, in need thereof because they have been deprived of parental support or care due to:

- (a) The death, physical or mental incapacity, or incarceration of a parent.
- (b) The unemployment of a parent or parents.
- (c) Continued absence of a parent from the home due to divorce, separation, desertion, or any other reason, except absence occasioned solely by reason of the performance of active duty in the uniformed services of the United States. "Continued absence" exists when the nature of the absence is such as either to interrupt or to terminate the parent's functioning as a provider of maintenance, physical care, or guidance for the child, and the known or indefinite duration of the absence precludes counting on the parent's performance of the function of planning for the present support or care of the child. If these conditions exist, the parent may be absent for any reason, and may have left only recently or some time previously.

(*Amended by Stats. 1985, Ch. 1552, Sec. 1.*)

11250.4. Aid under this chapter shall not be payable to an assistance unit if a caretaker relative is, on the last day of the month, participating in a strike, unless the strike is necessitated by an imminent health and safety hazard or abnormally dangerous working conditions at the place of employment as determined by the Division of Occupational Safety and Health, or a lockout as defined in Section 1132.8 of the Labor Code. For the purposes of this section, a strike necessitated by an imminent health and safety hazard or abnormally dangerous working condition shall last only so long as necessitated by the imminent hazard or abnormally dangerous working condition. If an individual other than a caretaker relative is participating in a strike, as defined in this section, on the last day of the month, subject to the exceptions and their limitations set forth in this section, that individual's needs shall not be included in determining the amount of aid payable to the assistance unit for the month during which the individual is participating in the strike on the last day of that month.

(*Amended by Stats. 1998, Ch. 902, Sec. 19. Effective January 1, 1999.*)

11250.6. Except where inconsistent with federal laws, the income of any person under a contract of employment on an annual basis but who works and receives income from such contract in fewer than 12 months, but more than eight months, shall be prorated over the period of the contract for the purposes of this chapter.

(*Amended by Stats. 1982, 1st Ex. Sess., Ch. 3, Sec. 14. Effective February 17, 1982.*)

11250.7. Except where inconsistent with federal law, the salary of a full-time certificated employee of a school district shall be prorated over a 12-month period for the purposes of determining eligibility for aid under this chapter.

(*Amended by Stats. 1982, 1st Ex. Sess., Ch. 3, Sec. 15. Effective February 17, 1982.*)

11250.8. If an applicant for, or recipient of, benefits pursuant to this chapter receives one or more educational loans or grants, for purposes of determining availability of income, that person's educational expenses shall not be applied to any educational loans or grants which, under federal or state law, are totally exempt from consideration as income for purposes of determining eligibility for benefits under this chapter.

(Added by Stats. 1987, Ch. 957, Sec. 1.)

11250.9. If an applicant for, or recipient of, benefits pursuant to this chapter is a veteran, the dependent of a veteran, or the spouse of a veteran who either died in the line of duty or has a service-connected disability, benefits received for education, training, vocation, or rehabilitation and related allowances through the United States Department of Veterans Affairs shall be exempt from consideration as income for purposes of determining eligibility for benefits or calculating grant amounts pursuant to this chapter.

(Added by Stats. 2017, Ch. 463, Sec. 1. (SB 570) Effective January 1, 2018.)

11251.3. (a) Subject to the limitations of subdivision (b), pursuant to Section 115(d)(1)(A) of Public Law 104-193 (21 U.S.C. Sec. 862a(d)(1)(A)), California opts out of the provisions of Section 115(a)(1) of Public Law 104-193 (21 U.S.C. Sec. 862a(a)(1)). An individual convicted as an adult in state or federal court after December 31, 1997, including any plea of nolo contendere, of any offense classified as a felony that has as an element the possession, use, or distribution of a controlled substance, as defined in Section 102(6) of the federal Controlled Substances Act (21 U.S.C. Sec. 802(6)) or Division 10 (commencing with Section 11000) of the Health and Safety Code, shall be eligible to receive CalWORKs benefits under this section.

(b) As a condition of eligibility for CalWORKs pursuant to subdivision (a), an applicant or recipient described in subdivision (a) who is on probation or parole shall comply with the terms of the probation or parole, including participation in a government-recognized drug treatment program, if required. If the county human services agency receives verification that the individual is ineligible pursuant to subdivision (a) of Section 11486.5, the individual shall be ineligible for CalWORKs benefits under this section until he or she is no longer in violation of probation or parole or a fleeing felon. Verification shall be obtained using existing county human services agency protocols to determine eligibility.

(c) This section shall become operative on April 1, 2015.

(Repealed (in Secs. 45 and 46) and added by Stats. 2014, Ch. 26, Sec. 47. (AB 1468) Effective June 20, 2014. Section operative April 1, 2015, by its own provisions.)

11253. (a) Except as provided in subdivision (b), aid shall not be granted under this chapter to or on behalf of any child who has attained 18 years of age unless all of the following apply:

- (1) The child is less than 19 years of age and is attending high school or the equivalent level of vocational or technical training on a full-time basis.
- (2) The child can reasonably be expected to complete the educational or training program before the child's 19th birthday.

(b) (1) On and after January 1, 2012, aid shall be granted under this chapter to or on behalf of any nonminor dependent, as defined in subdivision (v) of Section 11400, if the nonminor dependent is placed in the approved home of a relative under the supervision of the county child welfare or probation department or Indian tribe that has entered into an agreement pursuant to Section 10553.1, and the nonminor dependent otherwise is eligible pursuant to Section 11403.

(2) The eligible nonminor dependent shall be exempt from identity verification requirements for the CalWORKs program.

(c) Notwithstanding any other law, payment of aid under this chapter may be made out of state if the nonminor dependent who is described in subdivision (b) is placed in the approved home of a relative who resides in another state.

(Amended by Stats. 2019, Ch. 27, Sec. 36. (SB 80) Effective June 27, 2019.)

11253.2. (a) Notwithstanding any other law, an application for aid filed on behalf of a child to whom Section 309, 361.45, or 16519.5 applies shall be processed pursuant to an expedited process as determined by the department in consultation with the counties.

(b) Subdivision (a) does not apply if the person who applies for aid on behalf of a child described in subdivision (a) is also an applicant for or a recipient of benefits under this chapter.

(c) (1) Except as provided in paragraph (2), a person who applies for aid on behalf of a child described in subdivision (a) shall be exempt from identity verification requirements for the CalWORKs program.

(2) A relative caregiver who is also an applicant for or a recipient of benefits under this chapter shall comply with the identity verification requirements for the CalWORKs program, as those statutory and regulatory requirements existed on October 1, 2018.

(Amended by Stats. 2019, Ch. 27, Sec. 37. (SB 80) Effective June 27, 2019.)

11253.3. (a) On and after the effective dates of the age extensions provided in subdivision (k) of Section 11403, a nonminor dependent, as defined in subdivision (v) of Section 11400, who was receiving CalWORKs aid and was placed in the approved home of a relative under the supervision of the county child welfare or probation department or Indian tribe that has entered into an

agreement pursuant to Section 10553.1, and who has become eligible for continued receipt of CalWORKs pursuant to Section 11403, shall not be subject to this chapter, except as specified in subdivision (b).

(b) The nonminor dependent shall continue to receive the same grant amount as a CalWORKs grant recipient in an assistance unit of one, pursuant to the amount set forth in Section 11450. Any changes to the CalWORKs grant amount shall also apply to the nonminor dependent's grant.

(Added by Stats. 2010, Ch. 559, Sec. 33.5. (AB 12) Effective January 1, 2011.)

11253.4. (a) (1) On and after January 1, 2015, a child eligible for the Approved Relative Caregiver Funding Program in accordance with Section 11461.3 is not subject to the provisions of this chapter relating to CalWORKs, including, but not limited to, the provisions that relate to CalWORKs eligibility, welfare-to-work, time limits, or grant computation.

(2) All of the following shall apply to a child specified in paragraph (1):

(A) The child shall receive the applicable regional CalWORKs grant for recipient in an assistance unit of one, pursuant to the exempt maximum aid payment set forth in Section 11450, and any changes to the CalWORKs grant amount shall apply to the grant described in this subparagraph.

(B) Notwithstanding any other law, the CalWORKs grant of the child shall be paid by the county with payment responsibility as described in subdivision (b) of Section 11461.3, rather than the county of residence of the child, unless the child resides in the county with payment responsibility.

(C) For an assistance unit described in subparagraph (A), eligibility shall be determined in accordance with paragraph (3) of subdivision (a) of Section 672 of Title 42 of the United States Code and state law implementing those requirements for the purposes of Article 5 (commencing with Section 11400).

(D) (i) Article 7 (commencing with Section 11476.6), as modified by subdivisions (g) and (h) of Section 11461.3, applies to an assistance unit described in subparagraph (A).

(ii) This subparagraph is intended by the Legislature to clarify existing law.

(b) (1) Except as provided in paragraph (2), a person who is an approved relative caregiver with whom a child eligible in accordance with Section 11461.3 is placed shall be exempt from identity verification requirements for the CalWORKs program.

(2) An approved relative caregiver who is also an applicant for or a recipient of benefits under this chapter shall comply with the identity verification requirements for the CalWORKs program, as those statutory and regulatory requirements existed on October 1, 2018.

(c) Notwithstanding Sections 11004 and 11004.1 or any other law, overpayments to an assistance unit described in subparagraph (A) of paragraph (2) of subdivision (a) shall be collected in accordance with subdivision (d) of Section 11461.3.

(d) If an approved relative caregiver with whom a child eligible in accordance with Section 11461.3 is placed is also an applicant for or a recipient of benefits under this chapter, all of the following apply:

(1) The applicant or recipient and each eligible child, excluding any child eligible in accordance with Section 11461.3, shall receive aid in an assistance unit separate from the assistance unit described in subparagraph (A) of paragraph (2) of subdivision (a), and the CalWORKs grant of the assistance unit shall be paid by the county of residence of the assistance unit.

(2) For purposes of calculating the grant of the assistance unit, the number of eligible needy persons on which the grant is based pursuant to paragraph (1) of subdivision (a) of Section 11450 does not include any child eligible in accordance with Section 11461.3.

(3) For purposes of calculating minimum basic standards of adequate care for the assistance unit, any child eligible in accordance with Section 11461.3 shall be included as an eligible needy person in the same family pursuant to paragraph (2) of subdivision (a) of Section 11452.

(Amended by Stats. 2019, Ch. 27, Sec. 38. (SB 80) Effective June 27, 2019.)

11253.5. (a) All children in an assistance unit for whom school attendance is compulsory, except individuals who are eligible for the Cal-Learn Program under Article 3.5 (commencing with Section 11331), for any period during which that article is operative, and children subject to a county school attendance project under Article 2 (commencing with Section 18236) of Chapter 3.3 of Part 6, shall be required to attend school pursuant to subdivision (f).

(b) Applicants for and recipients of aid under this chapter shall be informed of the attendance requirement in subdivision (a) and it shall be included in the recipients' welfare-to-work plan under Section 11325.21.

(c) A recipient shall cooperate in providing the county with documentation routinely available from the school or school district of regular attendance of all children described in subdivision (a) in the assistance unit when the county determines it is appropriate, unless there is good cause for the inability to secure that documentation.

(d) If it is determined by the county that any child in the assistance unit is not attending school as required by subdivision (a), the family may be informed of how to enroll the child in a continuation school within the county and may be screened to determine eligibility for family stabilization services pursuant to Section 11325.24 and in accordance with county policy and procedures. If applicable, the county shall document that the family was given this information and was screened for those services. The needs of a child in the assistance unit who is 16 years of age or older shall not be considered in computing the grant of the family under Section 11450 for any month in which the county is informed by a school district or a county school attendance review board that the child did not attend school pursuant to subdivision (f), unless at least one of the following conditions is present:

(1) The county is provided with evidence that the child's attendance records are not available.

(2) The county is provided with evidence that the child has been attending school.

(3) Good cause for school nonparticipation exists at any time during the month. A circumstance that shall constitute good cause includes, but is not limited to, the applicant or recipient is in a domestic violence situation that results in school nonparticipation or the failure to cooperate.

(4) Any member of the household is eligible to participate in family stabilization pursuant to Section 11325.24.

(5) The county is provided with evidence that the child, parent, or caregiver is complying with requirements imposed by a school attendance review board, the county probation department, or the district attorney pursuant to Section 48263 or 48263.5 of the Education Code.

(6) A member of the household is cooperating with a plan developed by a county child welfare agency.

(e) A child whose needs have not been considered in computing the grant of the family pursuant to this section shall remain eligible for services that may lead to attendance in school.

(f) For the purposes of this section, a child shall be presumed to be attending school unless he or she has been deemed a chronic truant pursuant to Section 48263.6 of the Education Code.

(g) This section shall become operative on July 1, 2018.

(Repealed (in Sec. 1) and added by Stats. 2017, Ch. 691, Sec. 2. (AB 557) Effective January 1, 2018. Section operative July 1, 2018, by its own provisions.)

11254. (a) Subject to subdivision (b), in the case of any individual who is under the age of 18 years and has never married, and who is pregnant or has a dependent child in his or her care:

(1) The individual may receive aid under this chapter for the individual and the child, if otherwise eligible, only if the individual and child reside in a place of residence maintained by a parent, legal guardian, or other adult relative of the individual as the parent's, guardian's, or adult relative's own home, or in another adult-supervised supportive living arrangement.

(2) The aid, where possible, shall be provided to the parent, legal guardian, or other adult relative on behalf of the individual.

(b) Subdivision (a) does not apply in any of the following circumstances:

(1) The individual has no parent or legal guardian of his or her own who is living or whose whereabouts are known.

(2) No living parent or legal guardian of the individual allows the individual to live in the home of the parent or guardian.

(3) It is determined by the child protective services worker that the physical or emotional health or safety of the individual or child would be jeopardized if the individual and child lived in the same residence with the individual's own parent, legal guardian or other adult relative.

(4) The individual lived apart from his or her parent or legal guardian for a period of at least one year before either the birth of any such child or the individual having made application for aid under this chapter.

(5) It is determined in accordance with federal regulations that there is good cause for waiving subdivision (a).

(Amended by Stats. 2002, Ch. 1022, Sec. 27. Effective September 28, 2002.)

11256. For the purposes of this chapter only, the ownership of stock in a water company not appurtenant to the land shall be considered real property to the extent of and in the amount necessary to obtain water for agricultural purposes.

(Added by Stats. 1965, Ch. 1784.)

11257. (a) To the extent not inconsistent with Sections 11265.1, 11265.2, 11265.3, and 11004.1, no aid under this chapter shall be granted or paid for any child who has real or personal property, the combined market value reduced by any obligations or debts with respect to this property of which exceeds one thousand dollars (\$1,000), or for any child or children in one family who have, or whose parents have, or the child or children and parents have, real and personal property the combined market value reduced by any obligations or debts with respect to this property which exceeds one thousand dollars (\$1,000).

For purposes of this subdivision, real and personal property shall be considered both when actually available and when the applicant or recipient has a legal interest in a liquidated sum and has the legal ability to make that sum available for support and maintenance.

(b) Notwithstanding subdivision (a) above, an applicant or recipient may retain the following:

(1) Personal or real property owned by him or her, or in combination with any other person, without reference to its value, if it serves to provide the applicant or recipient with a home. If the basic home is a unit in a multiple dwelling, then only that unit shall be exempt.

For the purposes of paragraph (1), if an applicant has entered into a marital separation for the purpose of trial or legal separation or dissolution, real property which was the usual home of the applicant shall be exempt for three months following the end of the month in which aid begins. If the recipient was receiving aid when the marital separation occurred, the period of exemption shall be three months following the end of the month in which the separation occurs. To remain exempt following this three-month period, the home must be occupied by the recipient, or be unavailable for use, control, and possession due to legal proceedings affecting a property settlement or sale of the property.

(2) Personal property consisting of one automobile with maximum equity value as permitted by federal law.

(3) In addition to the foregoing, the director may at his or her discretion, and to the extent permitted by federal law, exempt other items of personal property not exempted under this section.

(c) This section shall become inoperative on June 1, 2020, or when the department notifies the Legislature that the Statewide Automated Welfare System can perform the necessary automation to implement Section 11257, as added by Section 40 of the act that added this subdivision, whichever date is later, and as of that date is repealed.

(Amended by Stats. 2019, Ch. 27, Sec. 39. (SB 80) Effective June 27, 2019. Repealed on or after June 1, 2020, as prescribed by its own provisions.)

11257. (a) (1) (A) To the extent not inconsistent with Sections 11265.1, 11265.2, 11265.3, and 11004.1, aid under this chapter shall not be granted or paid for any child who has real or personal property, the combined market value reduced by any obligations or debts with respect to this property of which exceeds ten thousand dollars (\$10,000), or for any child or children in one family who have, or whose parents have, or the child or children and parents have, real and personal property the combined market value reduced by any obligations or debts with respect to this property which exceeds ten thousand dollars (\$10,000).

(B) Effective July 1, 2020, or the date that automation changes occur, as required for implementation, in the Statewide Automated Welfare System, whichever date is later, and annually thereafter, the resources threshold described in subparagraph (A) shall be increased on January 1 of each subsequent year by an amount equal to the increase in the California Necessities Index for the most recent fiscal year.

(2) For purposes of this subdivision, real and personal property shall be considered both when actually available and when the applicant or recipient has a legal interest in a liquidated sum and has the legal ability to make that sum available for support and maintenance.

(b) Notwithstanding subdivision (a), an applicant or recipient may retain the following:

(1) (A) Personal or real property owned by the applicant or recipient, or in combination with any other person, without reference to its value, if it serves to provide the applicant or recipient with a home. If the basic home is a unit in a multiple dwelling, then only that unit shall be exempt.

(B) For the purposes of subparagraph (A), if an applicant has entered into a marital separation for the purpose of trial or legal separation or dissolution, real property that was the usual home of the applicant shall be exempt for three months following the end of the month in which aid begins. If the recipient was receiving aid when the marital separation occurred, the period of

exemption shall be three months following the end of the month in which the separation occurred. To remain exempt following this three-month period, the home must be occupied by the recipient, or be unavailable for use, control, and possession due to legal proceedings affecting a property settlement or sale of the property.

(2) Motor vehicles, subject to the methods of calculation and limitations of subdivision (c) of Section 11155.

(3) In addition to the foregoing, the director may, at the director's discretion, and to the extent permitted by federal law, exempt other items of personal property not exempted under this section.

(c) This section shall become operative on June 1, 2020, or when the department notifies the Legislature that the Statewide Automated Welfare System can perform the necessary automation to implement this section, whichever date is later.

(Added by Stats. 2019, Ch. 27, Sec. 40. (SB 80) Effective June 27, 2019. Section operative on or after June 1, 2020, as prescribed by its own provisions.)

11257.5. Notwithstanding the property limitations in subdivision (a) of Section 11257, a family may retain, for nine months, real property if the family is making a good faith effort to sell the real property. However, any aid payable to the family for the nine-month period shall be conditioned upon the sale. At the time of the sale any aid payments made during the nine-month period shall be considered overpayments to the extent they would not have been made had the sale occurred at the beginning of the nine-month period. Notwithstanding Section 11004 overpayments shall be recouped from the proceeds of the sale. If the real property has not been sold at the end of the nine-month period, the family shall be ineligible for aid if the combined net value of the real and personal property owned by the family exceeds the one thousand dollar (\$1,000) limitation in Section 11257.

Notwithstanding Section 11007 as a condition to the granting of aid pursuant to this section, the family shall grant the county a lien upon the real property as security for the aid to be paid. The lien shall be used to recoup any overpayments incurred pursuant to this section. Notwithstanding any other provision of law, the lien shall not be enforceable by the sale of the secured property by the county. The lien of the county shall be paid upon the sale of the property.

The department shall define good faith effort in regulation.

(Amended by Stats. 1986, Ch. 1402, Sec. 6.)

11259. For the purposes of this chapter, "personal property" shall not include the value of property belonging to an absent parent and not available to the family.

(Added by Stats. 1965, Ch. 1784.)

11260. A child's share of any estate, which share has not been distributed and of which he has no present economic use, does not constitute property for the purpose of this chapter.

(Added by Stats. 1965, Ch. 1784.)

11262. The department shall include questions that enable a recipient to disclose a disability, the need for accommodation due to disability, and any experience of domestic violence, in any amendment or revision adopted on or after January 1, 2019, to the semiannual report form described in Section 11265.1.

(Added by Stats. 2018, Ch. 485, Sec. 3. (AB 2030) Effective January 1, 2019.)

11263. Except as provided in Sections 11253 and 11455, no person over the age of 18 years is a needy child within the meaning of this chapter.

(Amended by Stats. 1972, Ch. 579.)

11263.5. Notwithstanding any other provision of this chapter, a child living with his or her parent, where the parent is a minor or a nonminor dependent, as described in subdivision (v) of Section 11400, and who also is a recipient of foster care pursuant to Article 5 (commencing with Section 11400), is not an eligible child within the meaning of this chapter for the purpose of payment of AFDC benefits other than AFDC-FC benefits.

(Amended by Stats. 2012, Ch. 846, Sec. 35. (AB 1712) Effective January 1, 2013.)

11264. No child maintained in an institution, for whom a bona fide offer of a proper home has been made, is eligible for further aid; but no institution shall be required to surrender a child to any person of religious faith different from that of the child or the parents of the child.

(Added by Stats. 1965, Ch. 1784.)

11265. (a) The county shall redetermine eligibility annually. The county shall at the time of the redetermination, and may at other intervals as may be deemed necessary, require the family to complete a certificate of eligibility containing a written declaration of the information that may be required to establish the continuing eligibility and amount of grant pursuant to Section 11004.

(b) (1) The certificate shall include blanks wherein shall be stated the names of all children receiving aid, their present place of residence, the names and status of any other adults living in the home, the name and, if known, the social security number and present whereabouts of a parent who is not living in the home, and any outside income that may have been received through employment, gifts, or the sale of real or personal property.

(2) Each adult member of the family shall provide, under penalty of perjury, the information necessary to complete the certificate.

(3) When completing the annual certificate of eligibility, a recipient shall provide information on the certificate about income received during the 30 days prior to submission.

(c) (1) If the certificate is mailed to the family, it shall be mailed no later than the end of the month prior to the month it is due and shall be accompanied by a postage-paid envelope for its return. If a complete certificate is not received by the 15th day of the month in which the certificate is due, the county shall provide the recipient with a notice that the county will terminate benefits at the end of the month. Prior to terminating benefits, the county shall attempt to make personal contact by a county worker via telephone or, if consent has been provided, text message or electronically, to remind the recipient that a completed certificate is due and attempt to collect the necessary information to complete the certificate. The certificate shall be completed with the assistance of the eligibility worker, if needed. For recipients also receiving CalFresh benefits, the certificate shall be completed pursuant to the timeframes required by federal and state law for the CalFresh program.

(2) The department may adopt regulations providing for waiver of the deadline for returning the completed certificate when the recipient is considered to be mentally or physically unable to meet the deadline.

(d) This section shall become inoperative on July 1, 2024, or on the date that the department notifies the Legislature that the California Statewide Automated Welfare System can perform the necessary automation to implement Section 11265, as added by the act that added this subdivision, whichever date is later, and, as of January 1 of the following year, is repealed.

(Amended by Stats. 2023, Ch. 43, Sec. 42. (AB 120) Effective July 10, 2023. Conditionally inoperative on or after July 1, 2024, by its own provisions. Repealed January 1 following the inoperative date. See later operative version added by Sec. 43 of Stats. 2023, Ch. 43.)

11265. (a) The county shall redetermine eligibility annually. The county shall at the time of the redetermination, and may at other intervals as may be deemed necessary, require the family to complete a certificate of eligibility containing a written declaration of the information that may be required to establish the continuing eligibility and amount of grant pursuant to Section 11004.

(b) (1) The certificate shall include blanks wherein shall be stated the names of all children receiving aid, their present place of residence, the names and status of any other adults living in the home, the name and, if known, the social security number and present whereabouts of a parent who is not living in the home, and any outside income that may have been received through employment, gifts, or the sale of real or personal property.

(2) Each adult member of the family shall provide, under penalty of perjury, the information necessary to complete the certificate.

(3) When completing the annual certificate of eligibility, a recipient shall provide information on the certificate about income received during the 30 days prior to submission.

(c) (1) If the certificate is mailed to the family, it shall be mailed no later than the end of the month prior to the month it is due and shall be accompanied by a postage-paid envelope for its return. If a complete certificate is not received by the 15th day of the month in which the certificate is due, the county shall provide the recipient with a notice that the county will terminate benefits at the end of the month. Prior to terminating benefits, the county shall attempt to make personal contact by a county worker via telephone or, if consent has been provided, text message or electronically, to remind the recipient that a completed certificate is due and attempt to collect the necessary information to complete the certificate. The certificate shall be completed with the assistance of the eligibility worker, if needed. If contact is not made or the annual certificate of eligibility is not completed, the county shall send a reminder notice to the recipient no later than five days prior to the end of the month. For recipients also receiving CalFresh benefits, the certificate shall be completed pursuant to the timeframes required by federal and state law for the CalFresh program.

(2) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the department may implement and administer the changes made to this section by the act that added this section by all-county letter or similar directive until regulations are adopted.

(3) The department shall adopt regulations implementing the changes specified in paragraph (2) no later than July 1, 2025.

(4) The department may adopt regulations providing for waiver of the deadline for returning the completed certificate when the recipient is considered to be mentally or physically unable to meet the deadline.

(d) This section shall become operative on July 1, 2024, or on the date that the department notifies the Legislature that the California Statewide Automated Welfare System can perform the necessary automation to implement this section, whichever is later.

(Repealed (in Sec. 42) and added by Stats. 2023, Ch. 43, Sec. 43. (AB 120) Effective July 10, 2023. Conditionally operative on or after July 1, 2024, by its own provisions.)

11265.1. (a) Counties shall redetermine recipient eligibility and grant amounts on a semiannual basis in a prospective manner, using reasonably anticipated income consistent with Section 5 of the federal Food and Nutrition Act of 2008 (7 U.S.C. Sec. 2014(f)(3)(A)) and any subsequent amendments thereto, implementing regulations, and any waivers obtained by the department pursuant to Section 18910. Counties shall use the information reported on a recipient's semiannual report form or annual certificate of eligibility required pursuant to Section 11265 to prospectively determine eligibility and the grant amount for each semiannual reporting period.

(b) A semiannual reporting period shall be six consecutive calendar months. In addition to the annual certificate of eligibility required pursuant to Section 11265, a semiannual report form shall be required during the first semiannual reporting period following the application or annual redetermination.

(c) (1) The recipient shall submit a semiannual report form during the first semiannual reporting period following the application or annual redetermination of eligibility.

(2) Counties shall provide a semiannual report form to recipients at the end of the fifth month of the semiannual reporting period, and recipients shall return the completed semiannual report form with required verification to the county by the 11th day of the sixth month of the semiannual reporting period.

(3) The semiannual report form shall be signed under penalty of perjury, and shall include only the information necessary to determine CalWORKs and CalFresh eligibility and calculate the CalWORKs grant amount and CalFresh allotment, as specified by the department. The form shall be written in language that is as understandable as possible for recipients and shall require recipients to provide the following:

(A) Information about income received during the fifth month of the semiannual reporting period.

(B) (i) Information about any changes in income from the amount last used to calculate the household's allotment.

(ii) This subparagraph shall be implemented upon notification by the department to the Legislature that automation necessary to carry out this provision has been completed. The automation necessary to carry out this provision shall be included in the development of the pre-populated semiannual report form pursuant to Section 11265.15. Notwithstanding the rulemaking provisions of the Administrative Procedure Act, the department shall issue an all-county letter or similar instruction no later than April 1, 2022, to facilitate automation changes necessary to implement this paragraph.

(C) Any other changes to facts required to be reported. The recipient shall provide verification as specified by the department with the semiannual report form.

(4) The semiannual report form shall be considered complete if the following requirements, as specified by the department, are met:

(A) The form is signed by the persons specified by the department.

(B) All questions and items pertaining to CalWORKs and CalFresh eligibility and grant amounts are answered.

(C) Verification required by the department is provided.

(5) If a recipient fails to submit a complete semiannual report form, as described in paragraph (4), by the 11th day of the sixth month of the semiannual reporting period, the county shall provide the recipient with a notice that the county will terminate benefits at the end of the month. Prior to terminating benefits, the county shall attempt to make personal contact by a county worker via telephone or, if consent has been provided, text message or electronically, to remind the recipient that a completed report is due and attempt to collect the necessary information to complete the report. If contact is not made or the semiannual form is not complete, the county shall send a reminder notice to the recipient no later than five days prior to the end of the month. Any discontinuance notice shall be rescinded if a complete report is received, or the necessary information is obtained via an acceptable alternative method and documented in the case file, by the end of the first working day of the first month of the following semiannual reporting period.

(6) The county may determine, at any time prior to the last day of the calendar month following discontinuance for nonsubmission of a semiannual report form, that a recipient had good cause for failing to submit a complete semiannual report form, as described in paragraph (4), by the end of the first working day of the month following discontinuance. If the county finds a recipient had good cause, as defined by the department, it shall rescind the discontinuance notice. Good cause exists only when the recipient cannot reasonably be expected to fulfill the recipient's reporting responsibilities due to factors outside of the recipient's control.

(d) Administrative savings that may be reflected in the annual Budget Act due to the implementation of semiannual reporting pursuant to the act that added this section shall not exceed the amount necessary to fund the net General Fund and TANF costs of the semiannual reporting provisions of that act. Possible additional savings in excess of this amount may only be reflected in the annual Budget Act to the extent that they are based on actual savings related to the change to semiannual reporting calculated based on data developed in consultation with the County Welfare Directors Association (CWDA).

(e) The department, in consultation with the CWDA, shall update the relevant policy and fiscal committees of the Legislature as information becomes available regarding the effects upon the program efficiency of implementation of semiannual reporting requirements set forth in Section 11004.1. The update shall be based on data collected by CWDA and select counties. The department, in consultation with CWDA, shall determine the data collection needs required to assess the effects of the semiannual reporting.

(f) Counties may establish staggered semiannual reporting cycles for individual recipients, based on factors established or approved by the department, provided the semiannual reporting cycle is aligned with the annual redetermination of eligibility; however, all recipients within a county must be transitioned to a semiannual reporting system simultaneously. Up to and until the establishment of a countywide semiannual system, counties shall operate a quarterly system, as established by law and regulation applicable immediately prior to the establishment of the semiannual reporting system.

(Amended by Stats. 2020, Ch. 11, Sec. 37. (AB 79) Effective June 29, 2020.)

11265.15. (a) The department shall work with the County Welfare Directors Association of California, representatives of county eligibility workers, the Statewide Automated Welfare System, and client advocates to develop and implement the necessary system changes to prepopulate the semiannual report form described in Section 11265.1.

(b) Upon certification that the Statewide Automated Welfare System can perform the necessary automation to implement this section, and to the extent permitted by federal law, counties shall provide recipients with a prepopulated semiannual report, either via mail or electronically, at the election of the recipient, instead of a blank form to comply with the requirement described in paragraph (2) of subdivision (c) of Section 11265.1. Final policy guidance for changes to the prepopulated semiannual report shall be completed by the department by August 15, 2025.

(Amended by Stats. 2025, Ch. 7, Sec. 4. (AB 118) Effective June 27, 2025.)

11265.2. (a) The grant amount a recipient shall be entitled to receive for each month of the semiannual reporting period shall be prospectively determined as provided by this section. If a recipient reports that they do not anticipate any changes in income during the upcoming semiannual period, compared to the income the recipient reported actually receiving on the semiannual report form or the annual certificate of eligibility required pursuant to Section 11265, the grant shall be calculated using the actual income received. If a recipient reports that the recipient anticipates a change in income in one or more months of the upcoming semiannual period, the county shall determine whether the recipient's income is reasonably anticipated. The grant shall be calculated using the income that the county determines is reasonably anticipated for the upcoming semiannual period.

(b) For the purposes of the semiannual reporting, prospective budgeting system, income shall be considered to be "reasonably anticipated" if the county is reasonably certain of the amount of income and that the income will be received during the semiannual reporting period. The county shall determine what income is "reasonably anticipated" based on information provided by the recipient and any other available information.

(c) If a recipient reports that their income in the upcoming semiannual period will be different each month and the county needs additional information to determine a recipient's reasonably anticipated income for the following semiannual period, the county may require the recipient to provide information about income for each month of the prior semiannual period.

(d) Grant calculations pursuant to subdivision (a) may not be revised to adjust the grant amount during the semiannual reporting period, except as provided in Section 11265.3 and subdivisions (e), (f), (g), and (h), and as otherwise established by the department.

(e) Notwithstanding subdivision (d), statutes and regulations relating to (1) the 48-month time limit, (2) age limitations for children under Section 11253, and (3) sanctions and financial penalties affecting eligibility or grant amount shall be applicable as provided in those statutes and regulations. Eligibility and grant amount shall be adjusted during the semiannual reporting period pursuant to those statutes and regulations effective with the first monthly grant after timely and adequate notice is provided.

(f) Notwithstanding Section 11056, if an applicant applies for assistance for a child who is currently aided in another assistance unit, and the county determines that the applicant has care and control of the child, as specified by the department, and is otherwise

eligible, the county shall discontinue aid to the child in the existing assistance unit and shall aid the child in the applicant's assistance unit effective as of the first of the month following the discontinuance of the child from the existing assistance unit.

(g) If the county is notified that a child for whom CalWORKs assistance is currently being paid has been placed in a foster care home, the county shall discontinue aid to the child at the end of the month of placement. The county shall discontinue the case if the remaining assistance unit members are not otherwise eligible.

(h) If the county determines that a recipient is no longer a California resident, pursuant to Section 11100, the recipient shall be discontinued with timely and adequate notice. The county shall discontinue the case if the remaining assistance unit members are not otherwise eligible.

(i) This section shall become inoperative on May 1, 2022, or when the department notifies the Legislature that the Statewide Automated Welfare System can perform the necessary automation to implement Section 11265.2, as added by the act that added this subdivision, whichever date is later, and, as of January 1 of the following year, is repealed.

(Amended by Stats. 2020, Ch. 11, Sec. 39. (AB 79) Effective June 29, 2020. Inoperative on or after May 1, 2022, as prescribed by its own provisions. Repealed as of January 1 following inoperative date.)

11265.2. (a) The grant amount a recipient shall be entitled to receive for each month of the semiannual reporting period shall be prospectively determined as provided by this section. If a recipient reports that they do not anticipate any changes in income during the upcoming semiannual period, compared to the income the recipient reported actually receiving on the semiannual report form or the annual certificate of eligibility required pursuant to Section 11265, the grant shall be calculated using the actual income received. If a recipient reports that the recipient anticipates a change in income in one or more months of the upcoming semiannual period, the county shall determine whether the recipient's income is reasonably anticipated. The grant shall be calculated using the income that the county determines is reasonably anticipated for the upcoming semiannual period.

(b) For the purposes of the semiannual reporting, prospective budgeting system, income shall be considered to be "reasonably anticipated" if the county is reasonably certain of the amount of income and that the income will be received during the semiannual reporting period. The county shall determine what income is "reasonably anticipated" based on information provided by the recipient and any other available information.

(c) If a recipient reports that their income in the upcoming semiannual period will be different each month and the county needs additional information to determine a recipient's reasonably anticipated income for the following semiannual period, the county may require the recipient to provide information about income for each month of the prior semiannual period.

(d) Grant calculations pursuant to subdivision (a) may not be revised to adjust the grant amount during the semiannual reporting period, except as provided in Section 11265.3 and subdivisions (e), (f), (g), and (h), and as otherwise established by the department.

(e) Notwithstanding subdivision (d), statutes and regulations relating to (1) the 60-month time limit, (2) age limitations for children under Section 11253, and (3) sanctions and financial penalties affecting eligibility or grant amount shall be applicable as provided in those statutes and regulations. Eligibility and grant amount shall be adjusted during the semiannual reporting period pursuant to those statutes and regulations effective with the first monthly grant after timely and adequate notice is provided.

(f) Notwithstanding Section 11056, if an applicant applies for assistance for a child who is currently aided in another assistance unit, and the county determines that the applicant has care and control of the child, as specified by the department, and is otherwise eligible, the county shall discontinue aid to the child in the existing assistance unit and shall aid the child in the applicant's assistance unit effective as of the first of the month following the discontinuance of the child from the existing assistance unit.

(g) If the county is notified that a child for whom CalWORKs assistance is currently being paid has been placed in a foster care home, the county shall discontinue aid to the child at the end of the month of placement. The county shall discontinue the case if the remaining assistance unit members are not otherwise eligible.

(h) If the county determines that a recipient is no longer a California resident, pursuant to Section 11100, the recipient shall be discontinued with timely and adequate notice. The county shall discontinue the case if the remaining assistance unit members are not otherwise eligible.

(i) This section shall become operative on May 1, 2022, or when the department notifies the Legislature that the Statewide Automated Welfare System can perform the necessary automation to implement this section, whichever date is later.

(Added by Stats. 2020, Ch. 11, Sec. 40. (AB 79) Effective June 29, 2020. Operative on or after May 1, 2022, as prescribed by its own provisions.)

11265.3. (a) In addition to submitting the semiannual report form as required in Section 11265.1, the department shall establish an income reporting threshold for recipients of CalWORKs.

(b) The CalWORKs income reporting threshold shall be the lesser of the following:

- (1) Fifty-five percent of the monthly income for a family of three at the federal poverty level, plus the amount of income last used to calculate the recipient's monthly benefits.

(2) The amount likely to render the recipient ineligible for CalWORKs benefits.

(3) The amount likely to render the recipient ineligible for federal Supplemental Nutrition Assistance Program benefits.

(c) A recipient shall report to the county, orally or in writing, within 10 days, when any of the following occurs:

(1) The monthly household income exceeds the threshold established pursuant to this section.

(2) The household address has changed. The act of failing to report an address change shall not, in and of itself, result in a reduction in aid or termination of benefits.

(3) An incidence of an individual fleeing prosecution or custody or confinement, or violating a condition of probation or parole, as specified in Section 11486.5.

(d) At least once per semiannual reporting period, counties shall inform each recipient of all of the following:

(1) The amount of the recipient's income reporting threshold.

(2) The duty to report under this section.

(3) The consequences of failing to report.

(e) When a recipient reports income exceeding the reporting threshold, the county shall redetermine eligibility and the grant amount as follows:

(1) If the recipient reports the increase in income for the first through fifth months of a current semiannual reporting period, the county shall verify the report and determine the recipient's financial eligibility and grant amount.

(A) If the recipient is determined to be financially ineligible based on the increase in income, the county shall discontinue the recipient with timely and adequate notice, effective at the end of the month in which the income was received.

(B) If it is determined that the recipient's grant amount should decrease based on the increase in income, the county shall reduce the recipient's grant amount for the remainder of the semiannual reporting period with timely and adequate notice, effective the first of the month following the month in which the income was received.

(C) If a recipient has reported a change in income in accordance with subdivision (c), an overpayment shall not be assessed for the following month if the county was unable to provide 10 days' notice of the termination or reduction in benefits before the first of the month following the month in which the change occurred.

(2) If the recipient reports an increase in income for the sixth month of a current semiannual reporting period, the county shall not redetermine eligibility for the current semiannual reporting period, but shall consider this income in redetermining eligibility and the grant amount for the following semiannual reporting period, as provided in Sections 11265.1 and 11265.2.

(f) Counties shall act upon changes in income voluntarily reported during the semiannual reporting period that result in an increase in benefits, only after verification specified by the department is received. Reported changes in income that increase the grants shall be effective for the entire month in which the change is reported. If the reported change in income results in an increase in benefits, the county shall issue the increased benefit amount within 10 days of receiving required verification.

(g) (1) When a decrease in gross monthly income is voluntarily reported and verified, the county shall recalculate the grant for the current month and any remaining months in the semiannual reporting period pursuant to Sections 11265.1 and 11265.2 based on the actual gross monthly income reported and verified from the voluntary report for the current month and the gross monthly income that is reasonably anticipated for any future months remaining in the semiannual reporting period.

(2) When the anticipated income is determined pursuant to paragraph (1), and a grant amount is calculated based upon the new income, if the grant amount is higher than the grant currently in effect, the county shall revise the grant for the current month and any remaining months in the semiannual reporting period to the higher amount and shall issue any increased benefit amount as provided in subdivision (f).

(h) During the semiannual reporting period, a recipient may report to the county, orally or in writing, any changes in income and household circumstances that may increase the recipient's grant. Except as provided in subdivision (i), counties shall act only upon changes in household composition voluntarily reported by the recipients during the semiannual reporting period that result in an increase in benefits, after verification specified by the department is received. If the reported change in household composition is for the first through fifth month of the semiannual reporting period and results in an increase in benefits, the county shall recalculate the grant effective for the month following the month in which the change was reported. If the reported change in household composition is for the sixth month of a semiannual reporting period, the county shall not redetermine the grant for the current semiannual reporting period, but shall redetermine the grant for the following reporting period as provided in Sections 11265.1 and 11265.2.

(i) During the semiannual reporting period, a recipient may request that the county discontinue the recipient's entire assistance unit or any individual member of the assistance unit who is no longer in the home or is an optional member of the assistance unit. If the recipient's request is verbal, the county shall provide a 10-day notice before discontinuing benefits. If the recipient's request is in writing, the county shall discontinue benefits effective the end of the month in which the request is made, and simultaneously issue a notice informing the recipient of the discontinuance.

(j) (1) This section shall become operative on April 1, 2013. A county shall implement the semiannual reporting requirements in accordance with the act that added this section no later than October 1, 2013.

(2) Upon implementation described in paragraph (1), each county shall provide a certificate to the director certifying that semiannual reporting has been implemented in the county.

(3) Upon filing the certificate described in paragraph (2), a county shall comply with the semiannual reporting provisions of this section.

(k) This section shall become inoperative on June 1, 2020, or when the department notifies the Legislature that the Statewide Automated Welfare System can perform the necessary automation to implement Section 11265.3, as added by Section 42 of the act that added this subdivision, whichever date is later, and as of that date is repealed.

(Amended by Stats. 2019, Ch. 27, Sec. 41. (SB 80) Effective June 27, 2019. Repealed on or after June 1, 2020, as prescribed by its own provisions.)

11265.3. (a) In addition to submitting the semiannual report form as required in Section 11265.1, the department shall establish an income reporting threshold for recipients of CalWORKs.

(b) The CalWORKs income reporting threshold shall be the lesser of the following:

(1) Fifty-five percent of the monthly income for a family of three at the federal poverty level, plus the amount of income last used to calculate the recipient's monthly benefits.

(2) The amount likely to render the recipient ineligible for federal Supplemental Nutrition Assistance Program benefits.

(c) A recipient shall report to the county, orally or in writing, within 10 days, when any of the following occurs:

(1) The monthly household income exceeds the threshold established pursuant to this section.

(2) The household address has changed. The act of failing to report an address change shall not, in and of itself, result in a reduction in aid or termination of benefits.

(3) An incidence of an individual fleeing prosecution or custody or confinement, or violating a condition of probation or parole, as specified in Section 11486.5.

(d) At least once per semiannual reporting period, counties shall inform each recipient of all of the following:

(1) The amount of the recipient's income reporting threshold.

(2) The duty to report under this section.

(3) The consequences of failing to report.

(e) When a recipient reports income exceeding the reporting threshold, the county shall redetermine eligibility and the grant amount as follows:

(1) If the recipient reports the increase in income for the first through fifth months of a current semiannual reporting period, the county shall verify the report and determine the recipient's financial eligibility and grant amount.

(A) If the recipient is determined to be financially ineligible based on the increase in income, the county shall discontinue the recipient with timely and adequate notice, effective at the end of the month in which the income was received.

(B) If it is determined that the recipient's grant amount should decrease based on the increase in income, the county shall reduce the recipient's grant amount for the remainder of the semiannual reporting period with timely and adequate notice, effective the first of the month following the month in which the income was received.

(C) If a recipient has reported a change in income in accordance with subdivision (c), an overpayment shall not be assessed for the following month if the county was unable to provide 10 days' notice of the termination or reduction in benefits before the

first of the month following the month in which the change occurred.

(2) If the recipient reports an increase in income for the sixth month of a current semiannual reporting period, the county shall not redetermine eligibility for the current semiannual reporting period, but shall consider this income in redetermining eligibility and the grant amount for the following semiannual reporting period, as provided in Sections 11265.1 and 11265.2.

(f) Counties shall act upon changes in income voluntarily reported during the semiannual reporting period that result in an increase in benefits, only after verification specified by the department is received. Reported changes in income that increase the grants shall be effective for the entire month in which the change is reported. If the reported change in income results in an increase in benefits, the county shall issue the increased benefit amount within 10 days of receiving required verification.

(g) (1) When a decrease in gross monthly income is voluntarily reported and verified, the county shall recalculate the grant for the current month and any remaining months in the semiannual reporting period pursuant to Sections 11265.1 and 11265.2 based on the actual gross monthly income reported and verified from the voluntary report for the current month and the gross monthly income that is reasonably anticipated for any future months remaining in the semiannual reporting period.

(2) When the anticipated income is determined pursuant to paragraph (1), and a grant amount is calculated based upon the new income, if the grant amount is higher than the grant currently in effect, the county shall revise the grant for the current month and any remaining months in the semiannual reporting period to the higher amount and shall issue any increased benefit amount as provided in subdivision (f).

(h) During the semiannual reporting period, a recipient may report to the county, orally or in writing, any changes in income and household circumstances that may increase the recipient's grant. Except as provided in subdivision (i), counties shall act only upon changes in household composition voluntarily reported by the recipients during the semiannual reporting period that result in an increase in benefits, after verification specified by the department is received. If the reported change in household composition is for the first through fifth month of the semiannual reporting period and results in an increase in benefits, the county shall recalculate the grant effective for the month following the month in which the change was reported. If the reported change in household composition is for the sixth month of a semiannual reporting period, the county shall not redetermine the grant for the current semiannual reporting period, but shall redetermine the grant for the following reporting period as provided in Sections 11265.1 and 11265.2.

(i) During the semiannual reporting period, a recipient may request that the county discontinue the recipient's entire assistance unit or any individual member of the assistance unit who is no longer in the home or is an optional member of the assistance unit. If the recipient's request is verbal, the county shall provide a 10-day notice before discontinuing benefits. If the recipient's request is in writing, the county shall discontinue benefits effective the end of the month in which the request is made, and simultaneously issue a notice informing the recipient of the discontinuance.

(j) This section shall become operative on June 1, 2020, or when the department notifies the Legislature that the Statewide Automated Welfare System can perform the necessary automation to implement this section, whichever date is later.

(Added by Stats. 2019, Ch. 27, Sec. 42. (SB 80) Effective June 27, 2019. Section operative on or after June 1, 2020, as prescribed by its own provisions.)

11265.4. (a) If a recipient submits a complete report form within the month following the discontinuance for nonsubmission of a semiannual report form required pursuant to subdivision (c) of Section 11265.1, the county shall restore benefits to the household, without requiring a new application or interview, and shall prorate benefits from the date that the household provides the completed report form. These households shall be considered recipient cases and shall not be subject to applicant eligibility criteria. A recipient of transitional CalFresh benefits shall not receive prorated CalFresh benefits during the same month. This section shall not apply to the annual certificate of eligibility required to be completed pursuant to Section 11265.

(b) This section shall not be implemented until the department has obtained all necessary federal approvals under the federal Food and Nutrition Act of 2008 (7 U.S.C. Sec. 2011 et seq.).

(c) (1) This section shall become operative on April 1, 2013. A county shall implement the requirements of this section no later than October 1, 2013.

(2) Upon implementation described in paragraph (1), each county shall provide a certificate to the director certifying that semiannual reporting has been implemented in the county.

(3) Upon filing the certificate described in paragraph (2), a county shall comply with this section.

(Repealed (in Sec. 19) and added by Stats. 2013, Ch. 21, Sec. 20. (AB 74) Effective June 27, 2013. Section operative as of April 1, 2013, by its own provisions.)

11265.45. (a) Notwithstanding Sections 11265.1, 11265.2, and 11265.3, a CalWORKs assistance unit that does not include an eligible adult shall not be subject to periodic reporting requirements other than the annual redetermination required in Section 11265.

This subdivision shall not apply to a CalWORKs assistance unit in which the only eligible adult is under sanction in accordance with Section 11327.5.

(b) For an assistance unit described in subdivision (a), grant calculations may not be revised to adjust the grant amount during the year, except as provided in subdivisions (c), (d), (e), and (f), Section 11265.47, and as otherwise established by the department by regulation.

(c) Notwithstanding subdivision (b), statutes and regulations relating to the 48-month time limit, age limitations for children under Section 11253, and sanctions and financial penalties affecting eligibility or grant amount shall be applicable as provided in those statutes and regulations.

(d) If the county is notified that a child for whom assistance is currently being paid has been placed in a foster care home, the county shall discontinue aid to the child at the end of the month of placement. The county shall discontinue the case if the remaining assistance unit members are not otherwise eligible.

(e) If the county determines that a recipient is no longer a California resident, pursuant to Section 11100, the recipient shall be discontinued with timely and adequate notice. The county shall discontinue the case if the remaining assistance unit members are not otherwise eligible.

(f) If an overpayment has occurred, the county shall commence any applicable grant adjustment in accordance with Section 11004 as of the first monthly grant after timely and adequate notice is provided.

(g) This section shall become inoperative on May 1, 2022, or when the department notifies the Legislature that the Statewide Automated Welfare System can perform the necessary automation to implement Section 11265.45, as added by the act that added this subdivision, whichever date is later, and, as of January 1 of the following year, is repealed.

(Amended by Stats. 2020, Ch. 11, Sec. 41. (AB 79) Effective June 29, 2020. Inoperative on or after May 1, 2022, as prescribed by its own provisions. Repealed as of January 1 following inoperative date.)

11265.45. (a) Notwithstanding Sections 11265.1, 11265.2, and 11265.3, a CalWORKs assistance unit that does not include an eligible adult shall not be subject to periodic reporting requirements other than the annual redetermination required in Section 11265. This subdivision shall not apply to a CalWORKs assistance unit in which the only eligible adult is under sanction in accordance with Section 11327.5.

(b) For an assistance unit described in subdivision (a), grant calculations may not be revised to adjust the grant amount during the year, except as provided in subdivisions (c), (d), (e), and (f), Section 11265.47, and as otherwise established by the department by regulation.

(c) Notwithstanding subdivision (b), statutes and regulations relating to the 60-month time limit, age limitations for children under Section 11253, and sanctions and financial penalties affecting eligibility or grant amount shall be applicable as provided in those statutes and regulations.

(d) If the county is notified that a child for whom assistance is currently being paid has been placed in a foster care home, the county shall discontinue aid to the child at the end of the month of placement. The county shall discontinue the case if the remaining assistance unit members are not otherwise eligible.

(e) If the county determines that a recipient is no longer a California resident, pursuant to Section 11100, the recipient shall be discontinued with timely and adequate notice. The county shall discontinue the case if the remaining assistance unit members are not otherwise eligible.

(f) If an overpayment has occurred, the county shall commence any applicable grant adjustment in accordance with Section 11004 as of the first monthly grant after timely and adequate notice is provided.

(g) This section shall become operative on May 1, 2022, or when the department notifies the Legislature that the Statewide Automated Welfare System can perform the necessary automation to implement this section, whichever date is later.

(Added by Stats. 2020, Ch. 11, Sec. 42. (AB 79) Effective June 29, 2020. Operative on or after May 1, 2022, as prescribed by its own provisions.)

11265.46. (a) For an assistance unit described in subdivision (a) of Section 11265.45, the grant amount a recipient shall be entitled to receive for each month of the year shall be prospectively determined as provided by this section. If a recipient reports that he or she does not anticipate any changes in income during the upcoming year, compared to the income the recipient reported actually receiving on the annual redetermination form, the grant shall be calculated using the actual income received. If a recipient reports that he or she anticipates a change in income in one or more months of the upcoming year, the county shall determine whether the recipient's income is reasonably anticipated. The grant shall be calculated using the income that the county determines is reasonably anticipated for the upcoming year.

(b) For purposes of this section, income shall be considered to be reasonably anticipated if the county is reasonably certain of the amount of income and that the income will be received during the year. The county shall determine what income is reasonably anticipated based on information provided by the recipient and any other available information.

(c) This section shall become operative on the first day of the first month following 90 days after the effective date of the act that added this section, or October 1, 2012, whichever is later.

(Added by Stats. 2012, Ch. 47, Sec. 8. (SB 1041) Effective June 27, 2012. Section operative October 1, 2012, by its own provisions.)

11265.47. (a) The department shall establish an income reporting threshold for CalWORKs assistance units described in subdivision (a) of Section 11265.45.

(b) The income reporting threshold described in subdivision (a) shall be the lesser of the following:

- (1) Fifty-five percent of the monthly income for a family of three at the federal poverty level, plus the amount of income last used to calculate the recipient's monthly benefits.
- (2) The amount likely to render the recipient ineligible for federal Supplemental Nutrition Assistance Program benefits.
- (3) The amount likely to render the recipient ineligible for CalWORKs benefits.

(c) A recipient described in subdivision (a) of Section 11265.45 shall report to the county, orally or in writing, within 10 days, when any of the following occurs:

- (1) The monthly household income exceeds the threshold established pursuant to this section.
- (2) Any change in household composition.
- (3) The household address has changed.
- (4) An incidence of an individual fleeing prosecution or custody or confinement, or violating a condition or probation or parole, as specified in Section 11486.5.

(d) When a recipient described in subdivision (a) of Section 11265.45 reports income or a household composition change pursuant to subdivision (c), the county shall redetermine eligibility and grant amounts as follows:

- (1) If the recipient reports an increase in income or household composition change for the first through 11th months of a year, the county shall verify the report and determine the recipient's financial eligibility and grant amount.
 - (A) If the recipient is determined to be financially ineligible based on the increase in income or household composition change, the county shall discontinue the recipient with timely and adequate notice, effective at the end of the month in which the change occurred.
 - (B) If it is determined that the recipient's grant amount should decrease based on the increase in income, or increase or decrease based on a change in household composition, the county shall increase or reduce the recipient's grant amount for the remainder of the year with timely and adequate notice, effective the first of the month following the month in which the change occurred.
 - (C) If a recipient has reported a change in income or household composition in accordance with subdivision (c), an overpayment shall not be assessed for the following month if the county was unable to provide 10 days' notice of the termination or reduction in benefits before the first of the month following the month in which the change occurred.
- (2) If the recipient reports an increase in income for the 12th month of a grant year, the county shall verify this report and consider this income in redetermining eligibility and the grant amount for the following year.

(e) During the year, a recipient described in subdivision (a) of Section 11265.45 may report to the county, orally or in writing, any changes in income that may increase the recipient's grant. Increases in the grant that result from reported changes in income shall be effective for the entire month in which the change is reported and any remaining months in the year. If the reported change in income results in an increase in benefits, the county shall issue the increased benefit amount within 10 days of receiving required verification.

(f) During the year, a recipient described in subdivision (a) of Section 11265.45 may request that the county discontinue the recipient's entire assistance unit or any individual member of the assistance unit who is no longer in the home or is an optional member of the assistance unit. If the recipient's request is verbal, the county shall provide a 10-day notice before discontinuing benefits. If the recipient's request is in writing, the county shall discontinue benefits effective the end of the month in which the request is made, and simultaneously shall issue a notice informing the recipient of the discontinuance.

(g) This section shall become inoperative on June 1, 2020, or when the department notifies the Legislature that the Statewide Automated Welfare System can perform the necessary automation to implement section 11265.47, as added by Section 44 of the act that added this subdivision, whichever date is later, and as of that date is repealed.

(Amended by Stats. 2019, Ch. 27, Sec. 43. (SB 80) Effective June 27, 2019. Repealed on or after June 1, 2020, as prescribed by its own provisions.)

11265.47. (a) The department shall establish an income reporting threshold for CalWORKs assistance units described in subdivision (a) of Section 11265.45.

(b) The income reporting threshold described in subdivision (a) shall be the lesser of the following:

(1) Fifty-five percent of the monthly income for a family of three at the federal poverty level, plus the amount of income last used to calculate the recipient's monthly benefits.

(2) The amount likely to render the recipient ineligible for federal Supplemental Nutrition Assistance Program benefits.

(c) A recipient described in subdivision (a) of Section 11265.45 shall report to the county, orally or in writing, within 10 days, when any of the following occurs:

(1) The monthly household income exceeds the threshold established pursuant to this section.

(2) Any change in household composition.

(3) The household address has changed.

(4) An incidence of an individual fleeing prosecution or custody or confinement, or violating a condition or probation or parole, as specified in Section 11486.5.

(d) When a recipient described in subdivision (a) of Section 11265.45 reports income or a household composition change pursuant to subdivision (c), the county shall redetermine eligibility and grant amounts as follows:

(1) If the recipient reports an increase in income or household composition change for the first through 11th months of a year, the county shall verify the report and determine the recipient's financial eligibility and grant amount.

(A) If the recipient is determined to be financially ineligible based on the increase in income or household composition change, the county shall discontinue the recipient with timely and adequate notice, effective at the end of the month in which the change occurred.

(B) If it is determined that the recipient's grant amount should decrease based on the increase in income, or increase or decrease based on a change in household composition, the county shall increase or reduce the recipient's grant amount for the remainder of the year with timely and adequate notice, effective the first of the month following the month in which the change occurred.

(C) If a recipient has reported a change in income or household composition in accordance with subdivision (c), an overpayment shall not be assessed for the following month if the county was unable to provide 10 days' notice of the termination or reduction in benefits before the first of the month following the month in which the change occurred.

(2) If the recipient reports an increase in income for the 12th month of a grant year, the county shall verify this report and consider this income in redetermining eligibility and the grant amount for the following year.

(e) During the year, a recipient described in subdivision (a) of Section 11265.45 may report to the county, orally or in writing, any changes in income that may increase the recipient's grant. Increases in the grant that result from reported changes in income shall be effective for the entire month in which the change is reported and any remaining months in the year. If the reported change in income results in an increase in benefits, the county shall issue the increased benefit amount within 10 days of receiving required verification.

(f) During the year, a recipient described in subdivision (a) of Section 11265.45 may request that the county discontinue the recipient's entire assistance unit or any individual member of the assistance unit who is no longer in the home or is an optional member of the assistance unit. If the recipient's request is verbal, the county shall provide a 10-day notice before discontinuing benefits. If the recipient's request is in writing, the county shall discontinue benefits effective the end of the month in which the request is made, and simultaneously shall issue a notice informing the recipient of the discontinuance.

(g) This section shall become operative on June 1, 2020, or when the department notifies the Legislature that the Statewide Automated Welfare System can perform the necessary automation to implement this section, whichever date is later.

(Added by Stats. 2019, Ch. 27, Sec. 44. (SB 80) Effective June 27, 2019. Section operative on or after June 1, 2020, as prescribed by its own provisions.)

11265.48. (a) To the extent permitted by federal law, regulations, waivers, and directives, the department shall implement Sections 11265.45, 11265.46, and 11265.47 in a cost-effective manner that promotes compatibility between the CalWORKs program and CalFresh, and minimizes the potential for payment errors.

(b) The department shall seek all necessary waivers from the United States Department of Agriculture to implement subdivision (a).

(c) This section shall become operative on the first day of the first month following 90 days after the effective date of the act that added this section, or October 1, 2012, whichever is later.

(Added by Stats. 2012, Ch. 47, Sec. 10. (SB 1041) Effective June 27, 2012. Section operative October 1, 2012, by its own provisions.)

11265.6. (a) The department may conduct up to five demonstrations of alternatives to the current monthly reporting system, CalFresh recertification, and AFDC redeterminations. These demonstrations shall be designed to reduce paperwork, achieve administrative savings, and maintain or enhance program integrity. The department, in consultation with the counties that request designation as a demonstration county, shall determine the scope of the demonstrations.

(b) The director may waive, with federal approval, the enforcement of specific federal Supplemental Nutrition Assistance Program requirements, regulations, and standards necessary to conduct these demonstrations.

(Amended by Stats. 2011, Ch. 227, Sec. 46. (AB 1400) Effective January 1, 2012.)

11265.7. (a) The department may conduct a demonstration in up to three counties of alternatives to the current monthly reporting system, CalFresh recertification, and AFDC redeterminations for recipients of alternative assistance. This demonstration shall be designed to reduce paperwork, achieve administrative savings, and maintain or enhance program integrity. The department, in consultation with the counties which request designation as a demonstration county shall determine the scope of the demonstrations.

(b) The director may waive, with federal approval, the enforcement of specific federal Supplemental Nutrition Assistance Program requirements, regulations, and standards necessary to conduct these demonstrations.

(Amended by Stats. 2011, Ch. 227, Sec. 47. (AB 1400) Effective January 1, 2012.)

11265.8. (a) All applicants for aid under this chapter, within 30 days of the determination of eligibility for Medi-Cal benefits under Chapter 7 (commencing with Section 14000), and 45 days for applicants already eligible for benefits under Chapter 7 (commencing with Section 14000), and all recipients of aid under this chapter within 45 days of a full or financial redetermination of eligibility for aid under this chapter, shall provide documentation that all children in the assistance unit not required to be enrolled in school have received all age appropriate immunizations, unless it has been medically determined that an immunization for a child is not appropriate or the applicant or recipient has filed with the county welfare department an affidavit that the immunizations are contrary to the applicant's or recipient's beliefs. If the county determines that good cause exists for not providing the required documentation due to lack of reasonable access to immunization services, the period shall be extended by an additional 30 days. A circumstance that shall constitute good cause includes, but is not limited to, the applicant or recipient does not have reasonable access to immunization services due to a situation of domestic violence. If the documentation is not provided within the required time period, the needs of all parents or caretaker relatives in the assistance unit shall not be considered in determining the grant to the assistance unit under Section 11450 until the required documentation is provided. The department shall track and maintain information concerning the number of sanctions imposed under this section.

(b) At the time of application and at the next redetermination of eligibility for aid under this chapter, all applicants and recipients shall be given notice advising them of their obligation to secure the immunizations required in subdivision (a). The notice shall also contain all of the following:

(1) The Recommended Childhood Immunization Schedule, United States, and the Recommended Immunization Schedule for Children Not Immunized on Schedule in the First Year of Life, as appropriate, approved by the Advisory Committee on Immunization Practices, the American Academy of Pediatrics, and the American Academy of Family Physicians.

(2) A description of how to obtain the immunizations through a fee-for-service provider that accepts Medi-Cal, a Medi-Cal managed care plan, a county public health clinic, or any other source that may be available in the county as appropriate.

(3) A statement that the applicant or recipient may file an affidavit claiming that the immunizations are contrary to the applicant's or recipient's beliefs.

(c) This section shall become operative on July 1, 2018.

(Repealed (in Sec. 3) and added by Stats. 2017, Ch. 691, Sec. 4. (AB 557) Effective January 1, 2018. Section operative July 1, 2018, by its own provisions.)

11265.9. Whenever aid to an individual or family is discontinued under this chapter for any reason other than fraud, the department shall include, in the notice of termination of aid, a brief summary of the requirements for transitional Medi-Cal benefits provided for pursuant to Sections 14005.8, 14005.81, and 14005.85, and Section 50243 of Title 22 of the California Code of Regulations, as well as a form that the individual or family may fill out and return to request transitional Medi-Cal benefits.

(Added by Stats. 1998, Ch. 310, Sec. 68. Effective August 19, 1998.)

11266. (a) At the time of application, the county shall determine whether the applicant needs immediate assistance because the applicant does not have sufficient resources to meet their emergency needs, and shall determine whether the applicant is apparently eligible for aid under this chapter.

(1) The county shall determine that the applicant needs immediate assistance if the family's total available liquid resources, both nonexempt and exempt, are less than one hundred dollars (\$100) and there is an emergency situation, whether foreseeable or not. Examples of emergency situations include, but are not limited to, lack of housing, lack of food, notice of termination or loss of utility service, lack of essential clothing (including diapers), and inability to meet essential transportation needs.

(2) Apparent eligibility exists when evidence presented by the applicant or which is otherwise available to the county welfare department and the information provided on the application documents indicate that there would be eligibility for aid under this chapter if the evidence and information were verified. An applicant who is not a citizen or national of the United States and who does not provide verification of their eligible immigration status shall not be considered to be apparently eligible under this subdivision.

(b) If an applicant needs immediate assistance, and is apparently eligible for aid as defined in subdivision (a), the county shall pay the applicant two hundred dollars (\$200) or the maximum amount for which that applicant is eligible, whichever is less. The advance payment shall be made by the end of the first working day following the request for that aid. The county shall verify the applicant's eligibility for aid within 15 working days of the date that immediate need is requested, and advance payments made under this section shall be offset against the first grant payment made to the recipient.

(c) An applicant's receipt of a notice of eviction, including a three-day notice to pay or quit, shall constitute an emergency situation under subdivision (a), irrespective of the one hundred dollar (\$100) resource test, if the applicant has insufficient income or resources to pay the rent owing. In those cases, the county shall give the applicant the option of receiving an immediate advance on the grant as described in subdivision (b), or an expedited determination of eligibility for aid. Before an applicant decides between these two options, the county shall fully apprise the applicant, in writing, of all information necessary to establish eligibility for aid. If an applicant requests expedited determination of eligibility for aid, the county shall complete the determination of eligibility for aid under this chapter, and, if the applicant is determined to be eligible, issue payment of the full prorated grant no more than three working days from the request for immediate need. If the eligibility determination is not made within this three-day period, the county shall immediately pay the applicant two hundred dollars (\$200) or the maximum amount for which the applicant is eligible, whichever is less, as specified in subdivisions (a) and (b). The county shall verify the applicant's eligibility within 15 working days of the date of the request for immediate assistance, and advance payments made under this subdivision shall be offset against the first grant payment made to the recipient.

(d) (1) The county may deny an immediate advance payment if the applicant's only immediate need is homelessness and this need will be met by issuance of nonrecurring special needs payment in accordance with subdivision (f) of Section 11450, or if the applicant's only immediate need is lack of food and this need will be met by issuance of CalFresh benefits within one working day of the request therefor. With regard to all other immediate needs, an advance payment may be denied and the applicant referred to another public or private program or resource, if all of the following conditions are met:

(A) Not more than one referral is made and the referral, when made, is to meet no more than one need.

(B) The county has verified in advance that the specific need can be satisfactorily addressed by the other program or resource immediately.

(C) Travel to the other program or resource will not impose a hardship on the applicant.

(2) If, for any reason, the other program or resource does not satisfactorily meet the applicant's need, the applicant shall be immediately issued an advance payment, as specified in subdivision (b).

(3) Except in the case of an applicant whose only need is lack of food and the need is met with the issuance of CalFresh benefits within one working day of the request, where an applicant's immediate need is met by an alternative program or resource authorized in this subdivision, the county shall verify the applicant's eligibility for aid within 15 working days of the date of request.

(e) A denial of an immediate need application shall not constitute a denial of the application for aid unless it is based upon the failure to meet relevant eligibility requirements.

(Amended by Stats. 2022, Ch. 50, Sec. 42. (SB 187) Effective June 30, 2022.)

11266.5. (a) Every applicant for aid under this chapter shall be informed of the availability of lump-sum diversion services to resolve the circumstances that require the family to apply for assistance prior to the family's approval for aid.

(b) When an applicant is determined to be eligible for assistance under this chapter, the county shall assess whether the applicant would benefit from the lump-sum diversion program. The county shall make this determination in its sole discretion. In making this determination, the county shall consider whether the applicant is likely to be able to avoid the need for extended assistance beyond the diversion period if the family was provided one-time assistance. In making this determination, the county may consider any of the following:

(1) The applicant's employment history.

(2) The likelihood of the applicant obtaining immediate full-time employment.

(3) The applicant's general prospect for obtaining full-time employment.

(4) The applicant's need for cash assistance to pay for housing or substantial and unforeseen expenses or work-related expenses.

(5) Housing stability.

(6) The adequacy of the applicant's child care arrangements, if applicable.

(c) If the county determines, pursuant to subdivision (b), that an applicant could benefit from a lump-sum diversion payment, the county shall inform the applicant of its determination.

(d) An applicant for aid under this chapter may either participate in the lump-sum diversion program or decline participation in diversion and, instead, receive aid as otherwise provided for in this chapter.

(e) Lump-sum diversion services provided under this section may include any cash or noncash payment and shall be negotiated by the county and the applicant in order to assist the applicant in avoiding the need for aid under this chapter.

(f) If, after accepting a diversion payment pursuant to this section, the individual reapplies for aid under this chapter within the amount of time that corresponds with the number of months of aid that would have been received under this chapter that was received as a diversion payment, excluding a partial month, and he or she is determined to be eligible for aid, the county shall, at the option of the recipient, either recoup from the recipient's grant, over a period of time to be determined by the county, the amount of the diversion payment that the recipient received, or count the period of time that corresponds to the number of months of aid that would have been received, excluding a partial month of aid, towards the time limits on aid specified in subdivision (a) of Section 11454.

(g) To the extent permitted by federal law, lump-sum diversion payments shall not be considered income for the purpose of determining eligibility for CalFresh benefits.

(h) Any child support collected by the applicant or recovered by the county shall not be used to offset the diversion payment.

(i) During the period of the diversion, the applicant family shall be eligible for Medi-Cal and child care assistance pursuant to Article 15.5 (commencing with Section 8350) of Chapter 2 of Part 6 of the Education Code, if otherwise eligible.

(Amended (as amended by Stats. 2011, Ch. 8, Sec. 6) by Stats. 2011, Ch. 227, Sec. 49. (AB 1400) Effective January 1, 2012.)

11268. (a) Each applicant for or recipient of aid shall be required as a condition of eligibility, to furnish the applicant's social security account number (or numbers, if the applicant has more than one social security account number) or submit verification of application for a social security account number.

(b) (1) If the applicant or recipient cannot complete the application for a social security account number because the necessary documentation is not immediately available, the county shall determine if good cause exists.

(2) For purposes of this section, "good cause" includes situations in which the necessary documentation for the application for a social security account number is not immediately available at the time of application.

(c) (1) If good cause exists, and the applicant or recipient is otherwise eligible, the applicant or recipient is eligible for assistance pursuant to this section for the maximum period permitted by federal law, while he or she attempts to obtain the necessary documents to complete the application.

(2) The federal time period shall apply to all recipients of aid, whether or not federal financial assistance is available.

(3) The county shall make every effort to assist the individual in obtaining the documents required by this section.

(d) The department shall adopt regulations in accord with federal law regarding applications for the social security account number and the definition of good cause.

(e) The county shall utilize the social security account numbers in the administration of aid.

(Amended by Stats. 1990, Ch. 1586, Sec. 2.)

11269. A child who is a patient in a public or private hospital for medical or surgical care shall be considered temporarily absent from the home for the duration of the hospital stay.

(Repealed and added by Stats. 2013, Ch. 293, Sec. 2. (AB 419) Effective January 1, 2014.)

11270. Applicants for and recipients of Aid to Families with Dependent Children who are not exempt from registration under Section 11310 and who are apparently eligible for unemployment insurance shall, as a condition of eligibility, apply for, meet all the conditions of eligibility for, and accept any unemployment insurance benefits for which the Employment Development Department determines they are eligible. Upon determination that individuals registered under Section 11310 have failed to meet all the conditions of eligibility for unemployment insurance, the county shall make a good cause determination under standards established by the department. These standards shall be the same as those which govern the Work Incentive Program. Applicants and recipients who are exempt from work registration under Section 11310 and who are apparently eligible for unemployment insurance benefits shall, as a condition of eligibility, apply for and accept any unemployment insurance benefits for which the Employment Development Department determines they are eligible. The department shall establish by regulations the standards to determine apparent eligibility for unemployment insurance.

(Amended by Stats. 1982, Ch. 1037, Sec. 4. Effective September 14, 1982.)