

# VIRGINIA ACTS OF ASSEMBLY -- 2002 SESSION

## CHAPTER 81

*An Act to amend and reenact § 63.1-133.43 of the Code of Virginia, relating to participation in the Virginia Independence Program; exceptions.*

[H 5]

Approved March 4, 2002

**Be it enacted by the General Assembly of Virginia:**

**1. That § 63.1-133.43 of the Code of Virginia is amended and reenacted as follows:**

§ 63.1-133.43. Participant eligibility.

All recipients of AFDC shall be required to participate in the Program. The following families shall not be required to participate in any of the employment provisions of the Program and shall remain eligible for AFDC financial assistance:

1. Any individual, including all minor caretakers, under sixteen years of age;
2. Any individual at least sixteen, but no more than nineteen years of age, who is enrolled full-time in elementary or secondary school, including career and technical education programs. The career and technical education program must be equivalent to secondary school. Once the individual loses this exemption, he cannot requalify for the exemption, even if he returns to school, unless the case is closed and reopened or he becomes exempt for another reason. Whenever feasible, such recipients should participate in summer work;
3. Any individual who is unable to participate because of a temporary medical condition that is preventing entry into employment or training, as determined by a physician and certified by a written medical statement. Such an exemption shall be reevaluated every sixty days to determine whether the person is still exempt;
4. Any individual who is incapacitated, as determined by receipt of Social Security Disability Benefits or Supplemental Security Income. This exemption shall not be granted to either parent in an AFDC-UP case; eligibility shall be evaluated for regular AFDC on the basis of the parent's incapacity;
5. Any individual sixty years of age or older;
6. Any individual who is the sole caregiver of another member of the household who is incapacitated as determined by receipt of Social Security Disability Benefits or Supplemental Security Income or another condition as determined by the State Board and whose presence is essential for the care of the other member on a substantially continuous basis;
7. A parent or caretaker-relative of a child under eighteen months of age who personally provides care for the child. A parent of a child not considered part of the AFDC assistance unit under § 63.1-105.7 may be granted a temporary exemption of not more than six weeks after the birth of such child;
8. A female who is in her fourth through ninth month of pregnancy as determined by a written medical statement provided by a physician *or by a registered nurse who is the physician's designee or licensed nurse practitioner*;
9. Children receiving AFDC-Foster Care;
10. Families where the primary caretakers of a child or children are legal guardians, grandparents, foster parents, or other persons standing in loco parentis and are not the adoptive or biological parents of the child.

In an AFDC-UP case, both parents shall be referred for participation unless one meets an exemption; only one parent can be exempt. If both parents meet an exemption criterion, they shall decide who will be referred for participation.