

# Senate Bill 23

## Repeal of the Maximum Family Grant

Senator Holly J. Mitchell

### THIS BILL

SB 23 will repeal the Maximum Family Grant (MFG) rule in the California Work Opportunities and Responsibility to Children (CalWORKs) program in order to provide for the basic needs of a newborn. Under the MFG rule, some infants are denied basic needs assistance, which leads to poorer outcomes and ultimately increased costs to the state.

SB 23 protects newborns' health and safety while prohibiting the state from inserting itself into the private reproductive and medical decisions of families just because they are poor.

### ISSUE

The CalWORKs MFG rule endangers the health and wellbeing of infants born into poverty, while purposely limiting the reproductive choices and violating the privacy of poor women. It does this by prohibiting parents receiving assistance through the CalWORKs program to receive a basic needs grant for any child born to the household while any member of the household is receiving aid. Without the MFG rule, the amount most households would receive in additional benefits for the newborn child is \$122/month.<sup>1</sup>

Even without the denial of aid to newborns, most recipient households live in dire poverty, unable to obtain the basic necessities of life. Research indicates that preventing families from receiving basic necessities by reducing welfare benefits could lead to greater familial

poverty, which in turn contributes to poorer health, developmental, and social outcomes in children. Research has shown that children who experience the toxic stress of deep poverty are more likely to experience health and physiological problems than those who do not and may be burdened with cognitive deficits and a reduced ability to cope with challenging situations.<sup>2</sup> Consequently, by reducing the benefits families receive to spend on basic necessities, the MFG rule is more likely to exacerbate the many mental and physical health problems that children in poverty are already at increased risk of developing.

The MFG policy is intended to control impoverished parents' choices about the size of their families and when to conceive through the threat of economic hardship. When applied, it ultimately punishes the newborn, by denying necessary aid at a time when cash aid is most important for a child's development. The additional aid a family would receive is hardly enough to pay for the child's basic needs and without it, these children face increased risks for homelessness and other hardships associated with extreme poverty.

State law allows for a few exemptions to the MFG rule. These include when a child is conceived as a result of incest or rape or from a failure of contraceptives, but *only* for those contraceptives identified in state statute which are Sterilization and Inter-Uterine Device. Mothers whose infants are subject to the MFG rule are forced to decide between disclosing personal and confidential medical information,

<sup>1</sup> **Source:** California Department of Social Services, <http://www.cdss.ca.gov/research/res/pdf/calreports/MAP-MBSAC.pdf>.

<sup>2</sup> Cornell University, *Welfare Family Grants and the Zero-Grant Situation* by Christopher Dinkel

such as their status as a rape victim and use of contraception, or going without a basic need grant for their child.

## **BACKGROUND**

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The CalWORKs program provides a basic needs cash grants to low-income families with children, to alleviate the impact of poverty on children and to keep families together. Federal funding for the program comes from the Temporary Aid to Needy Families (TANF) block grant. The program serves 3.6%<sup>3</sup> of the state's population, just a fraction of Californians who live below the federal poverty level (FPL). The average CalWORKs family grant is \$464/month, putting a family of 3 at about 29% of the FPL.<sup>4</sup>

The current law was adopted prior to federal welfare reform by AB 473 (Brulte), signed by Governor Wilson in 1994, after California voters rejected a ballot measure calling for a similar policy. The legislative history indicates that the policy was intended to reduce the birthrate of poor families receiving aid, but studies have shown that that the MFG rule and similar TANF family caps have had no impact on birthrates.<sup>5</sup> Punitive in nature, the MFG rule serves only to punish mothers for having another child. And ultimately it is the child who is punished for being born into poverty.

California is one of only 15 states to maintain such a policy. There is a movement from states to repeal similar policies: Wyoming, Nebraska, Illinois, Oklahoma, Kansas and Maryland have recently repealed their family caps, recognizing that it does not serve its stated purpose and instead makes infants vulnerable to the long-term consequences of poverty. In recent years, there has been a better understanding about how this policy invades the reproductive privacy and freedoms of low-income families and may

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<sup>3</sup><http://www.cdss.ca.gov/research/res/pdf/caltrends/CWPopRecJan13Map.pdf>

<sup>4</sup><http://www.cdss.ca.gov/research/res/pdf/Paff/2012/PAFFMar12.pdf>

<sup>5</sup><http://www.gao.gov/new.items/d01924.pdf> pg. 3

lead to increases in children in foster care, abortion, and poorer outcomes for both the mother and baby.

## **CONCLUSION**

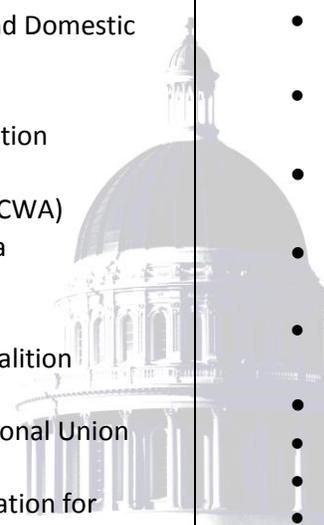
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As states have realized the long term health consequences of denying services to infants, there has been a movement to repeal MFG policies. California must protect the health of children born into extreme poverty and repeal this draconian and ineffective rule. The MFG rule has not led to changes in birthrates among poor women but has resulted in women being forced to make desperate decisions that endanger the health and safety of themselves and their children.

## **SUPPORT**

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- Western Center on Law and Poverty (co-sponsor)
- American Civil Liberties Union of California (ACLU) (co-sponsor)
- CA Welfare Directors Association (co-sponsor)
- ACCESS Women's Health Justice (co-sponsor)
- East Bay Community Law Center (co-sponsor)
- CA Latinas for Reproductive Justice (co-sponsor)
- Health Access (co-sponsor)
- CA Partnership
- Planned Parenthood Affiliates of California (PPAC)
- CA Labor Federation AFL-CIO
- The Women's Foundation of CA
- CA Immigrant Policy Center
- National Association of Social Workers, California Chapter (NASW-CA)
- Health & Human Services Network
- County of Los Angeles
- National Youth Law Center
- Child Care Law Center
- Courage Campaign
- CA Catholic Conference of Bishops

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- St. Anthony's San Francisco
  - ACT for Women and Girls
  - California Black Health Network, Inc.
  - Asian Law Alliance
  - Center for Law and Social Policy (CLASP)
  - California Reinvestment Coalition
  - California Association of Food Banks
  - The Public Interest Law Project
  - Friends Committee on Legislation of CA
  - Coalition of California Welfare Rights Organizations, Inc
  - National Health Law Program (NHeLP)
  - Western Regional Advocacy Project (WRAP)
  - John Burton Foundation
  - United Ways of California
  - California Partnership to End Domestic Violence
  - Parent Voices
  - Chinese Progressive Association
  - Citizens for Choice
  - California WIC Association (CWA)
  - NARAL Pro-Choice California
  - San Diego Hunger Coalition
  - Hunger Advocacy Network
  - California Hunger Action Coalition (CHAC)
  - Service Employees International Union (SEIU)
  - California National Organization for Women (CA NOW)
  - Having Our Say coalition (HOS)
  - California Pan-Ethnic Health Network (CPEHN)
  - California Family Health Council's (CFHC)
  - Help a Mother Out
  - Casa de Esperanza
  - Black Women for Wellness
  - Center on Reproductive Rights and Justice at the University of California, Berkeley, School of Law
  - National Council of Jewish Women California (NCJW CA)
  - Physicians for Reproductive Health
  - California Association of Food Banks
  - Asian Law Alliance
  - Asian Pacific Policy & Planning Council (A3PCON)
  - Women's Health Specialists of CA
  - Association of California Commissions for Women (ACCW)
  - Californians United for a Responsible Budget
  - Children Now
  - Jewish Family Service of San Diego
  - Interface Children & Family Services
  - Guam Communications Network
  - California Alternative Payment Program Association (CAPPA)
  - Alliance for Community Transformations
  - Feminist Democrats of Sacramento County
  - Strong Hearted Native Women's Coalition, Inc
  - California Nurse-Midwives Association
  - American Association of University Women
  - Women Organizing Resources, Knowledge and Services (WORKS)
  - Rainbow Services, Ltd
  - 9 to 5 CALIFORNIA
  - YWCA of Glendale
  - San Francisco Department on the Status of Women
  - Law Students for Reproductive Justice
  - Legal Aid Society – Employment Law Center
  - Peace Over Violence
  - SAVE (Safe Alternatives to Violent Environments)
  - SEIU Local 721
  - Special Needs Network
  - Housing CA
  - Public Counsel's Children's' Rights Project
  - Public Counsel's Homelessness Prevention Law Project
  - Tehama County Department of Social Services

- Bay Area Legal Aid
- San Luis Obispo County Dept of Social Services
- Butte County Department of Employment and Social Services
- California Hunger Action Coalition
- First Place for Youth
- California Alternative Payment Program Association (CAPPA)
- Community Food and Justice Coalition
- Consumer Attorneys of California
- CA Rural Legal Assistance Foundation
- First 5 Monterey County

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## **OPPOSITION**

None on file

## **FOR MORE INFORMATION**

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