

# Senate Bill 360

Correcting Mistakes without Criminal Penalties, Senator Skinner (D – 09)  
As Introduced, February 2017

## THIS BILL

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When an agency makes a mistake that results in an overpayment to a single-parent CalWORKs and CalFresh recipient, that mistake should not turn into a criminal penalty. SB 360 makes sure that if an agency makes a welfare overpayment that the agency knew about or should have known about – the county can't use this to take a parent to court.

## ISSUE

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Failure in the welfare system can lead to overpayments and trouble for single-parents. Currently, counties can prosecute single parents for accepting the overpayment, even when the overpayment was caused by the welfare system's own failure.

Under current law, when this happens single parents can be charged with a felony for unreported income that results from an overpayment of over \$950. This means potential jail time for parents and foster care for their children at a cost to the state of over \$2,200 a month per each child.

During the last quarter of fiscal year of 2015-2016 there were 2,019,562 cases in California with possible overpayments. Counties were aware of them, but only reviewed 567,910 cases during this quarter. Thus, at the end of the last quarter of 2015-2016 there were 2,726,066 cases that were not reviewed. If counties only process 567,910 cases a month, it could take six months to catch up, not including new cases.

As a result, many overpayments, that could have been prevented, quickly grow. Thus, putting the welfare recipients at risk of criminal charges and losing their benefits.

## SOLUTION

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SB 360 addresses this problem by ensuring that a parent is allowed to correct a mistake of any overpayment that the county knew or should have known about, and that the welfare overpayment cannot be used to prosecute the parent.

## SUPPORT

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Coalition of Welfare Rights Organizations –  
(Sponsor)  
California Food Policy Advocates (CFPA)

## CONTACT

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