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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 1. General Provisions [11000 - 11175] (Chapter 1 added by Stats. 1965, Ch. 1784.)

ARTICLE 2. Applications [11050 - 11063] (Article 2 added by Stats. 1965, Ch. 1784.)

11050. Except as provided in Chapter 3 (commencing with Section 12000) of this part and Section 11403 of this code, applications for public social services or public assistance by any person, or in behalf of any person, shall be made to the county department in the county in which the applicant is living. The application may be made in writing or reduced to writing upon the standard form prescribed in regulations of the department and a copy shall be furnished to each applicant at the time of the application.

The state is responsible for maintaining uniformity in the public social service programs provided for in Part 3 (commencing with Section 11000) of this division, and in order to promote and insure such uniformity, the department shall be responsible for the control of administering the payment of grants for all aid programs.

The department may contract with any county for the performance of eligibility and grant determinations for applicants or recipients within the jurisdiction of the contracting county, or for applicants or recipients within the jurisdiction of another county which has not contracted with the department to perform such functions or whose contract with the department has been terminated or in the absence of such contract the department may act in the place of the county and assume direct responsibility for the administration of such eligibility and grant determinations.

The department shall have the right to terminate any such contract immediately if the contracting county fails to carry out its contractual obligations.

(Amended by Stats. 1973, Ch. 1216.)

11051. The department shall include questions that enable an applicant 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 standard form for initial applications described in Section 11050.

(Added by Stats. 2018, Ch. 485, Sec. 2. (AB 2030) Effective January 1, 2019.)

11052. Application for aid may be made within 60 days prior to the date on which the applicant meets the technical requirements for such aid which have to do with factors other than need.

Application made on behalf of a child deprived of parental support because of separation or desertion may be made within 60 days prior to the date on which he will become eligible.

The application shall be promptly investigated and acted upon, but in no event shall the aid, if granted, begin as of a date prior to the date on which he meets such requirements.

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

11052.1. The department shall undertake activities designed to facilitate the dissemination of information to applicants for, and recipients of, aid under Chapter 2 (commencing with Section 11200) regarding work incentive provisions in existing law, in order to ensure that clients are aware of these provisions and their effect. These activities shall include all of the following:

(a) Developing state materials to accomplish this purpose and distributing the materials to county welfare departments for dissemination to clients as part of the regular intake and redetermination process.

(b) Modifying the current rights and responsibilities portion of the application process to include positive information about work.

(c) Developing other options to facilitate county administrative activities designed to encourage AFDC clients to work, such as including in the regular intake and redetermination process an oral or video presentation regarding work incentives, and using

specialized staff, such as Greater Avenues for Independence Program (GAIN) employment counselors, to provide work-related counseling and information.

(Added by Stats. 1995, Ch. 307, Sec. 4. Effective August 3, 1995.)

11052.5. (a) An applicant shall not be granted public assistance under Chapter 2 (commencing with Section 11200) and Chapter 5.1 (commencing with Section 13000) until he or she is first personally interviewed by the office of the county human services agency or state staff for patients in state hospitals.

(b) (1) In determining eligibility for public assistance under Chapter 2 (commencing with Section 11200), in lieu of an in-person personal interview as required under subdivision (a), the county may elect to conduct the interview required by this section telephonically or through other electronic means.

(2) A county that elects to conduct the interview telephonically or through other electronic means shall include a set of procedures in its county plan for conducting interviews in that manner that ensure that clients whose interviews are conducted telephonically or through other electronic means are provided with the same information that is provided to individuals who have their interviews conducted in person.

(c) If an applicant is incapable of acting on his or her own behalf, the county department shall verify this fact by personal contact with the applicant before aid is authorized.

(d) The interview conducted pursuant to this section shall occur within seven days after the time of application unless there are extenuating circumstances that justify further delay.

(e) If a county elects to conduct the personal interview to determine eligibility for public assistance under Chapter 2 (commencing with Section 11200) required under subdivision (a) telephonically or through other electronic means, pursuant to subdivision (b), the county shall conduct an in-person personal interview in lieu of an interview through telephonic or other electronic means if requested by an applicant.

(f) For purposes of this section, "public assistance" does not include health care as provided pursuant to Chapter 7 (commencing with Section 14000).

(Amended by Stats. 2016, Ch. 798, Sec. 2. (SB 947) Effective January 1, 2017.)

11054. (a) (1) Each applicant shall be required before approval of assistance or services to file an affirmation setting forth the applicant's belief that the applicant meets the specific conditions of eligibility. Such statements shall be on forms prescribed by the department and, in the case of applicants for aid to families with dependent children, shall contain a written declaration that the affirmation is made under penalty of perjury. Any person signing a statement containing such declaration, who willfully and knowingly with intent to deceive states as true any material matter that the person knows to be false, is subject to the penalty prescribed for perjury in the Penal Code.

(2) Whenever the applicant is incapable of completing the affirmation required pursuant to paragraph (1), and a guardian or conservator of the applicant's estate has not been appointed, the affirmation may be completed on the applicant's behalf by a relative or close personal friend or a representative of a public agency who has all necessary knowledge regarding the applicant's circumstances and is willing to affirm thereto. A copy of the affirmation shall be furnished to the applicant or other person completing it at the time it is filed. The other person completing an affirmation who willfully and knowingly with intent to deceive states as true any material matter that the person knows to be false is subject to the penalty prescribed for perjury in the Penal Code.

(3) A county department may also require like statements to be completed before approving restoration of aid as provided by Section 11051, and may require new statements at any time for purposes of continuing assistance.

(b) On and after July 1, 2021, an applicant may complete the affirmation described in subdivision (a) by means of an oral attestation in lieu of a written declaration if the applicant is unable to provide a physical signature or the county human services agency is unable to accept an electronic signature. Except for benefits issued pursuant to subparagraph (A) of paragraph (2) of subdivision (f) of Section 11450, the applicant shall submit a physical signature within 30 working days following an oral attestation for benefits to continue.

(c) Subdivision (b) shall remain operative until the California Statewide Automated Welfare System consortium has implemented an integrated telephonic signature solution. Upon implementation of a telephonic signature solution, the affirmation described in subdivision (a) may be satisfied by use of a telephonic signature.

(Amended by Stats. 2021, Ch. 85, Sec. 30. (AB 135) Effective July 16, 2021.)

11055. The county shall promptly investigate all applications for public assistance as prescribed by the regulations of the department.

11055.5. (a) In the administration of the Aid to Families with Dependent Children program, counties may conduct an early fraud prevention and detection program pursuant to this section.

(b) Funding for an early fraud prevention and detection program pursuant to Section 15204.6 shall not be made to a county if the department determines that an early fraud prevention and detection program would not be cost-effective in that county.

(c) Funding for an early fraud prevention and detection program pursuant to Section 15204.6 shall not be available to a county until its operating plan for a program is approved by the department. No operating plan shall be approved by the department unless the plan contains assurances that the county will comply with the conditions specified in subdivision (d).

(d) Each county which operates an early fraud prevention and detection program shall be subject to all of the following conditions:

(1) No intimidation of applicants or recipients shall occur, either by referral or threat of referral for a fraud investigation.

(2) Applicants shall not be referred for a fraud investigation until after they have completed and signed the application for aid.

(3) The referral and investigation shall not delay the receipt of aid, including immediate need payments, for eligible applicants and recipients.

(4) Uniformed investigators shall not be used by any county welfare department for its fraud prevention program.

(5) The county welfare department shall abide by the confidentiality requirements in Section 10850 and the requirements and protections in the California Right to Financial Privacy Act under Chapter 20 (commencing with Section 7460) of Division 7 of Title 1 of the Government Code.

(6) The county shall make a referral for welfare fraud investigation when there is reason to believe that a person, on behalf of himself or herself or others, has done any of the following:

(A) Knowingly, and with intent to deceive or defraud, made a false statement or representation to obtain benefits, to obtain a continuance or increase of benefits, or to avoid a reduction of benefits.

(B) Knowingly, and with intent to defraud, failed to disclose a fact which, if disclosed, could result in a denial, reduction, or discontinuance of benefits.

(C) Accepted benefits knowing he or she was not entitled to those benefits, or accepted any amount of benefits knowing the amount of benefits received was greater than the amount to which he or she was entitled.

(D) Made any statement which he or she did not know to be true with reckless disregard of the truth, for the purpose of obtaining, continuing, or avoiding a reduction or denial of benefits.

(7) The county shall make a referral for fraud investigation when there are reasonable grounds to believe that fraud, as specified in paragraph (6), exists. Reasonable grounds exist when one or more of the following criteria exists:

(A) An overpayment or overissuance of benefits, or both, may result from an applicant's failure to report information pertinent to eligibility or benefits.

(B) A questionable situation exists and the applicant or third party acting on behalf of the applicant will not cooperate in providing necessary verification of information which would affect the applicant's eligibility or the amount of benefits for which the applicant is eligible.

(C) The county welfare program staff person finds conflicting information which could affect the applicant's eligibility or the amount of benefits for which the applicant is eligible, and any further action on the part of that staff person could jeopardize the investigator's ability to investigate.

(D) The county is made aware of any situation involving the applicant that could involve embezzlement, collusion, conspiracy, trafficking, black marketing, or any other general program violations.

(E) The county is made aware of any situation in which the applicant may have forged, may have caused the forgery of, or is using a forgery of, any warrant or authorization to participate which has been negotiated.

(F) The county welfare program staff person has received an allegation of fraud with respect to the applicant from any governmental agency.

(G) The county has received a complaint containing facts which allege that a crime involving a public social services program, including, but not limited to, fraud, perjury, trafficking, or embezzlement, may occur.

(Amended by Stats. 1991, Ch. 97, Sec. 1. Effective June 30, 1991.)

11056. (a) If the applicant is determined to be eligible, aid shall be granted from the date of application if the applicant meets all eligibility conditions on that date, or from the date on which the applicant meets all eligibility conditions, whichever is later. In any event, the beginning date of aid shall comply with federal requirements for aid programs covered under this section whether or not federal financial participation in the aid payment is available.

(b) This section shall include, but not be limited to, payments made under the Aid to Families with Dependent Children-Foster Care program.

(Repealed and added by Stats. 1989, Ch. 1285, Sec. 2. Operative November 30, 1990, pursuant to Sec. 9 of Ch. 1285. Note: The repealed previous version was as amended by Stats. 1971, Ch. 578.)

11057. Any recipient who becomes ineligible for aid under the public assistance program under which he is receiving aid, but appears to be eligible for aid under another public assistance program, shall be so informed, and his application for aid under that other program taken promptly, so that there is no interruption in warrant payments to the recipient.

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

11057.5. The State Department of Social Services, after consultation with the County Welfare Directors Association, shall determine the times and methods for providing information regarding the At Risk Child Care Program established pursuant to Article 15.5 (commencing with Section 8350) of Chapter 2 of Part 6 of the Education Code to potentially eligible former Transitional Child Care recipients (Article 8 (commencing with Section 11500) of Chapter 2 of Part 3 of the Welfare and Institutions Code), and former aid to families with dependent children recipients.

(Added by Stats. 1991, Ch. 1190, Sec. 14. Effective October 14, 1991.)

11061. The board of supervisors of each county shall file with the department a record of the action of such county in granting or refusing to grant aid to the potentially self-supporting blind to each applicant for such aid.

(Amended by Stats. 1973, Ch. 1216.)

11062. The sworn statements, affidavits or affirmations of each applicant or recipient of aid under Chapter 5 of this part, shall be presumed to be true, except with respect to degree of blindness. This section shall not be interpreted to preclude a full and complete investigation by the agency administering aid to the blind.

(Amended by Stats. 1973, Ch. 1216.)

11063. The provisions of this article do not apply to recipients under Chapter 3 (commencing with Section 12000) of this part, unless otherwise expressly indicated.

(Amended by Stats. 1977, Ch. 579.)