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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 7.5. Family Violence Option: Domestic Violence and Welfare [11495 - 11495.40] (Article 7.5 added by Stats. 1997, Ch. 270, Sec. 155.)

11495. It is the intent of the Legislature in enacting this article to adopt a family violence provision by enacting the federal option concerning victims of domestic violence provided for in the Temporary Assistance to Needy Families program pursuant to Section 402(a)(7) of the Social Security Act (42 U.S.C. Sec. 602(a)(7)). By adopting this provision, the Legislature recognizes that some individuals who may need public assistance have been or are victims of abuse, and intends to ensure that applicants and recipients who are past or present victims of abuse are not placed at further risk or unfairly penalized by CalWORKs requirements and procedures. The Legislature intends that, in implementing this article, program requirements not be created or applied in such a way as to encourage a victim to remain with the abuser. It is also the intent of the Legislature that CalWORKs recipients participate in welfare-to-work activities, to the full extent of their abilities, including participation in counselling and treatment programs, as appropriate, to enable the recipient to obtain unsubsidized employment and move towards self-sufficiency.

(Added by Stats. 1997, Ch. 270, Sec. 155. Effective August 11, 1997. Operative January 1, 1998, by Sec. 183 of Ch. 270.)

11495.1. (a) The department shall convene a task force including, but not limited to, district attorney domestic violence units, county departments of social services, the County Welfare Directors Association of California, the California State Association of Counties, statewide domestic violence prevention groups, local domestic violence prevention advocates, and service providers, the State Department of Health Care Services, the State Department of Public Health, and the California Emergency Management Agency. The department shall develop, in consultation with the task force, protocols on handling cases in which recipients are past or present victims of abuse. The protocols shall define domestic abuse, and shall address training standards and curricula, individual case assessments, confidentiality procedures, notice procedures and counseling or other appropriate participation requirements as part of an overall plan to transition from welfare-to-work. The protocol shall specify how counties shall do the following:

- (1) Identify applicants and recipients of assistance under this chapter who have been or are victims of abuse, including those who self-identify, while protecting confidentiality.
- (2) Refer these individuals to supportive services.
- (3) Waive, on a case-by-case basis, for so long as necessary, pursuant to a determination of good cause under paragraph (2) of subdivision (f) of Section 11320.3, any program requirements that would make it more difficult for these individuals or their children to escape abuse, and that would be detrimental or unfairly penalize past or present victims of abuse. Requirements that may be waived include, but are not limited to, time limits on receipt of assistance, work requirements, educational requirements, paternity establishment and child support cooperation requirements.

(b) The department shall issue regulations describing the protocol identified in subdivision (a) no later than January 1, 1999.

(c) Waivers of time limits granted pursuant to this section shall not be implemented if federal statutes or regulations clarify that abuse victims are included in the 20 percent hardship exemptions and that no good cause waivers of the 20 percent limit will be granted to the state for victims of abuse, thereby incurring a penalty to the state.

(d) Waivers of the work requirements granted pursuant to this section shall not be implemented if federal statutes or regulations clarify that the state will be penalized for failing to meet work participation requirements due to granting waivers to abuse victims.

(Amended by Stats. 2012, Ch. 34, Sec. 220. (SB 1009) Effective June 27, 2012.)

11495.12. For purposes of this article, until regulations are adopted pursuant to Section 11495.1, the term “abuse” means battering or subjecting a victim to extreme cruelty by (1) physical acts that resulted in or threatened to result in physical injury, (2) sexual abuse, (3) sexual activity involving a child in the home, (4) being forced to participate in nonconsensual sexual acts or activities, (5) threats of, or attempts at, physical or sexual abuse, (6) mental abuse, (7) neglect or deprivation of medical care, or (8) stalking.

(Added by Stats. 1997, Ch. 270, Sec. 155. Effective August 11, 1997. Operative January 1, 1998, by Sec. 183 of Ch. 270.)

11495.15. A county shall waive a program requirement for a recipient who has been identified as a past or present victim of abuse when it has been determined that good cause exists pursuant to paragraph (2) of subdivision (f) of Section 11320.3. Until implementation of the regulations required pursuant to subdivision (b) of Section 11495.1, a county may utilize standards, procedures, and protocols currently available and shall identify them in its county plan. Waivers shall be reevaluated in accordance with other routine periodic reevaluations by the county.

(Amended by Stats. 2023, Ch. 131, Sec. 231. (AB 1754) Effective January 1, 2024.)

11495.16. All CalWORKs applicants and recipients shall be informed verbally and in writing, and to the extent required by law, in the language understood by the applicant or recipient, of the availability of services designed to assist individuals to identify, escape, or stop future domestic abuse as well as to overcome the effects of domestic abuse.

(Added by Stats. 2017, Ch. 691, Sec. 6. (AB 557) Effective January 1, 2018.)

11495.17. (a) During the annual budget process, the department shall update the Legislature at hearings regarding the number of CalWORKs welfare-to-work recipients, aggregated by county, who have been identified as potential victims of domestic abuse during the online CalWORKs appraisal process. The report shall also include a list of counties that require domestic violence survivors to be offered waivers pursuant to Section 11495.15 and a summary of actions taken by the department to address the specific and unique needs of survivors of domestic abuse.

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

(Added by Stats. 2017, Ch. 691, Sec. 7. (AB 557) Effective January 1, 2018. Section operative July 1, 2018, by its own provisions.)

11495.25. Sworn statements by a victim of past or present abuse shall be sufficient to establish abuse unless the agency documents in writing an independent, reasonable basis to find the recipient not credible. Evidence may also include, but is not limited to: police, government agency, or court records or files; documentation from a domestic violence program, legal, clerical, medical or other professional from whom the applicant or recipient has sought assistance in dealing with abuse; or other evidence, such as a statement from any other individual with knowledge of the circumstances that provide the basis for the claim, physical evidence of abuse, or any other evidence that supports the statement.

(Amended by Stats. 2006, Ch. 538, Sec. 703. Effective January 1, 2007.)

11495.40. The department shall adopt a model curriculum for domestic violence and sexual abuse prevention training, based on the statewide protocol, in consultation with the task force identified in Section 11495.1. County welfare agencies shall determine which staff will be trained.

(Added by Stats. 1997, Ch. 270, Sec. 155. Effective August 11, 1997. Operative January 1, 1998, by Sec. 183 of Ch. 270.)