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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 1. General Provisions [11200 - 11218]** ( Article 1 added by Stats. 1965, Ch. 1784. )

**11200.** This chapter shall be known and may be cited as the California Work Opportunity and Responsibility to Kids Act, and may also be cited as the CalWORKs program.

(Amended by Stats. 1997, Ch. 270, Sec. 50. Effective August 11, 1997. Operative January 1, 1998, by Sec. 183 of Ch. 270.)

**11200.5.** Funding for social services under this chapter is subject to the provisions of Part 1.5 (commencing with Section 10100) of this division.

(Added by Stats. 1978, Ch. 1235. Note: Repeal conditions in Sec. 14 of Ch. 1235 failed.)

**11201.** For the purposes of this chapter, the following shall apply:

(a) "Unemployed parent" means a natural or adoptive parent with whom the child is living.

(b) A child for whom a parent is applying for assistance under this chapter shall be considered to be deprived of parental support or care due to the unemployment of his or her parent or parents when the parent has worked less than 100 hours in the preceding four weeks and meets the requirements concerning an unemployed parent in effect on August 21, 1996, as set forth in Section 233.100 of Title 45 of the Code of Federal Regulations except for the provisions of subparagraph (i) to (v), inclusive, of paragraph (3) of subsection (a) of that section.

(c) A family receiving aid under this chapter with a child who is considered to be deprived of parental support or care due to unemployment may continue to receive assistance regardless of the number of hours his or her parent works provided the family does not exceed the applicable gross or net income limits and is otherwise eligible for assistance.

(Amended by Stats. 1998, Ch. 902, Sec. 18. Effective January 1, 1999.)

**11202.** As used in this chapter, the term "needy child" means a child living in a family as described in Section 11250, or a child as described in Section 11401.

(Amended by Stats. 1980, Ch. 1166, Sec. 2.)

**11203.** (a) During those times as the federal government provides funds for the care of a needy relative with whom a needy child or needy children are living, aid to the child or children for any month includes aid to meet the needs of that relative, if money payments are made with respect to the child or children for that month, and if the relative is not receiving aid under Chapter 3 (commencing with Section 12000) or 5.1 (commencing with Section 13000) of this part or Part A of Title XVI of the Social Security Act for that month. Needy relatives under this chapter include only natural or adoptive parents, the spouse of a natural or adoptive parent, and other needy caretaker relatives.

(b) The parent or parents shall be considered living with the needy child or needy children for a period of up to six months, or for a time period as determined by the department, of the needy child's or children's absence from the family assistance unit, and the parent or parents shall be eligible for aid as specified in subdivision (a) of Section 11450 and childcare services under Article 15.5 (commencing with Section 8350) of Chapter 2 of Part 6 of Division 1 of Title 1 of the Education Code, as that article read on May 1, 2021, as well as services under this chapter, including services funded under Sections 15204.2 and 15204.8, and the special needs benefit specified in clause (i) of subparagraph (A) of paragraph (3) of subdivision (f) of Section 11450, if all of the following conditions are met:

(1) The child has been removed from the parent or parents and placed in out-of-home care.

(2) When the child was removed from the parent or parents, the family was receiving aid under this section.

(3) The county has determined that the provision of aid as specified in subdivision (a) of Section 11450 or the provision of childcare services under Article 15.5 (commencing with Section 8350) of Chapter 2 of Part 6 of Division 1 of Title 1 of the Education Code, as that article read on May 1, 2021, or the provision of services under this chapter, including services funded under Sections 15204.2 and 15204.8, and the special needs benefit specified in clause (i) of subparagraph (A) of paragraph (3) of subdivision (f) of Section 11450, is necessary for reunification.

(c) The department shall revise its state Temporary Assistance for Needy Families plan to incorporate the provisions of subdivision (b) and to incorporate the good cause exception provisions the department deems necessary as authorized by Section 608(a)(10)(B) of Title 42 of the United States Code.

(d) 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 this section through all-county letters or similar instruction that shall have the same force and effect as regulations until regulations are adopted.

(e) This section shall become operative on July 1, 2022. Prior to this date, the department shall issue comprehensive policy, fiscal, and claiming instructions to the counties. The department shall notify the Legislature when the Statewide Automated Welfare System has automated this section.

*(Repealed (in Sec. 31) and added by Stats. 2021, Ch. 85, Sec. 32. (AB 135) Effective July 16, 2021. Operative July 1, 2022, by its own provisions.)*

**11204.** Nothing in this chapter shall be construed as authorizing any public official, agent, or representative, in carrying out any of the provisions of this chapter, to take charge of any child over the objection of either of the parents of such child, or of the person standing in the place of a parent to such child, except pursuant to a proper court order.

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

**11205.** The Legislature finds and declares that the family unit is of fundamental importance to society in nurturing its members, passing on values, averting potential social problems, and providing the secure structure in which citizens live out their lives. Each family unit has the right and responsibility to provide for its own economic security by full participation in the work force to the extent possible. Each family has the right and responsibility to provide sufficient support and protection of its children, to raise them according to its values and to provide every opportunity for educational and social progress.

*(Repealed and added by Stats. 1982, Ch. 1329, Sec. 11.)*

**11206.** In case of dispute, the application and supporting documents pertaining to his case on file in the department or on file in any county office shall be open to inspection at any time during business hours by the applicant or recipient or his attorney or agent.

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

**11207.** Every county shall grant aid to any child eligible therefor, in any amount needed, not to exceed the amount specified in Section 11450, and shall administer this chapter in such a manner as to achieve the greatest possible reduction of dependency and to promote the rehabilitation of recipients. At the time of application the county department shall discuss parental responsibility with the applicant.

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

**11208.** Caseworker services shall be made available immediately to an applicant for aid under this chapter upon the filing of his application.

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

**11209.** The department shall make rules and regulations for the proper maintenance and care of needy children and for the administration of Aid to Families with Dependent Children. Such rules and regulations shall be binding upon the institutions, county welfare departments and any public or private agency that is responsible for the placement and care of a child receiving AFDC-FC.

The department may inquire at any time into the management of any institution or public or private agency receiving aid on behalf of children under their placement and care in accordance with the provisions of this chapter or into the management by any county of Aid to Families with Dependent Children.

If an institution, public or private agency or a county fails to comply promptly with the provisions of this chapter and the rules and regulations of the department cannot be enforced in any other manner, the institution, public or private agency or county failing or refusing to comply with such provisions, rules, and regulations, or to permit the inquiry provided for in this section, shall not

thereafter receive aid under the provisions of this chapter until it has complied with all such provisions, rules, and regulations and has permitted the inquiry by the department, if such inquiry is demanded.

*(Amended by Stats. 1982, Ch. 977, Sec. 4. Effective September 13, 1982. Operative October 1, 1982, by Sec. 36 of Ch. 977.)*

**11210.** The department shall make such reports, in such form and containing such information, as the United States Department of Health and Human Services from time to time requires, and shall comply with such provisions as that department from time to time finds necessary to assure correctness and verification of such reports. County welfare departments and any public or private agency receiving aid on behalf of children under their placement and care in accordance with the provisions of this chapter shall provide the department with all information and statistics required to compile the reports.

*(Amended by Stats. 1982, Ch. 977, Sec. 5. Effective September 13, 1982. Operative October 1, 1982, by Sec. 36 of Ch. 977.)*

**11211.** Rehabilitation or employment training or job placement made pursuant to any program of rehabilitation or job development and placement operated by a county welfare department or by any state agency shall not be considered completed, and the recipient shall be considered to remain unemployed, until such time as the recipient receives from his earnings an income equivalent to the amount of income which he and his family are entitled to receive pursuant to provisions of this chapter.

This section shall be operative only on a demonstration project basis in a single, urban county selected by the department, and only during such time as the Secretary of Health, Education and Welfare has waived compliance with Section 402 of the Social Security Act as permitted by Section 1115 of that act.

*(Added by Stats. 1969, Ch. 1505.)*

**11212.** (a) The state, through the county welfare department, shall reimburse the foster parent or foster parents for the cost of the burial plot and funeral expenses incurred for any child who, at the time of death, is receiving AFDC-FC pursuant to Section 11401 or Approved Relative Caregiver Funding Program payments pursuant to Section 11461.3, to the extent that the foster parent or foster parents are not otherwise reimbursed for costs incurred for those purposes.

(b) The state, through the county welfare department, shall pay the burial costs and funeral expenses directly to the funeral home and the burial plot owner when either one of the following conditions exists:

(1) The foster parent or foster parents request the direct payment.

(2) The child's death is due to alleged criminal negligence or other alleged criminal action on the part of the foster parent or foster parents.

(c) The foster parent, or the funeral home and burial plot provider, shall file a claim for reimbursement of costs with the county welfare department at the time and in the manner specified by the department. The county welfare department shall pay the claims in an amount not to exceed the level of reimbursement allowed by the California Victim Compensation Board for burial costs and funeral expenses under its Victims of Violent Crimes program, which is contained in Article 1 (commencing with Section 13959) of Chapter 5 of Part 4 of Division 3 of Title 2 of the Government Code. Claims for the burial costs and funeral expenses for a foster child shall be paid out of funds appropriated annually to the department for those purposes.

*(Amended by Stats. 2017, Ch. 24, Sec. 17. (SB 89) Effective June 27, 2017.)*

**11213.** For the purpose of developing a more efficient, effective, and equitable Aid to Families With Dependent Children-Foster Care program, the department shall develop:

(a) A management information database providing expenditure and caseload characteristics information, such as method of entry into AFDC-FC, average cost of placement, type of facility used for placement, and average length of stay in placement.

(b) A quality control system for AFDC-FC, and recommendations to the Legislature regarding resources required for implementation of the system by October 1, 1980.

(c) Recommendations to the Legislature regarding the following:

(1) A system or systems for establishing payment levels for children eligible to the AFDC-FC program.

(2) Plans and resources required for implementation of the selected system or systems by July 1, 1981.

(d) Recommendations to the Legislature regarding defining that segment of the population to be served by the AFDC-FC program, and impact of such definition on the current AFDC-FC population.

*(Amended by Stats. 2004, Ch. 193, Sec. 231. Effective January 1, 2005.)*

**11216.** (a) Notwithstanding any other provision of law, federal Temporary Assistance for Needy Families block grant funds or state maintenance of effort funds may only be expended outside of the CalWORKs program if the expenditure does not result in additional caseload to be included in the calculation of the state's Temporary Assistance for Needy Families program caseload reduction credit.

(b) Notwithstanding any other provision of law, the amount of federal Temporary Assistance for Needy Families block grant funds authorized for any program except the CalWORKs program shall not be increased above the amount appropriated in the annual Budget Act.

*(Added by Stats. 2006, Ch. 75, Sec. 29.1. Effective July 12, 2006.)*

**11217.** (a) The Director of Social Services shall execute a declaration stating that increased federal financial participation in the Emergency Contingency Fund for State Temporary Assistance for Needy Families (TANF) Programs is no longer available pursuant to the federal American Recovery and Reinvestment Act of 2009 (ARRA) (Public Law 111-5) or subsequent federal legislation, including an amendment to the ARRA, that maintains or extends increased federal financial participation.

(b) The director shall provide a copy of the declaration to the appropriate policy and fiscal committees of the Legislature.

*(Added by Stats. 2010, Ch. 559, Sec. 32.5. (AB 12) Effective January 1, 2011.)*

**11218.** Pursuant to Section 43.3 of the Civil Code, an applicant or recipient of aid under this chapter is entitled to breastfeed her child in any public area, or area where the mother and the child are authorized to be present, in a county welfare department or other county office.

*(Added by Stats. 2013, Ch. 563, Sec. 2. (SB 252) Effective January 1, 2014.)*