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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 1. Policies and Purposes [11000 - 11023.7]** ( Article 1 added by Stats. 1965, Ch. 1784. )

**11000.** The provisions of law relating to a public assistance program shall be fairly and equitably construed to effect the stated objects and purposes of the program.

(Amended by Stats. 1982, Ch. 409, Sec. 1.)

**11001.** No person receiving aid under a public assistance program shall be considered a pauper or an indigent by reason thereof, and no warrant drawn in payment of the aid given shall contain any reference to indigency or pauperism.

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

**11002.** All aid given under a public assistance program shall be absolutely inalienable by any assignment, sale, or otherwise.

(Amended by Stats. 1982, Ch. 497, Sec. 182. Operative July 1, 1983, by Sec. 185 of Ch. 497.)

**11003.** If the United States Department of Health, Education, and Welfare issues a formal ruling that any section of this code relating to public assistance cannot be given effect without causing this state's plan to be out of conformity with federal requirements, the section shall become inoperative to the extent that it is not in conformity with federal requirements.

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

**11004.** The provisions of this code relative to public social services for which state grants-in-aid are made to the counties shall be administered fairly to the end that all persons who are eligible and apply for those public social services shall receive the assistance to which they are entitled promptly, with due consideration for the needs of applicants and the safeguarding of public funds.

(a) Any applicant for, or recipient or payee of, those public social services shall be informed as to the provisions of eligibility and the responsibility to report facts material to a correct determination of eligibility and grant.

(b) Any applicant for, or recipient or payee of, those public social services shall be responsible for reporting accurately and completely within the applicant's, recipient's, or payee's competence those facts required pursuant to subdivision (a) and to promptly report any changes in those facts.

(c) Current and future grants payable to an assistance unit may be reduced because of prior overpayments. In cases in which the overpayment was caused by agency error, grant payments shall be reduced by 5 percent of the maximum aid payment of the assistance unit. Grant payments to be adjusted because of prior overpayments because of any other reason shall be reduced by 10 percent of the maximum aid payments for the assistance unit. A recipient may have an overpayment adjustment in excess of the amounts allowable under this section if the recipient requests it.

(d) A determination of ineligibility shall not be made retrospectively so as to result in an assessment of an overpayment when there is a failure on the part of an applicant or recipient to perform an act constituting a condition of eligibility, if the failure is caused by an error made by a state agency or a county welfare department, and if the amount of the grant received by the applicant or recipient would not have been different had the act been performed.

(e) Prior to effectuating any reduction of current grants to recover past overpayments, the recipient shall be advised of the proposed reduction and of the recipient's entitlement to a hearing on the propriety of the reduction.

(f) If the department determines after a hearing that an overpayment has occurred, the county providing the public social services shall seek to recover the overpayment in accordance with subdivision (c), including any amount paid while the hearing process was

pending. That adjustment shall be permitted concurrently with any suit for restitution, and recovery of overpayment by adjustment shall reduce by the amount of such recovery the extent of liability for restitution.

(g) (1) If the individual responsible for an overpayment is no longer receiving aid under Chapter 2 (commencing with Section 11200), recovery of overpayments received under that chapter shall not be attempted when the outstanding overpayments are less than two hundred fifty dollars (\$250). When an overpayment collection is attempted, reasonable cost-effective efforts at collection shall be implemented. Reasonable efforts shall include notification of the amount of the overpayment and that repayment is required. The department shall define reasonable cost-effective collection methods. In cases involving fraud, every effort shall be made to collect the overpayments regardless of the amount.

(2) The department may establish a threshold higher than two hundred fifty dollars (\$250) if it determines that a higher threshold is more cost effective, but the department shall not set a lower threshold than that amount.

(3) Notwithstanding subdivision (c), a county shall discharge an overpayment if the county determines that the overpayment has been caused by a major systemic error or negligence, as those terms are defined by the department.

(h) If the individual responsible for the overpayment to the assistance unit becomes a member of another assistance unit, recovery of overpayments shall be made against the individual or the individual's present assistance unit, or both.

(i) (1) If an overpayment has been made to an assistance unit that is no longer receiving public social services, recovery shall be made by appropriate action under state law.

(2) This paragraph shall be operative when the Statewide Automated Welfare System (SAWS) can automate its provisions. Except in cases involving overpayments due to fraud or an investigation into suspected fraud, if the individual responsible for the overpayment has not received aid under Chapter 2 (commencing with Section 11200) for 36 consecutive months or longer, the county shall deem an overpayment uncollectible and discharge, in accordance with existing discharge procedures, an overpayment received under that chapter.

(j) A civil or criminal action shall not be commenced against any person based on alleged unlawful application for or receipt of public social services if the case record, or any consumer credit report used in the civil or criminal case of that person for the purpose of determining that the overpayment, has not been made available to that person or has been destroyed after the expiration of the three-year retention period pursuant to Section 10851.

(k) (1) When an underpayment or denial of public social services occurs and, as a result, the applicant or recipient does not receive the amount to which the applicant or recipient is entitled, the county shall provide public social services equal to the full amount of the underpayment unless prohibited by federal law. In cases that have both an underpayment and an overpayment, the underpayment shall be offset against the overpayment prior to correcting any remaining underpayment.

(2) Any corrective payments made pursuant to this subdivision shall be disregarded in determining the income of the family and shall be disregarded in determining the resources of the family in the month the corrective payment is made and in the following month.

(l) This subdivision is applicable only to applicants, recipients, and payees under Chapter 2 (commencing with Section 11200) of Part 3 of Division 9. Any suits to recover overpayments described in subdivision (f) shall be brought on behalf of the county by the county counsel unless the board of supervisors delegates that duty to the district attorney by ordinance or resolution.

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

*(Amended by Stats. 2021, Ch. 85, Sec. 26. (AB 135) Effective July 16, 2021. Conditionally inoperative July 1, 2022, or later date, by its own provisions. Repealed on January 1 after inoperative date. See later operative version added by Sec. 27 of Stats. 2021, Ch. 85.)*

**11004.** The provisions of this code relative to public social services for which state grants-in-aid are made to the counties shall be administered fairly to the end that all persons who are eligible and apply for those public social services shall receive the assistance to which they are entitled promptly, with due consideration for the needs of applicants and the safeguarding of public funds.

(a) Any applicant for, or recipient or payee of, those public social services shall be informed as to the provisions of eligibility and the responsibility to report facts material to a correct determination of eligibility and grant.

(b) Any applicant for, or recipient or payee of, those public social services shall be responsible for reporting accurately and completely within the applicant's, recipient's, or payee's competence those facts required pursuant to subdivision (a) and to promptly report any changes in those facts.

(c) Current and future grants payable to an assistance unit may be reduced because of prior overpayments. In cases in which the overpayment was caused by agency error, grant payments shall be reduced by 5 percent of the maximum aid payment of the assistance unit. Grant payments to be adjusted because of prior overpayments because of any other reason shall be reduced by 10

percent of the maximum aid payments for the assistance unit. A recipient may have an overpayment adjustment in excess of the amounts allowable under this section if the recipient requests it.

(d) A determination of ineligibility shall not be made retrospectively so as to result in an assessment of an overpayment when there is a failure on the part of an applicant or recipient to perform an act constituting a condition of eligibility, if the failure is caused by an error made by a state agency or a county welfare department, and if the amount of the grant received by the applicant or recipient would not have been different had the act been performed.

(e) Prior to effectuating any reduction of current grants to recover past overpayments, the recipient shall be advised of the proposed reduction and of the recipient's entitlement to a hearing on the propriety of the reduction.

(f) If the department determines after a hearing that an overpayment has occurred, the county providing the public social services shall seek to recover the overpayment in accordance with subdivision (c), including any amount paid while the hearing process was pending. That adjustment shall be permitted concurrently with any suit for restitution, and recovery of overpayment by adjustment shall reduce by the amount of such recovery the extent of liability for restitution.

(g) (1) (A) If the individual responsible for an overpayment is no longer receiving aid under Chapter 2 (commencing with Section 11200), recovery of overpayments received under that chapter shall not be attempted when the outstanding overpayments are less than two hundred fifty dollars (\$250). When an overpayment collection is attempted, reasonable cost-effective efforts at collection shall be implemented. Reasonable efforts shall include notification of the amount of the overpayment and that repayment is required. The department shall define reasonable cost-effective collection methods. In cases involving fraud, every effort shall be made to collect the overpayments regardless of the amount.

(B) The department may establish a threshold higher than two hundred fifty dollars (\$250) if it determines that a higher threshold is more cost effective, but the department shall not set a lower threshold than that amount.

(2) Notwithstanding subdivision (c), a county shall discharge an overpayment if the county determines that the overpayment has been caused by a major systemic error or negligence, as those terms are defined by the department.

(3) (A) Except in cases involving overpayments due to fraud, a county shall only establish an overpayment if the overpayment occurred within 24 months prior to the date that the county discovered the overpayment.

(B) A county shall not collect any portion of a nonfraudulent overpayment that occurred more than 24 months prior to the date the county discovered an overpayment.

(h) If the individual responsible for the overpayment to the assistance unit becomes a member of another assistance unit, recovery of overpayments shall be made against the individual or the individual's present assistance unit, or both.

(i) (1) If an overpayment has been made to an assistance unit that is no longer receiving public social services, recovery shall be made by appropriate action under state law.

(2) This paragraph shall be operative when the Statewide Automated Welfare System (SAWS) can automate its provisions. Except in cases involving overpayments due to fraud or an investigation into suspected fraud, if the individual responsible for the overpayment has not received aid under Chapter 2 (commencing with Section 11200) for 36 consecutive months or longer, the county shall deem an overpayment uncollectible and discharge, in accordance with existing discharge procedures, an overpayment received under that chapter.

(j) A civil or criminal action shall not be commenced against any person based on alleged unlawful application for or receipt of public social services if the case record, or any consumer credit report used in the civil or criminal case of that person for the purpose of determining that the overpayment, has not been made available to that person or has been destroyed after the expiration of the three-year retention period pursuant to Section 10851.

(k) (1) When an underpayment or denial of public social services occurs and, as a result, the applicant or recipient does not receive the amount to which the applicant or recipient is entitled, the county shall provide public social services equal to the full amount of the underpayment unless prohibited by federal law. In cases that have both an underpayment and an overpayment, the underpayment shall be offset against the overpayment prior to correcting any remaining underpayment.

(2) Any corrective payments made pursuant to this subdivision shall be disregarded in determining the income of the family and shall be disregarded in determining the resources of the family in the month the corrective payment is made and in the following month.

(l) This subdivision is applicable only to applicants, recipients, and payees under Chapter 2 (commencing with Section 11200) of Part 3 of Division 9. Any suits to recover overpayments described in subdivision (f) shall be brought on behalf of the county by the county counsel unless the board of supervisors delegates that duty to the district attorney by ordinance or resolution.

(m) 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.

(n) The department shall adopt emergency regulations implementing this section no later than January 1, 2023. The department may readopt any emergency regulation authorized by this section that is the same as, or substantially equivalent to, any emergency regulation previously adopted pursuant to this section. The initial adoption of regulations pursuant to this section and one readoption of emergency regulations shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health, safety, or general welfare. Initial emergency regulations and one readoption of emergency regulations authorized by this section shall be exempt from review by the Office of Administrative Law. The initial emergency regulations and the one readoption of emergency regulations authorized by this section shall be submitted to the Office of Administrative Law for filing with the Secretary of State, and each shall remain in effect for no more than 180 days, by which time final regulations shall be adopted.

(o) This section shall become operative on July 1, 2022, or on the date the department notifies the Legislature that the Statewide Automated Welfare System can perform the necessary automation to implement this section, whichever date is later, except as otherwise specified in paragraph (2) of subdivision (i).

*(Repealed (in Sec. 26) and added by Stats. 2021, Ch. 85, Sec. 27. (AB 135) Effective July 16, 2021. Conditionally operative July 1, 2022, or later date, as prescribed by its own provisions.)*

**11004.1.** (a) In addition to Section 11004, this section shall apply to the CalWORKs program.

(b) The amount of any CalWORKs grant overpayment shall be the difference between the grant amount the assistance unit actually received and the grant amount the assistance unit would have received under the semiannual reporting, prospective budgeting system if a county error had not occurred and if the recipient had timely, completely, and accurately reported, as required under Sections 11265.1 and 11265.3. An overpayment shall not be established based on any differences between the amount of income the county prospectively determined for the recipient for the semiannual reporting period and the income the recipient actually received during that period, provided the recipient's report was complete and accurate.

(c) A CalWORKs grant underpayment shall not be established based on any differences between the amount of income the county prospectively determined for the recipient for the semiannual reporting period and the income the recipient actually received during that period.

(d) (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.

(e) (1) Commencing August 1, 2021, a CalWORKs overpayment that is established for a current CalWORKs case on or after that date, shall be classified as an administrative error if any overpaid benefit month or months occurred during the period between April 2020 and the end of the Governor's proclamation of a state of emergency related to the COVID-19 pandemic, or June 30, 2022, whichever date is sooner.

(2) If an overpayment is classified as an administrative error pursuant to paragraph (1), and the overpayment also includes overpaid months before or after the period specified in paragraph (1), the entire overpayment shall be classified as an administrative error.

(3) An overpayment classified as an administrative error pursuant to this subdivision shall not be reclassified after the state of emergency related to the COVID-19 pandemic ends, but shall remain an administrative error, unless the overpayment is determined to be fraudulent.

*(Amended by Stats. 2022, Ch. 50, Sec. 41. (SB 187) Effective June 30, 2022.)*

**11005.** Any special need allowance for mileage and for the expenses of the operation and maintenance of an automobile shall be fixed to operate in a uniform manner throughout the state by the department.

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

**11005.5.** All money paid to a recipient or recipient group as aid is intended to help the recipient meet his individual needs or, in the case of a recipient group, the needs of the recipient group, and is not for the benefit of any other person. Aid granted under this part or Part A of Title XVI of the Social Security Act to a recipient or recipient group and the income or resources of such recipient or recipient group shall not be considered in determining eligibility for or the amount of aid of any other recipient or recipient group.

*(Added by Stats. 1973, Ch. 1216.)*

**11006.** Except as basic needs are provided pursuant to a life care agreement governed by Chapter 10 (commencing with Section 1770) of Division 2 of the Health and Safety Code, to the extent permitted by federal law the director shall formulate and promulgate regulations which establish criteria for evaluation of allowances provided to recipients of public assistance under the following circumstances:

1. Applicants or recipients who reside in a facility operated by an organization that provides for any or all of the basic needs of the individual.
2. Applicants or recipients who reside under a living arrangement paid for and controlled by an organization.

*(Amended by Stats. 1979, Ch. 373.)*

**11006.1.** Notwithstanding any other provision of law, each grant of aid under Chapter 5 (commencing with Section 13000) shall be increased in the amount of two dollars (\$2), as a basic need of the recipient. Grant increases provided pursuant to this section are specifically intended to assure that the tax shift provisions of the Property Tax Relief Act of 1972 will not work a hardship on welfare recipients. Such grant increases shall not replace, but are in addition to any other grant, including any cost-of-living adjustment or any grant for special needs for which recipients affected by this section are or may become eligible.

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

**11006.2.** (a) The department may provide for the delivery of public assistance payments at any time during the month.

(b) (1) Notwithstanding any other law, any person entitled to the receipt of public assistance payments may authorize payment to be directly deposited by electronic fund transfer into the person's qualifying account at the insured depository financial institution of the person's choice under a program for direct deposit by electronic transfer as established in this section. The direct deposit to a qualifying account shall discharge the department's obligation with respect to the payment.

(2) Each county treasurer shall make an agreement with one or more insured depository financial institutions participating in the Automated Clearing House pursuant to the local rules, and shall, by December 1, 2001, establish a program for the direct deposit by electronic fund transfer of payments to any person entitled to the receipt of public assistance benefits who authorizes the direct deposit of the benefits into the person's qualifying account at the insured depository financial institution of the person's choice. Each county treasurer has no obligation to determine whether the account at the insured depository financial institution of the person's choice is a qualifying account, as defined in paragraph (3).

(3) For purposes of this section, a "qualifying account" is one of the following:

(A) A demand deposit or savings account at an insured depository financial institution that is offered directly by the insured depository financial institution on its internet website or through its branches and that is in the name of the person entitled to receipt of public assistance payments.

(B) A prepaid account, or a demand deposit or savings account offered by or through an entity other than an insured depository financial institution, that meets all of the following:

(i) The account is held at an insured depository financial institution.

(ii) The account is set up to meet the requirements for direct or passthrough deposit or share insurance payable to the person entitled to the receipt of public assistance payments by the Federal Deposit Insurance Corporation in accordance with Part 330 of Title 12 of the Code of Federal Regulations, or the National Credit Union Share Insurance Fund in accordance with Part 745 of Title 12 of the Code of Federal Regulations.

(iii) The account is not attached to a credit or overdraft feature that is automatically repaid from the account unless the credit or overdraft feature has no fee, charge, or cost, whether direct, required, voluntary, or involuntary, or the credit or overdraft feature complies with the requirements for credit offered in connection with a prepaid account under the federal Truth in Lending Act (15 U.S.C. Sec. 1601 et seq.) and its implementing regulations.

(iv) The account complies with all of the requirements, and provides the holder of the account with all of the consumer protections, that apply to an account under the rules implementing the Electronic Fund Transfer Act (EFTA) (15 U.S.C. Sec. 1693 et seq.).

(4) A person or entity that is not an insured depository financial institution that offers, maintains, or manages an account that does not comply with paragraph (3) shall not solicit, accept, or facilitate the direct deposit of public assistance payments to the account.

(5) For purposes of this section, each county treasurer and county welfare department shall not be held liable for authorizing a direct deposit of public assistance payments into an account, designated by the person entitled to receipt of public assistance benefits, that does not comply with paragraph (3).

(6) This subdivision shall apply in each county that offers a program for direct deposit by electronic funds transfer to some or all of its employees.

(c) For the purposes of this section, the following definitions shall apply:

(1) "Insured depository financial institution" means a state or national bank, a state or federal savings and loan association, a mutual savings bank, or a state or federal credit union that holds deposits insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration.

(2) "Prepaid account" has the same meaning as that term is defined in regulations under the EFTA.

(d) (1) 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, administer, interpret, or make specific this section by means of all-county letters or similar written instructions from the department. These all-county letters or similar instructions shall have the same force and effect as regulations.

(2) Any all-county letters or similar written instructions that the department elects to issue pursuant to paragraph (1) shall be issued no later than October 1, 2022.

*(Amended by Stats. 2021, Ch. 546, Sec. 4. (SB 497) Effective January 1, 2022.)*

**11006.4.** Notwithstanding any other provision of law, when payment of aid under Chapter 2 (commencing with Section 11200) of this part is made by mail, the envelope shall bear on its face:

(a) A statement that it is not to be forwarded.

(b) A statement that address correction is requested.

*(Added by Stats. 1986, Ch. 624, Sec. 1.)*

**11006.5.** This section shall be applicable only to those aid recipients under Chapter 3 (commencing with Section 12000) and Chapter 4 (commencing with Section 12500) of this part.

Alternate methods of providing assistance may be used for recipients of aid who are found to be unable to manage the cash grant to their own best advantage. Such payment may only be used when it is determined by the county director that the recipient has, by reason of his physical or mental condition, such inability to manage funds that making cash payments to him would be contrary to his welfare.

Aid under this section may be paid to a guardian or conservator on behalf of the recipient. If no guardian or conservator is available, aid shall be paid, in whole or in part, to some other individual who is interested in or concerned with the welfare of the recipient. In the absence of superseding federal law, the department shall make regulations for the payment of aid under this section and for the selection of such substitute payee.

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

**11006.6.** (a) The department may establish and operate a central benefit issuance system in one or more counties whereby grants in aid paid pursuant to this part or any other program administered by the department and cash payments under CalFresh may be issued directly to the recipient by the Controller. Warrants representing payments under this system shall be drawn on the Central Benefit Issuance Fund. In counties where the central benefit issuance system is in operation, Sections 15150, 15150.5, 15151, and 15153, and any other related section shall not apply with respect to benefits.

(b) (1) In a case of emergency or immediate need by a recipient that cannot be addressed in a timely manner, as set forth in existing law, by issuance of a Controller's warrant, those counties, acting as agents for the department, shall authorize payment to be issued by the Central Benefit Issuance System directly to recipients from a department account designated for that purpose.

(2) Any check issued pursuant to paragraph (1) that remains unpaid for 180 days after it becomes payable shall be void and shall be canceled by the department and redeposited to the account from which it is drawn. The department shall cause to be printed prominently on the face of any check issued pursuant to paragraph (1) a notice of the requirements of this paragraph.

(c) The department shall ensure that aid issued through a central benefit issuance system is delivered timely and that the system does not reduce the accessibility of benefits and services to the recipient.

*(Amended by Stats. 2011, Ch. 227, Sec. 38. (AB 1400) Effective January 1, 2012.)*

**11006.9.** It is a cause for revocation of a permit or license by the department or the State Department of Health Services for any person, association, or corporation that maintains, conducts, or, as manager or officer or in any other administrative capacity, assists in maintaining or conducting any nursing facility, any category of intermediate care facility for the developmentally disabled, or nonmedical board and care facility to obtain, as an additional cost of care, aid allocated to a recipient for his or her personal or incidental needs or to obtain and fail to deliver such aid allocation to the recipient. The department or the State Department of Health Services shall initiate license or permit revocation proceedings.

*(Amended by Stats. 1990, Ch. 1329, Sec. 7. Effective September 26, 1990.)*

**11007.** Aid granted to a recipient of public assistance shall not constitute a lien upon any property of the recipient.

The cost of hospitalization furnished by a county to the recipient shall not constitute a lien against the personal property or personal effects of the recipient, or against an interment plot as defined in Section 7022 of the Health and Safety Code.

The cost of hospitalization furnished by a county to a recipient, other than a recipient of aid to families with dependent children, on or after May 21, 1963, and any judgment obtained by a county against the recipient to obtain repayment of such costs, shall not constitute a lien against the real property of the recipient, and no lien shall be taken therefor.

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

**11008.** (a) In order that recipients of public assistance may become self-supporting and productive members of their communities, it is essential that they be permitted to earn money without a proportionate deduction in their aid grants. It is the intention of the Legislature to promote this objective and the department, in implementing public assistance laws, is directed to do so in the light of this objective.

(b) To the extent required by federal law, earned income of a recipient of aid under any public assistance program for which federal funds are available shall not be considered income or resources of the recipient, and shall not be deducted from the amount of aid to which the recipient would otherwise be entitled. In computing the amount of income determined to be available to support a recipient, the value of currently used resources shall be included, except as provided in Section 11018.

(c) This section does not apply to recipients under Chapter 3 (commencing with Section 12000) of this part.

*(Amended by Stats. 2004, Ch. 193, Sec. 229. Effective January 1, 2005.)*

**11008.1.** To the extent permitted by federal law, income, including but not limited to seven dollars and fifty cents (\$7.50) of any income, received by a recipient of aid under Chapter 3 (commencing with Section 12000), Chapter 4 (commencing with Section 12500), or Chapter 6 (commencing with Section 13500) of this part shall not be considered income or resources of the recipient and shall not be deducted from the amount of aid to which the recipient would otherwise be entitled.

This section shall be known and may be cited as the Social Security Pass-On.

*(Added by Stats. 1970, Ch. 1520.)*

**11008.2.** To the extent permitted by federal law, lump sum retroactive social security payments received under the provisions of Public Law 92-5 shall not be considered in determining the amount payable to any person under aid to families with dependent children, aid to the blind, aid to the aged, aid to the potentially self-supporting blind, aid to the needy disabled, Medi-Cal, or county aid and relief to indigents.

This section shall not be construed to limit the provisions of Section 11008.1.

*(Added by Stats. 1971, Ch. 122.)*

**11008.3.** The 1974 income tax refunds and the lump sum fifty dollars (\$50) payment received under the provisions of Public Law 94-12 shall not be considered as income or resources in determining the amount payable to any person under the aid to families with dependent children program, the Burton-Moscone-Bagley Citizens' Income Security Act for Aged, Blind and Disabled Californians, the aid to the potentially self-supporting blind program, the Medi-Cal Act, in computing net income or financial liability under Section 14005.7 or 14005.12, or county aid and relief to indigents.

This section shall not be construed to limit the provisions of Section 11008 or 11008.1.

*(Added by Stats. 1975, Ch. 183.)*

**11008.4.** Property taxes (1) as defined in Section 20584 of the Revenue and Taxation Code, which are postponed by a person pursuant to Chapter 2 (commencing with Section 20581) or 3 (commencing with Section 20641) of Part 10.5 of Division 2 of the Revenue and Taxation Code, and (2) as defined in Section 20511 and 20512 of the Revenue and Taxation Code, on which a person is granted assistance pursuant to Chapter 1 (commencing with Section 20501) of Part 10.5 of Division 2 of the Revenue and Taxation Code, and renters credits as defined in Section 17053.5 of the Revenue and Taxation Code, shall not be considered as



income or resources in determining the amount payable to any person under Division 9 (commencing with Section 10000) of the Welfare and Institutions Code.

This section shall not be construed to limit the provisions of Section 11008 or 11008.1.

*(Amended by Stats. 1979, Ch. 373.)*

**11008.6.** In addition to the requirements contained in Section 11008, when determining the income of a recipient, to the extent permitted by federal law, relocation assistance benefits received by public assistance recipients pursuant to the Housing Act of 1964, Public Law 88-560, and benefits received under the Manpower Development and Training Act of 1962, Public Law 87-415 as amended, and the Elementary and Secondary Education Act of 1965, Public Law 89-10, shall not be considered income or resources of the recipient and shall not be deducted from the amount of aid to which the recipient would otherwise be entitled. The provisions of this section shall not apply to recipients who receive benefits under the Manpower Development and Training Act of 1962, Public Law 87-415 as amended, or the Elementary and Secondary Education Act of 1965, Public Law 89-10, when the recipient, for other than medical reasons, changes his training program on his own initiative more than once during a two-year period.

*(Amended by Stats. 1967, Ch. 1601.)*

**11008.7.** Neither funds distributed pursuant to U.S. Public Law 90-507 (82 Stat. 860) nor property derived therefrom shall be considered in determining the eligibility of or the amount payable to any person under federal, state, or local laws, plans, rules, or regulations relating to welfare services or payments of any type of public assistance to needy persons, including, but not limited to, aid to families with dependent children, aid to the blind, aid to the aged, aid to the potentially self-supporting blind, aid to the needy disabled or medical assistance recipients.

*(Amended by Stats. 1969, Ch. 1377.)*

**11008.8.** It is the intent of the Legislature that any reduction in the state and county costs of public assistance payments to recipients of aid under Chapter 5 (commencing with Section 13000) of this part, which result from increased social security benefits voted by Congress shall be applied to increasing the monthly grants to all recipients of aid under that chapter.

Notwithstanding any other provision of law, on and after October 1, 1972, the maximum or average grants contained in Sections 13100 and 13101 and the need standard of recipients contained in departmental regulations on July 1, 1972, that were established pursuant to such sections shall be increased in the amount of twelve dollars (\$12). Such increases shall be reflected in the grants that are payable on October 1, 1972. Such increases shall not replace, but are in addition to any other grant, including any cost-of-living adjustment or any grant for special needs for which recipients affected by this section are or may become eligible.

There is hereby appropriated from the general fund in every county an amount sufficient to pay the total nonfederal costs of the increase in aid grants provided in this section.

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

**11008.9.** Loans or grants provided for in Section 69650 of the Education Code are deemed to be for educational purposes and to the extent permitted by federal law, shall not be used or considered in determining the need of any applicant or recipient or as part of the amounts used to determine the eligibility of any applicant or recipient for public assistance programs.

This section shall not apply to recipients under Chapter 3 (commencing with Section 12000) of this part.

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

**11008.10.** To the extent permitted by federal law the value of any loan or grant to any undergraduate student made or insured under any program administered by the State Scholarship and Loan Commission or a college accredited by the Western Association of Schools and Colleges shall not be considered in determining eligibility or the amount of the grant.

*(Added by renumbering Section 11008.8 by Stats. 1974, Ch. 546.)*

**11008.11.** To the extent permitted by federal law, any stipends, meals, transportation, or other income received by a senior companion pursuant to Chapter 7 (commencing with Section 9520) of Division 8.5 shall not be considered as income or resources of the recipient and shall not be deducted from the amount of any public assistance or aid to which the recipient would otherwise be entitled under this division.

*(Added by Stats. 1979, Ch. 1121.)*

**11008.12.** To the extent permitted by federal law, any stipend, meals, transportation, or other income received by a foster grandparent pursuant to Chapter 8 (commencing with Section 9540) of Division 8.5 shall not be considered as income or resources



of the recipient and shall not be deducted from the amount of any public assistance or aid to which the recipient would otherwise be entitled under this division.

*(Added by Stats. 1979, Ch. 1122.)*

**11008.13.** To the extent permitted by federal law and consistent with other provisions of this chapter, in determining the eligibility and amount of aid under this division for a person who is not a citizen or national of the United States for whom an affidavit of support was executed prior to December 19, 1997, the income and resources of the person shall be deemed to include the income and resources of any person who had executed an affidavit of support on behalf of the person and the spouse of that person as provided in Section 408 of the Social Security Act (42 U.S.C. Sec. 608) and any subsequent amendments thereto.

*(Amended by Stats. 2021, Ch. 296, Sec. 63. (AB 1096) Effective January 1, 2022.)*

**11008.135.** (a) Notwithstanding any other provision of law, in determining the eligibility and amount of aid for a person who is not a citizen or national of the United States under this division, the income and resources of the person shall be deemed to include the income and resources of any person who has executed an affidavit of support on behalf of the person and the spouse of that person as provided in Subtitle C (commencing with Section 421) of Title IV of Public Law 104-193, as amended by Public Law 104-208, and any subsequent amendments thereto, subject to any exceptions required by those provisions, including exceptions for indigents and battered spouses.

(b) As a condition of eligibility, the sponsored applicant or recipient shall provide information regarding the income and resources of any person, and the spouse of that person, who has executed an affidavit of support on behalf of the person who is not a citizen or national of the United States.

*(Amended by Stats. 2021, Ch. 296, Sec. 64. (AB 1096) Effective January 1, 2022.)*

**11008.14.** (a) The income of the natural or adoptive parent, the spouse of the natural or adoptive parent, and the sibling of an eligible child unless the sibling is not included in the number of needy persons used to calculate the maximum aid payment pursuant to Section 11450.17, living in the same home with an eligible child shall be considered available, in addition to the income of an applicant for or recipient of aid under Chapter 2 (commencing with Section 11200), for purposes of eligibility determination and grant computation. Except as otherwise provided in this section, in the case of a parent or legal guardian of a minor who is also the parent of an eligible child, the income of the parent or guardian shall be considered available to the minor parent and eligible child to the same extent that income to a stepparent is considered available to an assistance unit. Income through child support for a child not included in the number of needy persons used to calculate the maximum aid payment pursuant to Section 11450.17 shall not be considered available to any member of the assistance unit.

(b) This section shall be applied to all applicants for, and recipients of, aid provided through the CalWORKs program under Chapter 2 (commencing with Section 11200), except that income of a guardian of an applicant for, or recipient of, foster care benefits provided under Article 5 (commencing with Section 11400) of Chapter 2 shall not be considered available to the ward or to a child of the ward for the purpose of eligibility determination and grant computation under Article 5 (commencing with Section 11400) of Chapter 2. This section shall be applied regardless of whether federal financial participation is available for the family.

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

*(Repealed (in Sec. 1) and added by Stats. 2017, Ch. 729, Sec. 2. (SB 380) Effective January 1, 2018. Section operative November 1, 2018, by its own provisions.)*

**11008.15.** Notwithstanding Sections 11008.14 and 11267, the department shall exercise the options of disregarding earned income of a dependent child or ward of the juvenile court derived from participation in the Job Training Partnership Act of 1982 (Public Law 97-300), a dependent child or ward of the juvenile court who is a full-time student pursuant to the Deficit Reduction Act of 1984 (Public Law 97-369), a dependent child or ward of the juvenile court 16 years of age or older who is a participant in the Independent Living Program pursuant to the Consolidated Omnibus Budget Reconciliation Act of 1985 (Public Law 99-272), and, on and after January 1, 2012, a nonminor dependent, as defined in subdivision (v) of Section 11400 who is participating in a transitional independent living case plan pursuant to the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110-351), provided that the child's Independent Living Program case plan states that the purpose of the employment is to enable the child to gain knowledge of needed work skills, work habits, and the responsibilities of maintaining employment.

*(Amended by Stats. 2010, Ch. 559, Sec. 31. (AB 12) Effective January 1, 2011.)*

**11008.17.** (a) To the extent required by federal law, amounts paid pursuant to any federal law enacted in 1988 to provide reparation payments to redress the injustice done to United States citizens and residents of Japanese ancestry who were interned during World War II shall not be considered as income or resources for purposes of determining eligibility to receive Medi-Cal benefits or public assistance benefits or the amount of those benefits.

(b) To the extent that federal financial participation is available, amounts paid by the Canadian government to provide reparation payments to redress the injustice done to persons of Japanese ancestry who were interned in Canada during World War II shall not be considered as income or resources for purposes of determining eligibility to receive Medi-Cal benefits or public assistance benefits or the amount of those benefits.

(c) To the extent that federal financial participation is available, where the reparation payments described in subdivisions (a) and (b) have been converted to another form, amounts of otherwise excess nonexempt resources equal to the amount of these reparation payments received by the individual or inherited by the spouse of the individual, or both, shall not be considered as resources in determining eligibility for Medi-Cal.

(d) To the extent that federal financial participation is available, reparation payments described in subdivisions (a) and (b), or where the reparation payments described in subdivisions (a) and (b) have been converted to another form, amounts of resources equal to the amount of these reparation payments, received by the deceased Medi-Cal beneficiary or inherited by the deceased spouse of that beneficiary, or both, shall be exempt from estate recovery by the State Department of Health Services pursuant to Section 14009.5.

*(Amended by Stats. 2021, Ch. 296, Sec. 65. (AB 1096) Effective January 1, 2022.)*

**11008.18.** The department shall implement the state option in Section 402(a)(36) of the federal Social Security Act (42 U.S.C. Sec. 602(a)(36)) and as that statute may hereinafter be amended, which provides that the value of support assistance or maintenance assistance, or both, provided in the form of any in-kind income on the basis of need to, or on behalf of, a family by all entities described in Section 402(a)(36) of the federal Social Security Act (42 U.S.C. Sec. 602(a)(36)) and as that statute may hereinafter be amended shall be disregarded as income.

*(Added by Stats. 1986, Ch. 1402, Sec. 3.5.)*

**11008.19.** (a) (1) To the degree child care and development services administered by the State Department of Education pursuant to Chapter 2 (commencing with Section 8200) of Part 6 of the Education Code are used to serve families receiving aid to families with dependent children that are eligible for child care under the AFDC program, the department and the State Department of Education, in consultation with the county welfare departments, shall establish a system for documenting child care usage by this population so the state can claim the maximum amount to which it is entitled under Title IV-A of the Social Security Act, contained in Part A (commencing with Section 601) of Subchapter 4 of Chapter 7 of Title 42 of the United States Code.

(2) To the extent permitted by federal law, the department and the State Department of Education shall coordinate their efforts and claim federal financial participation pursuant to Title IV-A of the Social Security Act.

(3) Upon the approval of the Superintendent of Public Instruction, the department, and the State Department of Education shall enter into an interagency agreement to transfer Title IV-A funds from the department to the State Department of Education and to ensure that all federal requirements are met in carrying out the program made possible by the receipt of Title IV-A funds.

(4) The system established pursuant to paragraph (1) shall be implemented only to the extent that its implementation does not result in an overall increase in expenditures from the General Fund.

(b) (1) Title IV-A funds received pursuant to paragraph (1) of subdivision (a) shall be used to expand child care and development services in accordance with the interagency agreement required by paragraph (3) of subdivision (a).

(2) In no case shall Title IV-A funds received pursuant to this section be used to supplant existing state funds and cause the state to violate the maintenance of effort requirements for the federal Child Care and Development Block Grant and the Title IV-A "at-risk" programs. Funds made available pursuant to subdivision (a) shall be expended by the departments to support the following:

(A) Any additional administrative costs associated with documenting and claiming federal reimbursement incurred by the department, the State Department of Education, county welfare offices, and child care and development services contractors.

(B) Expanded child care and development services to families receiving AFDC benefits, in the following order of priority:

(i) AFDC families in approved education and training programs, except those receiving services under Article 3.2 (commencing with Section 11320) of Chapter 2.

(ii) AFDC applicants or recipients who choose the Alternative Assistance Program pursuant to Section 11280.

(iii) All other AFDC recipients who meet the eligibility criteria for federally funded Title IV-A child care pursuant to this section.

(c) (1) Notwithstanding Section 8278 of the Education Code and Item 6110-196-001 of the Budget Act of 1991 (Chapter 118 of the Statutes of 1991), the Superintendent of Public Instruction may authorize the expenditure of not more than one million dollars (\$1,000,000) in child care carryover funds by the State Department of Education and the State Department of Social Services, through an interagency agreement, for the purposes of implementing the program specified in this section in the 1991–92 and 1992–93 fiscal years.

(2) Prior to making the authorization under paragraph (1), the Superintendent of Public Instruction shall notify the appropriate policy and fiscal committees of the Legislature of the amounts to be expended pursuant to this subdivision.

(3) Funds that may be expended pursuant to this subdivision shall be expended for the purpose of supporting administrative costs associated with claiming federal reimbursement for families with dependent children receiving services pursuant to Chapter 2 (commencing with Section 8200) of Part 6 of the Education Code. In the 1993–94 fiscal year and subsequent fiscal years, state administrative funds for both departments shall be appropriated in the annual Budget Act pursuant to subdivision (b).

(d) For purposes of this section, "Title IV-A funds" means federal money received pursuant to Part A (commencing with Section 601) of Subchapter 4 of Chapter 7 of Title 42 of the United States Code.

*(Amended by Stats. 2004, Ch. 193, Sec. 230. Effective January 1, 2005.)*

**11008.20.** (a) Notwithstanding any other provision of law, any amount, including any interest or property, received by a holocaust victim, as defined in subparagraph (A) of paragraph (2) of subdivision (b) of Section 17155 of the Revenue and Taxation Code either as compensation pursuant to the German Act Regulating Unresolved Property Claims, as amended (Gesetz zur Regelung offener Vermögensfragen), or as a result of a settlement of claims against any entity or individual for any recovered asset, shall not be considered as income or resources for purposes of determining eligibility to receive Medi-Cal benefits or public assistance benefits or the amounts of those benefits.

(b) To the extent permitted by federal law, excludable restitution payments, as defined in Section 17131.1 of the Revenue and Taxation Code, shall not be included in income or resources of any individual who is eligible for the exclusion under Section 17131.1 of the Revenue and Taxation Code for purposes of determining eligibility for any aid, grant, or benefit under this division.

(c) This section shall not be construed to permit any retroactive services or payments to be provided to recipients of Medi-Cal or public assistance benefits.

*(Amended by Stats. 2002, Ch. 701, Sec. 4. Effective January 1, 2003.)*

**11009.1.** The value of free board and lodging supplied to a recipient during a temporary absence from his home of not more than one month, shall be considered an inconsequential resource and shall not be deducted from the amount of aid to which the recipient is otherwise entitled.

After an absence of one month, free board and lodging shall be considered income to the extent the value exceeds the continuing cost to the recipient of maintaining the home to which he expects to return.

This section shall not apply to recipients under Chapter 3 (commencing with Section 12000) of this part.

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

**11010.** Except as otherwise provided in Section 12152 in determining the amount of aid grants payable under a public assistance program, no consideration shall be given to voluntary contributions or grants from other public sources, private agencies, friends or relatives when such contributions or grants meet the following conditions:

1. The service to be provided is designated by the department and is not covered by an assistance allowance under the particular program, and
2. The contribution or grant would not be available for expenditure by or in behalf of the recipient unless it is used in accordance with the conditions imposed by the donor.

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

**11010.5.** General unrestricted or undesignated private charitable donations and contributions made to charitable or nonprofit organizations shall not be deducted from the cost of providing services under this division or Division 5 (commencing with Section 5000).

*(Added by Stats. 1976, Ch. 290.)*

**11011.** (a) (1) (A) The Safety Net Reserve Fund is hereby established in the State Treasury. The Medi-Cal Subaccount and the CalWORKs Subaccount are hereby created within the Safety Net Reserve Fund.

(B) On and after the effective date of the act adding this subparagraph, the Medi-Cal Subaccount and the CalWORKs Subaccount established pursuant to subparagraph (A) are hereby abolished and the balances remaining in those subaccounts shall be transferred to the Safety Net Reserve Fund.

(2) Notwithstanding any other law, the Controller may use the funds in the Safety Net Reserve Fund for cashflow loans to the General Fund as provided in Sections 16310 and 16381 of the Government Code.

(b) Upon the enactment of the 2018 Budget Act, upon order of the Director of Finance, the Controller shall transfer two hundred million dollars (\$200,000,000) from the General Fund to the CalWORKs Subaccount.

(c) Upon appropriation by the Legislature, the Safety Net Reserve Fund shall be utilized, in addition to other state revenues, for the purpose of maintaining existing program benefits and services for the Medi-Cal and CalWORKs programs during economic downturns, when program costs may increase due to economic conditions.

*(Amended by Stats. 2019, Ch. 29, Sec. 143. (SB 82) Effective June 27, 2019.)*

**11011.1.** For the 2018–19 fiscal year, upon order of the Director of Finance, the Controller shall transfer seven hundred million dollars (\$700,000,000) from the General Fund to the Safety Net Reserve Fund.

*(Added by Stats. 2019, Ch. 29, Sec. 144. (SB 82) Effective June 27, 2019.)*

**11011.2.** For the 2021–22 fiscal year, upon order of the Director of Finance, the Controller shall transfer four hundred fifty million dollars (\$450,000,000) from the General Fund to the Safety Net Reserve Fund.

*(Added by Stats. 2021, Ch. 85, Sec. 29. (AB 135) Effective July 16, 2021.)*

**11013.** (a) The department may require issuance of an identification card to recipients of aid.

The identification card shall contain the following information:

(1) Name and address of the recipient.

(2) Social security number.

(3) Color photograph and identifying characteristics.

(b) The department shall determine the need for including additional information and instructions on the identification card.

*(Amended by Stats. 1973, Ch. 1212.)*

**11014.** To the extent that any provision of this part prohibits the granting of aid to persons confined in a public institution for tuberculosis or mental disease or as a result of the diagnosis of tuberculosis, intellectual disability, or psychosis permitted by federal law, that provision shall be inoperative.

*(Amended by Stats. 2012, Ch. 457, Sec. 67. (SB 1381) Effective January 1, 2013.)*

**11015.** Unless there are other grounds therefor, aid grants shall not be withheld pending ascertainment of increases in federal benefits or increases in benefits payable by a public agency.

Following the ascertainment of any such increase, adjustment shall be made, as provided in subdivision (c) of Section 11004, for any overpayment of aid which the recipient might have received.

*(Added by renumbering Section 11014 (as added by Stats. 1965(2x), Ch. 12) by Stats. 1967, Ch. 90.)*

**11016.** Notwithstanding any other provision of law, no person for whom federal financial participation is available shall be denied benefits, for which federal financial participation is available, solely because such person is incarcerated in a county or city jail or juvenile detention facility.

*(Added by Stats. 1980, Ch. 90, Sec. 4. Effective May 9, 1980.)*

**11017.** In computing and paying assistance under this part, the need and income amounts used shall be rounded to the next lower whole dollar when the result of determining the standard of need or the payment amount includes an amount which is not a whole dollar.

*(Amended by Stats. 1990, Ch. 1586, Sec. 1.)*

**11017.1.** Notwithstanding the provisions of Section 11017, the State Department of Social Services, at the next computation of annual cost-of-living adjustments for public assistance payments on and after August 28, 1969, under Part 3 (commencing with Section 11000) of Division 9 of the Welfare and Institutions Code, shall make all such adjustments to the nearer fifty cents (\$0.50) in order that all future grant computations and payments may be made to the nearer dollar. Thereafter subsequent cost-of-living adjustments shall be made to the nearer dollar.

*(Amended by Stats. 1978, Ch. 380.)*

**11020.** (a) Where a recipient under a categorical aid program other than CalWORKs has received aid in good faith but in fact owned excess property, he or she shall be considered to have been ineligible for aid during the period for which any excess property would have supported him or her at the rate of the aid granted to him or her. Under these circumstances, the recipient or his or her estate shall repay the aid he or she received during this period of ineligibility.

(b) With respect to recipients under Chapter 3 (commencing with Section 12000) of this part, overpayments shall be collected by the federal government pursuant to federal law.

(c) Where a CalWORKs recipient has received aid in good faith, but in fact owned excess property, the recipient shall have an overpayment equal to the lesser of the amount of the excess property or the aid received during the period the recipient owned the excess property and the grant was not accurately determined under the semiannual reporting, prospective budgeting system due to the excess property.

(d) (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.

*(Repealed (in Sec. 4) and added by Stats. 2011, Ch. 501, Sec. 5. (AB 6) Effective January 1, 2012. Section operative April 1, 2013, by its own provisions.)*

**11021.** Notwithstanding any other provision of law, no individual who is an applicant for, or recipient of, aid or assistance under a state plan approved under Title IV, X, XIV, XVI, or XIX of the federal Social Security Act; assistance funded by payments under Title V or XX of the federal Social Security Act; or of benefits under the Supplemental Security Income program established by Title XVI of the federal Social Security Act shall:

(a) Be required as a condition of eligibility for or of continuing to receive that aid, assistance, or benefit, to make an election to receive funds according to Section 10113.1 of the Insurance Code, or to receive funds under an accelerated death benefit under a policy of life insurance.

(b) By reason of failure to make such an election, be denied or suffer a reduction in the amount of aid, assistance, or benefits, unless that individual would thereby exceed federal eligibility limits under Title IV, X, XIV, XVI, or XIX of the federal Social Security Act, assistance funded by payments under Title V or XX of the federal Social Security Act, or of benefits under the Supplemental Security Income program established by Title XVI of the federal Social Security Act.

For purposes of this section, "accelerated death benefit" means any payment made by the life insurer under the terms of a life insurance policy while the insured individual is alive as a result of a recalculation of the insured individual's life expectancy by the life insurer.

*(Amended by Stats. 1991, Ch. 475, Sec. 3. Effective October 2, 1991.)*

**11022.** The State Department of Health Services and the State Department of Social Services shall prepare information on the effect of funds received according to Sections 10113.1 and 10113.2 of the Insurance Code as to eligibility to receive or to continue to receive aid, assistance, or benefits from all federal, state, or other relevant assistance programs. All information shall be prepared for distribution to benefit counselors and viatical settlements corporations to be distributed at the time of solicitation by viatical settlements corporations.

*(Amended by Stats. 1992, Ch. 796, Sec. 3. Effective January 1, 1993.)*

**11023.** (a) If a county human services agency elects to use information contained in a consumer credit report for the determination of CalFresh or CalWORKs eligibility or benefit level, the county shall obtain written authorization from an applicant or recipient prior to obtaining the credit report.

(b) If a county takes an adverse action against an applicant or recipient, the determination of which was based, in whole or in part, upon information contained in the consumer credit report, the county shall do all of the following:

(1) Provide the applicant or recipient with the notice required by Section 615 of the federal Fair Credit Reporting Act (15 U.S.C. Sec. 1681m), indicating that the verification or eligibility determination was based, in whole or in part, upon the information contained in the consumer credit report.

(2) Issue the notice required by paragraph (1) in writing and in accordance with the standards for adequate notice established in federal law.

(3) Make the information available to an applicant or recipient who requests a copy of his or her case file or appeals a negative action based in whole or in part on information the county obtained from the consumer credit report.

(c) For purposes of this section, an "adverse action" means a determination of ineligibility for CalFresh or CalWORKs or a reduction in benefits or services.

(d) The written authorization and notice required by this section may be provided by electronic means.

(e) If the county human services agency elects to use information contained in a consumer credit report for the determination of benefit level, the county shall not require the applicant or recipient to submit hard-copy documentation that is duplicative of the information it will verify using the credit report.

(f) Nothing in this section precludes the use of other forms of verification or prohibits the county from requesting additional documentation when the county establishes, in writing, that the information it has already received is questionable.

*(Added by Stats. 2016, Ch. 308, Sec. 2. (SB 1232) Effective January 1, 2017.)*

**11023.5.** (a) Any applicant or recipient of benefits under the Aid to Families with Dependent Children, CalFresh, and Medi-Cal programs, who delivers a document which has been requested by the county welfare department shall, upon the applicant's or recipient's request, be provided with a written receipt indicating that the county welfare department has received the document. A notice which explains an applicant's and recipient's right to receipts upon request shall be prominently posted by the county welfare department at the location where the document is to be delivered. The receipt shall be issued at the time the document is delivered.

(1) A county which maintains a system of logging hand delivered documents is exempt from the requirements of this subdivision.

(2) County welfare departments which provide receipts for all hand delivered documents without a request by an applicant or recipient shall be exempt from the notice posting requirement.

(b) The county welfare department shall only provide receipts for documents which have been delivered in person to a county welfare department employee other than the applicant's or recipient's regularly assigned caseworker and to the location in which or through which the caseworker conducts his or her business. Only one receipt is required for monthly income reports and their supporting documents which are hand delivered. Monthly income reports and other requested documents which have been mailed shall not be subject to the requirements of this section.

(c) In consultation with the County Welfare Directors Association and the Coalition of California Welfare Rights Organizations, the department shall develop the notice which informs applicants and recipients of the right to receipts for hand delivered documents and shall develop minimum guidelines for county receipt forms.

(d) As used in this section, "applicant or recipient" means an applicant or recipient of benefits under the Aid to Families with Dependent Children, CalFresh, and Medi-Cal programs.

*(Amended by Stats. 2011, Ch. 227, Sec. 39. (AB 1400) Effective January 1, 2012.)*

**11023.7.** (a) If it is within the capacity of the county, a county may communicate with an applicant for, or recipient of, benefits under CalWORKs (Chapter 2 (commencing with Section 11200)), CalFresh (Chapter 10 (commencing with Section 18900) of Part 6), or the Cash Assistance Program for Aged, Blind, and Disabled Legal Immigrants (Chapter 10.3 (commencing with Section 18937) of Part 6) via computer-generated text message. All communications and notices of actions sent via computer-generated text message shall comply with Section 227 of Title 47 of the United States Code.

(b) Communications sent via computer-generated text message shall not include case-identifying information, as that term is defined by the State Department of Social Services. Notices of action may only be sent via computer-generated text message pursuant to this section using a link to a secure online portal where the applicant or recipient can access the notice of action after securely logging in. All other communications sent via computer-generated text messages to an applicant or recipient are not required to be sent using a link to a secure online portal unless otherwise required by federal law or guidance.

(c) Only the first or last name, but not both, of an applicant or recipient may appear in a text message generated pursuant to this section.

(d) (1) All electronic technology used pursuant to this section shall be in compliance with state information technology policy, and related state and federal law, including, but not limited to, Sections 7405 and 11135 of the Government Code, Section 508 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794d), as amended, and the regulations implementing that act, as set forth in Part 1194 (commencing with Section 1194.1) of Chapter XI of Title 36 of the Code of Federal Regulations and Appendices A, C, and D of that part, and the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and the obligation under these laws to communicate with people with disabilities in a manner that is as effective as communications with people without disabilities.

(2) This subdivision is declarative of existing law.

*(Added by Stats. 2018, Ch. 384, Sec. 2. (AB 1957) Effective January 1, 2019.)*