

# Assembly Bill 271

## Repeal of the Maximum Family Grant

Assemblymember Holly Mitchell

### THIS BILL

AB 271 will repeal the Maximum Family Grant (MFG) rule in the CalWORKs program in order to provide for the basic needs of a newborn. Under the current MFG, some infants may be denied these services, which lead to poorer outcomes and ultimately increased costs to the state.

AB 271 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

Current state law endangers the health and wellbeing of infants born into poverty, while purposely limiting the reproductive choices and violating the privacy of poor women.

Most welfare recipients live in dire poverty. Even with the aid that the California Work Opportunities and Responsibility to Children (CalWORKs) provides, families frequently cannot afford 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 poor health, developmental, and social outcomes in children. For example, children in poverty are more likely to experience health and physiological problems than more affluent children. Researchers have also discovered cognitive deficits among impoverished children. Finally, studies have shown that children in poverty have a greater risk of developing social

and emotional problems.<sup>1</sup> Consequently, by reducing the benefits families receive to spend on basic necessities, family caps are likely to exacerbate the many mental and physical health problems that children in poverty are already at increased risk of developing.

California provides that parents receiving assistance through the CalWORKs program may not receive a grant for any child born to the household while any member of the household is receiving aid. This is known as the Maximum Family Grant (MFG) rule. Without the MFG rule, the amount most households would receive in additional benefits for the newborn child is \$122/month.<sup>2</sup>

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

<sup>1</sup> Cornell University, *Welfare Family Grants and the Zero-Grant Situation* by Christopher Dinkel

<sup>2</sup> Source: California Department of Social Services, <http://www.cdss.ca.gov/research/res/pdf/calreports/MAP-MBSAC.pdf>.

failure of contraceptives, but *only* for those contraceptives identified in state statute. Mothers whose infants are subject to the MFG rule are forced to decide between disclosing personal and confidential medical information, such as their status as a rape victim or use of contraception, or going without a basic need grant for their child.

While it is appropriate for a caseworker to be trained at offering support should a rape or incest be reported, it is an over-reach of government to force a victim, under duress of enduring deeper poverty, to do so.

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## BACKGROUND

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% of the state's population, just a fraction of the 15.7% 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>3</sup>

The current law was adopted in 1994 under Governor Wilson, after California voters rejected a ballot measure calling for a similar policy. The MFG rule stems from a theory that imposing a cap on aid to poor families will lead to the families having fewer children, which studies have shown to be unsubstantiated.<sup>4</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.

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<sup>3</sup> **Source:** California Department of Social Services, <http://www.cdss.ca.gov/research/res/pdf/Paff/2012/PAFFMar12.pdf>

<sup>4</sup> **Source:** Federal General Accounting Office <http://www.gao.gov/new.items/d01924.pdf> pg. 3

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

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## CONCLUSION

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.

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## SUPPORT

- ACCESS Women's Health Justice (co-sponsor)
- East Bay Community Law Center (co-sponsor)
- Western Center on Law and Poverty (co-sponsor)
  
- Alameda County Food Bank
- American Civil Liberties Union of California
- Asian Law Alliance
- Asian Pacific American Legal Center
- Bay Area Legal Aid
- Black Women for Wellness

- Burmese Family Refugee Network
- California Association of Food Banks
- California Black Health Network
- California Catholic Conference
- California Communities United Institute
- California Family Health Council
- California Immigrant Policy Center
- California Latinas for Reproductive Justice
- California Nurses Association
- CA- NOW
- California Partnership
- California Partnership to End Domestic Violence
- California Rural Legal Assistance Foundation
- California Women's Law Center
- Catholic Charities of California United
- Center on Reproductive Rights and Justice at UC Berkeley School of Law
- Children's Defense Fund – California
- Coalition of California Welfare Rights Organizations, Inc.
- Forward Together
- Having Our Say
- Hunger Action Los Angeles
- Insight Center for Community Economic Development
- Laborers' International Union of North America Locals 777 and 792 (representing county social service employees)
- Legal Services of Northern California
- Lifetime: Low-Income Families' Empowerment through Education
- Mid-City Community Advocacy Network
- National Center for Lesbian Rights
- Next Door Solutions for Domestic Violence
- Parent Voices
- Public Interest Law Project
- Sacramento Housing Alliance
- Street Level Health Project
- St. John's Well Child & Family Center
- Vision y Compromiso
- Women's Foundation of California

- Women's Health Specialists
- Youth Justice Coalition

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## OPPOSITION

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None

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## FOR MORE INFORMATION

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