

LD5349761

SENATE BILL NO. 505

Offered January 25, 1994

A Bill to amend the Code of Virginia by adding in Title 63.1 a chapter numbered 6.5, consisting of sections numbered 63.1-133.41 through 63.1-133.53, establishing the Virginia Independence Program.

Patrons—Colgan, Earley, Lambert, Quayle and Saslaw; Delegates: Bennett, Bloxom and Brickley

Referred to the Committee on Rehabilitation and Social Services

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 63.1 a chapter number 6.5, consisting of sections numbered 63.1-133.41 through 63.1-133.53, as follows:

CHAPTER 6.5,

FROM WELFARE TO WORK:

THE VIRGINIA INDEPENDENCE PROGRAM.

§ 63.1-133.41. Virginia Independence Program; administration.

There is hereby created the Virginia Independence Program, hereinafter in this chapter referred to as the "Program." Institution of the Program is to be effected over a three-year period commencing July 1, 1994. The Program is designed to include an Agreement of Mutual Responsibility, requiring intensive case management, supportive and transitional services for families, a disregard of earned income, a limit on public assistance for recipients who bear children while receiving Aid to Families with Dependent Children (AFDC), and a two-year limit on the receipt of AFDC by a family. The Program is intended to enable AFDC recipients to become economically self-sufficient within twenty-four months of execution of the Agreement of Mutual Responsibility. The Department of Social Services shall administer the Program.

§ 63.1-133.42. Agreement of Mutual Responsibility.

For each recipient in the Program, the participant and the local department of social services shall execute an "Agreement of Mutual Responsibility," hereinafter referred to as the "Agreement," which sets out the responsibilities of and expectations for applicants and recipients of public assistance and the responsibilities, obligations, and services of the local department in a format developed for statewide use. The Agreement shall be in writing and shall be implemented through a process of intense case management. The Agreement shall include, but not be limited to, negotiated recipient and department outcomes, targeted task completion dates, a clear description of what activities are and are not being counted in the context of the two-year limitation on receipt of benefits and the objective criteria which will be used in determining if the recipient's eligibility will be extended. The Agreement must also include instructions for the recipient about the appeal process which shall be available to the recipient, free of charge, if disagreement occurs between the contracting parties.

§ 63.1-133.43. Intensive case management.

Intensive case management by trained staff of local departments of social services shall be provided to assist the recipient in meeting mutually established goals for self-sufficiency as specified in the Agreement, reinforce the participant's personal responsibility and ensure that the community's resources are available to enable the participant to meet the responsibilities delineated in the Agreement. The ratio of case managers to participants shall be small enough to permit case managers to give each participant sustained and individualized attention. The appropriate ratio shall be determined by the Department based on nationally recognized criteria.

§ 63.1-133.44. Support services.

Support services for Program participants shall include, but not be limited to, education, employment and training services, work experience programs, transportation, child day care services and health care coverage.

§ 63.1-133.45. Transitional services.

Transitional services for Program participants shall include, but not be limited to, child day care and health care coverage for a minimum of twelve months after becoming employed.

§ 63.1-133.46. Earned income disregard.

Notwithstanding the provisions of § 63.1-105 and the AFDC program regulations promulgated by the State Board of Social Services, the State Board shall promulgate regulations to disregard fifty percent of a Program participant's earned income in the computation of their eligibility for benefits under the AFDC program for a period of two years after employment.

§ 63.1-133.47. Disregard of earned income for housing subsidies.

INTRODUCED

SB505

60 *Earned income of participants shall be disregarded in the determination of the amount of housing*
61 *subsidies for which the participant is otherwise eligible.*

62 *§ 63.1-133.48. Limitation on benefits under the aid to families with dependent children (AFDC)*
63 *program.*

64 *Notwithstanding the provisions of § 63.1-105 and the AFDC program regulations promulgated by*
65 *the State Board of Social Services, the State Board shall revise the schedule of payments to be paid to a*
66 *recipient family participating in the Program by eliminating the increment in AFDC benefits to which a*
67 *family would otherwise be eligible as the result of the birth of a child during the period in which the*
68 *family participates in the Program, or during the period in which the family or adult recipient is*
69 *ineligible for AFDC benefits pursuant to a penalty imposed by the Commissioner for failure to comply*
70 *with benefit eligibility or child support requirements, subsequent to which the family or adult recipient is*
71 *again eligible for benefits. The State Board shall provide that a recipient family in which the Program*
72 *participant gives birth to an additional child during the period of the mother's eligibility for AFDC*
73 *benefits, or during a temporary penalty period of ineligibility for benefits, may receive additional*
74 *benefits only in the case of a general increase in the amount of AFDC benefits which is provided to all*
75 *AFDC program recipients. Program participants shall receive notice of this provision at the time the*
76 *Agreement is signed by both parties. This provision shall not apply to legal guardians, foster parents,*
77 *grandparents, or other persons in loco parentis who are not the biological parent of the child.*

78 *The State Board shall provide that there shall be no elimination of the increment in benefits for*
79 *Program participants (i) for ten months after the effective date of the receipt of federal waivers, or July*
80 *1, 1994, whichever is later; nor (ii) for ten months after the date that the Program participant first*
81 *applies for AFDC or first reapplies, if there has been prior participation in the AFDC program, after*
82 *the effective date of the receipt of federal waivers, or July 1, 1994, whichever is later.*

83 *§ 63.1-133.49. Limit on the receipt of aid to families with dependent children (AFDC).*

84 *The Department shall establish a goal for the Program, through the Agreement, to limit the receipt*
85 *of AFDC financial assistance to a maximum two-year period. The limit shall be based on mutual*
86 *understanding of achievable goals and objectives tailored to the abilities and skills of the Program*
87 *participant, as well as the availability of community resources.*

88 *The limitation of two years shall be effective twenty-four months after the signing of the Agreement*
89 *by the Program participant and the local department of social services. A Program participant whose*
90 *benefits are terminated pursuant to this section may receive AFDC financial assistance after a period of*
91 *twenty-four months without the receipt of AFDC financial assistance has elapsed, if such person is*
92 *otherwise eligible.*

93 *§ 63.1-133.50. Extension of eligibility period.*

94 *The local department of social services shall notify a Program participant that his benefits are*
95 *scheduled to be terminated ninety days prior to such termination and shall inform the participant that*
96 *he may apply for an extension of benefits.*

97 *The Department shall establish objective criteria for the determination of the extension of benefits*
98 *which shall include, but not be limited to: (i) whether the participant has received or rejected offers of*
99 *employment, has quit a job without good cause or been fired for cause; (ii) the degree to which the*
100 *participant has cooperated with the local department of social services in education, employment and*
101 *training activities; (iii) whether the local department of social services has substantially met its*
102 *obligation to provide services to the Program participant; and (iv) factors relating to job availability*
103 *(unemployment rate, etc.), the availability of transportation and the job readiness of the recipient. The*
104 *Agreement shall contain the objective criteria which will be used to determine if there should be an*
105 *extension of the eligibility period.*

106 *§ 63.1-133.51. Care of dependent children.*

107 *It shall be the responsibility of the Department to arrange for appropriate care of dependent*
108 *children, through local departments of social services, for Program families where the limitation on*
109 *benefits as a result of the birth of an additional child or the two-year limit on benefits is executed.*
110 *Services shall be provided that include, but are not limited to, helping families obtain donated food and*
111 *clothing, continuation of food stamps for adults and children who are otherwise eligible, child day care,*
112 *and health care coverage for adults and children who are otherwise eligible for Medicaid.*

113 *§ 63.1-133.52. Participant eligibility.*

114 *Recipients of AFDC who meet eligibility criteria for the Job Opportunity and Basic Skills Program*
115 *(JOBS) shall be eligible to participate in the Program, pursuant to guidelines established by the*
116 *Department.*

117 *§ 63.1-133.53. Statewide Program implementation.*

118 *The Department shall establish guidelines for the selection of 5,000 participants for the first year of*
119 *implementation and 5,000 additional participants in the second year, beginning July 1, 1995, in areas*
120 *with demographics and economies reflective of Virginia's poverty areas. Program site selection shall*
121 *conform with federal requirements for waiver approval. The Program shall be implemented on a*

122 *statewide basis effective July 1, 1996.*

123 **2. That the Secretary of Health and Human Resources shall apply for the appropriate federal**
124 **waivers and approvals necessary to implement the provisions of this act and that this act shall**
125 **become effective upon the receipt of such waivers and approvals, or on July 1, 1994, whichever is**
126 **later.**

127 **3. That notwithstanding the provisions of this act, the Secretary of Health and Human Resources**
128 **may amend the Virginia Independence Program consistent with the intent of this act in order to**
129 **comply with federal requirements.**

INTRODUCED

SB505