

# VIRGINIA ACTS OF ASSEMBLY -- 2019 SESSION

## CHAPTER 376

*An Act to amend and reenact § 63.2-602 of the Code of Virginia, relating to Temporary Assistance for Needy Families (TANF); eligibility.*

[H 2005]

Approved March 14, 2019

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

**1. That § 63.2-602 of the Code of Virginia is amended and reenacted as follows:**

**§ 63.2-602. Eligibility for Temporary Assistance for Needy Families (TANF); penalty.**

A. A person shall be eligible for Temporary Assistance for Needy Families if that person:

1. Has not attained the age of ~~eighteen~~ 18 years, or, if ~~regularly attending a full-time student~~ in a secondary school or in the equivalent level of career and technical education, has not attained the age of nineteen years and is reasonably expected to complete his senior year of school prior to attaining age nineteen;

2. Is a resident of Virginia;

3. Is living with his father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew, or niece in a residence maintained by such relative or is in placement under conditions specified by the Board;

4. Is in need of public assistance; and

5. If ~~under the age of eighteen years~~ less than 18 years of age, is in compliance with compulsory school attendance laws (§ 22.1-254 et seq.) as described in § 63.2-606. Prior to imposing a sanction of benefits, the local department shall make reasonable efforts to discuss with the parent or caretaker, by personal contact that may include direct telephone contact, a plan to return the child to school. If such efforts fail, the local department shall mail a written advance notice of proposed action to the parent or caretaker advising that benefits may be reduced if the parent or caretaker fails to contact the local department to develop a plan to return the child to school.

B. An applicant for TANF shall:

1. Furnish, apply for or have an application made on his behalf, and on behalf of all children for whom assistance is being requested, for a social security account number to be used in the administration of the program;

2. Assign the Commonwealth any rights to support from any other person such applicant may have on his own behalf or on behalf of any other family member for whom the applicant is applying for or receiving aid, except for any support that accrued prior to the execution of the assignment;

3. Identify the parents of the child for whom aid is claimed, subject to the "good cause" provisions or exceptions in federal law or regulations. However, this requirement shall not apply if the child is in a foster care placement or if the local department determines, based upon the sworn statement of the applicant or recipient or of another person with knowledge of the circumstances, that the child was conceived as the result of incest or rape; and

4. Cooperate in (i) locating the parent of the child with respect to whom TANF is claimed, (ii) establishing the paternity of a child born out of wedlock with respect to whom TANF is claimed, (iii) obtaining support payments for such applicant or recipient and for a child with respect to whom TANF is claimed, and (iv) obtaining any other payments or property due such applicant or recipient for such child.

Any applicant or recipient who intentionally misidentifies another person as a parent shall be guilty of a Class 5 felony.

C. Unless an exception to the requirement set forth in subdivision B 3 applies, the Department's Division of Child Support Enforcement shall proceed to determine parentage pursuant to Chapter 3.1 (§ 20-49.1 et seq.) of Title 20. If paternity is not established after six months of receipt of TANF, the case shall be reviewed to determine the reason that paternity has not been established. If paternity has not been established due to the caretaker relative's noncooperation, the local department may suspend the entire grant or the adult portion of the grant, subject to Board regulations.

D. TANF shall be provided to two-parent families on the same terms and conditions that TANF is provided to single-parent families.