

LD1126352

HOUSE BILL NO. 95

Offered January 12, 1994

A BILL to amend and reenact § 63.1-105 of the Code of Virginia, as it is currently effective and as it may become effective, relating to eligibility for aid to families with dependent children.

Patrons—Melvin, Moore and Robinson; Senator: Lucas

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:

1. That § 63.1-105 of the Code of Virginia, as it is currently effective and as it may become effective, is amended and reenacted as follows:

§ 63.1-105. (For effective date - See note) Eligibility for aid to *families with* dependent children.

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

(a) 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) Is a resident of Virginia;

(c) 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) 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) Is in need of public assistance; *and*

(f) *Can verify that he has received all immunizations as provided in § 32.1-46.*

Notwithstanding the provisions of paragraph (c) 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.

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

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

(a) 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) Is a resident of Virginia;

(c) 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) 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) Is in need of public assistance; *and*

(f) *Can verify that he has received all immunizations as provided in § 32.1-46.*

Notwithstanding the provisions of subdivision (c) 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 (c) 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 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 child or children shall be considered by counting the income of such parent and child or children,

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60 and any portion of the parent's spouse's income which exceeds 150 percent of the federal poverty level
61 for the spouse and parent. If the income of the parent's spouse which is deemed available does not, in
62 and of itself, exceed the state eligibility standard for AFDC, none of the spouse's income will be
63 counted as available to the family unit, and eligibility will be determined considering only the income, if
64 any, of the parent and said child or children. If the said parent fails or refuses to cooperate with the
65 Department's Division of Child Support Enforcement in the pursuit of child support, the income of the
66 parent's current spouse will be counted in accordance with federal regulations in determining eligibility
67 for AFDC for the parent's child or children.