

# VIRGINIA ACTS OF ASSEMBLY -- 1994 SESSION

## CHAPTER 188

*An Act to amend and reenact § 63.1-105 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 63.1-105.2, relating to eligibility for aid to families with dependent children.*

[H 95]

Approved April 2, 1994

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

**1. That § 63.1-105 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 63.1-105.2 as follows:**

§ 63.1-105. (Delayed effective date) Eligibility for aid to families with dependent children.

A person shall be eligible for aid to *families with dependent children* if he:

(a) 1. Has not attained the age of eighteen years, or, if regularly attending a secondary school or in the equivalent level of vocational or technical training, has not attained the age of nineteen years and is reasonably expected to complete his senior year of school prior to attaining age nineteen;

(b) 2. Is a resident of Virginia;

(c) 3. Is deprived of parental support or care by reason of the death, continued absence from home, or physical or mental incapacity of a parent;

(d) 4. Is living with his father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew, or niece in a place of residence maintained by one or more of such relatives as his or their own home or is in placement under conditions specified by the State Board; and

(e) 5. Is in need of public assistance.

Notwithstanding the provisions of subdivision (e) 3 above, the State Board may determine, by rule and regulation, the conditions under which a child who is deprived of adequate support by reason of the unemployment of one or both of his parents shall be eligible for aid and assistance under this chapter if all other eligibility requirements have been met. The welfare of the child shall be the paramount consideration and the presence of an unemployed parent in the home shall not in and of itself deprive such child of necessary aid and assistance under this chapter.

Additionally, notwithstanding the provisions of subdivision (e) 3 above and according to regulations promulgated by the Board, the parent of an eligible child or children who is married to a person not the parent of ~~said~~ the child or children shall not be eligible for Aid to Families with Dependent Children (AFDC) if the parent's spouse's income, when deemed available to the family unit according to federal regulations, in and of itself, exceeds the state eligibility standard for such aid. However, eligibility for ~~said~~ the child or children shall be considered by counting the income of such parent and child or children, and any portion of the parent's spouse's income which exceeds 150 percent of the federal poverty level for the spouse and parent. If the income of the parent's spouse which is deemed available does not, in and of itself, exceed the state eligibility standard for AFDC, none of the spouse's income ~~will~~ shall be counted as available to the family unit, and eligibility ~~will~~ shall be determined considering only the income, if any, of the parent and ~~said~~ the child or children. If the ~~said~~ parent fails or refuses to cooperate with the Department's Division of Child Support Enforcement in the pursuit of child support, the income of the parent's current spouse ~~will~~ shall be counted in accordance with federal regulations in determining eligibility for AFDC for the parent's child or children.

§ 63.1-105.2. *Requirements for recipients of aid to families with dependent children (AFDC).*

*An applicant for aid to families with dependent children (AFDC) shall provide verification that all eligible children not enrolled in school, a licensed family day home, or a licensed child day center, have received immunizations in accordance with § 32.1-46. However, if an eligible child has not received immunizations in accordance with § 32.1-46, verification shall be provided at the next scheduled redetermination of eligibility for AFDC after initial eligibility is granted that the child has received at least one dose of each of the immunizations required by § 32.1-46 as appropriate for the child's age and that the child's physician or the local health department has developed a plan for completing the immunizations. Verification of compliance with the plan for completing the immunizations shall be presented at subsequent redeterminations of eligibility for AFDC.*

*Recipients of AFDC on the effective date of this act shall provide verification of receipt of immunizations in accordance with § 32.1-46 for all eligible children not enrolled in school, a licensed family day home, or a licensed child day center, at the next scheduled redetermination of eligibility for AFDC after notification of the requirements of this act. However, if an eligible child has not received immunizations in accordance with § 32.1-46, verification shall be provided at the next scheduled redetermination of eligibility for AFDC after notification of the requirements of this act that the child has received at least one dose of each of the immunizations required by § 32.1-46 as appropriate for the*

*child's age and that the child's physician or the local health department has developed a plan for completing the immunizations. Verification of compliance with the plan for completing the immunizations shall be presented at subsequent redeterminations of eligibility for AFDC.*

*If necessary, the local department shall provide assistance to the AFDC recipient in obtaining verification from immunization providers. No sanction may be imposed until the reason for the failure to comply with the immunization requirement has been identified and any barriers to accessing immunizations have been removed.*

*Failure by the recipient to provide the required verification of immunizations shall result in a reduction in the amount of monthly assistance received from the AFDC program until the required verification is provided. The reduction shall be fifty dollars for the first child and twenty-five dollars for each additional child for whom verification is not provided.*

*Any person who becomes ineligible for AFDC payments as a result of this provision shall nonetheless be considered an AFDC recipient for all other purposes, including Medicaid eligibility.*

**2. That the Secretary of Health and Human Resources shall apply for the appropriate federal waivers and approvals necessary to implement the provisions of this act and that this act shall become effective upon the receipt of such waivers and approvals.**