

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 63.1-105, as it is currently effective and as it may become effective,*
 3 *§ 63.1-105.1, §§ 63.1-133.41 through 63.1-133.55, and § 63.1-251 of the Code of Virginia and to*
 4 *amend the Code of Virginia by adding sections numbered 63.1-105.3 through 63.1-105.7, relating to*
 5 *aid to families with dependent children and the Virginia Independence Program.*

6 [H 2001]
 7 Approved

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

9 **1. That § 63.1-105, as it is currently effective and as it may become effective, § 63.1-105.1,**
 10 **§§ 63.1-133.41 through 63.1-133.55 and § 63.1-251 of the Code of Virginia are amended and**
 11 **reenacted and that the Code of Virginia is amended by adding sections numbered 63.1-105.3**
 12 **through 63.1-105.7 as follows:**

13 § 63.1-105. Eligibility for aid to dependent children.

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

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

18 (b) 2. Is a resident of Virginia;

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

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

25 (e) 5. Is in need of public assistance; *and*

26 6. *If under the age of eighteen years, is in compliance with compulsory school attendance laws*
 27 *(§ 22.1-254 et seq.) as described in § 63.1-105.4.*

28 Notwithstanding the provisions of subdivision (e) 3 above, the State Board may determine, by rule
 29 and regulation, the conditions under which a child who is deprived of adequate support by reason of the
 30 unemployment of one or both of his parents shall be eligible for aid and assistance under this chapter if
 31 all other eligibility requirements have been met. The welfare of the child shall be the paramount
 32 consideration and the presence of an unemployed parent in the home shall not in and of itself deprive
 33 such child of necessary aid and assistance under this chapter. *To the extent permissible under federal*
 34 *law, AFDC shall be provided to needy two-parent families on the same terms and conditions that AFDC*
 35 *is provided to single-parent families.*

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

50 § 63.1-105. (Delayed effective date) Eligibility for aid to families with dependent children.

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

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

55 2. Is a resident of Virginia;

56 3. Is deprived of parental support or care by reason of the death, continued absence from home, or

57 physical or mental incapacity of a parent;

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

62 5. Is in need of public assistance; *and*

63 6. *If under the age of eighteen years, is in compliance with compulsory school attendance laws*
64 *(§ 22.1-254 et seq.) as described in § 63.1-105.4.*

65 Notwithstanding the provisions of subdivision 3 above, the State Board may determine, by regulation,
66 the conditions under which a child who is deprived of adequate support by reason of the unemployment
67 of one or both of his parents shall be eligible for aid and assistance under this chapter if all other
68 eligibility requirements have been met. The welfare of the child shall be the paramount consideration
69 and the presence of an unemployed parent in the home shall not in and of itself deprive such child of
70 necessary aid and assistance under this chapter. *To the extent permissible under federal law, AFDC shall*
71 *be provided to needy two-parent families on the same terms and conditions that AFDC is provided to*
72 *single-parent families.*

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

87 § 63.1-105.1. Eligibility for payments for aid to families with dependent children.

88 A. To be eligible for payments for aid to families with dependent children, an applicant or recipient
89 shall:

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

93 2. Assign the Commonwealth any rights to support from any other person such applicant may have
94 in his own behalf or in behalf of any other family member for whom the applicant is applying for or
95 receiving aid and which have accrued at the time such assignment is executed;

96 3. Identify the parents of the child for whom aid is claimed, subject to the "good cause" provisions
97 or exceptions in federal law or regulations. However, this requirement shall not apply if the applicant or
98 recipient submits a statement under penalty of perjury that the identity of the parent is not reasonably
99 ascertainable and the local department of social services is aware of no other evidence which would
100 refute such statement *child is in a foster care placement;* and

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

105 B. *Any applicant or recipient who intentionally misidentifies another person as a parent shall be*
106 *guilty of perjury and, upon conviction therefor, shall be punished in accordance with § 18.2-434.*

107 C. *If paternity is not established after six months of receipt of AFDC, the local department may*
108 *suspend the entire grant or the adult portion of the grant, subject to regulations promulgated by the*
109 *State Board, in cases where the local department determines that the recipient is not cooperating in the*
110 *establishment of paternity.*

111 § 63.1-105.3 *Diversionsary cash assistance.*

112 *The State Board shall promulgate regulations to enable AFDC eligible applicants meeting certain*
113 *criteria to receive at one time the maximum AFDC cash assistance which the applicant would otherwise*
114 *receive for a period up to 120 days. An individual may receive diversionsary AFDC cash assistance only*
115 *one time in a sixty-month period and, in so doing, waives his eligibility for AFDC for a period of up to*
116 *160 days. Diversionsary assistance shall be used to divert the family from receiving ongoing AFDC cash*
117 *assistance by providing assistance for one-time emergencies.*

118 § 63.1-105.4. Eligibility for aid to families with dependent children; school attendance.

119 In order to be eligible for AFDC, members of the assistance unit, including minor custodial parents,
 120 shall be in compliance with compulsory school attendance laws (§ 22.1-254 et seq.). The State Board
 121 shall promulgate regulations to implement the provisions of this section, including procedures for local
 122 social services departments to (i) receive notification from local school divisions of students who are
 123 truant and (ii) assist families in noncompliance to achieve compliance. An applicant for or recipient of
 124 AFDC or any member of his assistance unit who has been found guilty under § 22.1-263 shall not be
 125 eligible for AFDC financial assistance until in compliance with compulsory school attendance laws. Any
 126 person who becomes ineligible for AFDC financial assistance as a result of this section shall
 127 nonetheless be considered an AFDC recipient for all other purposes, including Medicaid eligibility.

128 § 63.1-105.5. Minor noncustodial parents whose child receives AFDC; child support obligations.

129 If a minor noncustodial parent whose child receives AFDC is not in compliance with compulsory
 130 school attendance laws (§ 22.1-254 et seq.), he shall be required to pay child support as if he were an
 131 adult, and child support shall be collected as provided in Chapter 13 (§ 63.1-249 et seq.) of Title 63.1.

132 § 63.1-105.6. Minor parent residency.

133 A. Except as provided in subsection B, an unemancipated minor custodial parent may receive AFDC
 134 for himself and his child only if the individual and his child reside in the home maintained by his parent
 135 or person standing in loco parentis. For purposes of AFDC eligibility determination, a minor who
 136 receives government-provided public assistance is not considered emancipated unless married.

137 B. The provisions of subsection A shall not apply if:

138 1. The individual has no parent or person standing in loco parentis who is living or whose
 139 whereabouts are known;

140 2. The local department of social services determines that the physical or emotional health or safety
 141 of the individual or his dependent child would be jeopardized if the individual and dependent child lived
 142 in the same residence with the individual's parent or the person standing in loco parentis for the
 143 individual;

144 3. The local department of social services otherwise determines, in accordance with regulations
 145 promulgated by the State Board, that there is good cause for waiving the requirements of subsection A.

146 C. If the individual and his dependent child are not required to live with the individual's parent or
 147 the person standing in loco parentis for the individual, the local department of social services shall
 148 assist the individual in locating an appropriate adult supervised supportive living arrangement taking
 149 into consideration the needs and concerns of the minor and thereafter shall require that the individual
 150 and his child reside in such living arrangement or an alternative appropriate arrangement as a
 151 condition of the continued receipt of AFDC. If the local department of social services is unable, after
 152 making diligent efforts, to locate any such appropriate living arrangement, it shall provide case
 153 management and other social services consistent with the best interests of the individual and child who
 154 live independently.

155 § 63.1-105.7. Limitation on AFDC benefits.

156 Notwithstanding the provisions of § 63.1-105 and the AFDC program regulations, the State Board
 157 shall revise the schedule of AFDC financial assistance to be paid to a family by eliminating the
 158 increment in AFDC benefits to which a family would otherwise be eligible as a result of the birth of a
 159 child during the period of AFDC eligibility or during the period in which the family or adult recipient is
 160 ineligible for AFDC benefits pursuant to a penalty imposed by the Commissioner for failure to comply
 161 with benefit eligibility or child support requirements, subsequent to which the family or adult recipient is
 162 again eligible for benefits. The State Board shall provide that a recipient family in which the mother
 163 gives birth to an additional child during the period of the mother's eligibility for AFDC financial
 164 assistance, or during a temporary penalty period of ineligibility for financial assistance, may receive
 165 additional financial assistance only in the case of a general increase in the amount of AFDC financial
 166 assistance which is provided to all AFDC recipients. Applicants shall receive notice of the provisions of
 167 this section at the time of application for AFDC. AFDC recipients shall receive notice of the provisions
 168 of this section within sixty days of the effective date of regulations implementing this section. This
 169 section shall not apply to legal guardians, foster parents, grandparents, or other persons in loco
 170 parentis who are not the biological or adoptive parents of the child.

171 There shall be no elimination of the increment in benefits for (i) ten months after the effective date of
 172 this section or (ii) children born within ten months after the mother begins to receive AFDC.

173 A single custodial parent who does not receive additional AFDC financial assistance for the birth of
 174 a child pursuant to this section shall receive the total value of all child support payments due and
 175 collected for such child, and the value of such payments shall not be counted as income for the
 176 purposes of AFDC eligibility and grant determination.

177 § 63.1-133.41. (Delayed effective date) Virginia Independence Program (VIP); purpose;
 178 administration.

179 There is hereby created the Virginia Independence Program, hereinafter in this chapter referred to as
 180 the "Program." *The Job Opportunities and Basic Skills Training Program shall be implemented in the*
 181 *Commonwealth as the Virginia Independence Program and the Virginia Initiative for Employment not*
 182 *Welfare.*

183 The goals of the Program are to:

- 184 1. Offer Virginians living in poverty the opportunity to achieve economic independence by removing
 185 barriers and disincentives to work and providing positive incentives to work;
- 186 2. Provide Virginia families living in poverty with the opportunities and work skills necessary for
 187 self-sufficiency;
- 188 3. Allow Virginia families living in poverty to contribute materially to their own self-sufficiency;
- 189 4. Set out the responsibilities of and expectations for recipients of public assistance and the
 190 government; and
- 191 5. Provide Virginia families living in poverty with the opportunity to participate in a community
 192 obtain work experience through the Virginia Initiative for Employment Not Welfare (VIEW).

193 The Program shall recognize clearly defined reciprocal responsibilities and obligations on the part of
 194 both parents and government and shall include an agreement of mutual responsibility requiring intensive
 195 case management, supportive and transitional services for families; earned income disregards which
 196 reduce work disincentives; specific responsibilities for participating families; a limit on AFDC financial
 197 assistance for recipients who bear children while receiving AFDC; and a one-year limit on the receipt of
 198 AFDC financial assistance by a family.

199 The agreement shall recognize that not all recipients will find independent employment within one
 200 year. The Program therefore includes a community work experience option, VIEW, for up to one
 201 additional year. The Program also includes objective criteria for extending VIEW participation, in
 202 extraordinary and limited cases.

203 *None of the provisions of this chapter shall be construed or interpreted to create any rights, causes*
 204 *of action, administrative claims or exemptions to the provisions of the Program, except as specifically*
 205 *provided in §§ 63.1-133.43, 63.1-133.48, 63.1-133.51 and 63.1-133.53.*

206 The Department of Social Services (the Department) shall administer the Program, which is to be
 207 phased in statewide commencing July 1, 1994. The Department shall be assisted by the Department of
 208 Economic Development, the Virginia Employment Commission and the Governor's Employment and
 209 Training Department.

210 § 63.1-133.42. (Delayed effective date) Definitions.

211 For purposes of this chapter, unless the context otherwise clearly requires:

212 "AFDC" means Aid to Families with Dependent Children.

213 "Agreement" means the written individualized agreement of ~~mutual~~ *personal* responsibility required
 214 by this chapter.

215 "Case manager" means the service worker designated by the local department of social services, a
 216 private-sector contractor or a private community-based organization including nonprofit entities,
 217 churches, or voluntary organizations that provide case management services.

218 "Control group" means a subset of families who are not Program participants who receive AFDC in
 219 accordance with regulations in effect prior to the effective date of this act and who are statistically
 220 matched with families who are Program participants.

221 "Independent employment" means employment that is not VIEW employment.

222 "Intensive case management" means individualized services provided by a properly trained case
 223 manager.

224 "Participating family" means an assistance unit including a parent who participates in the Program;
 225 including services and requirements authorized by this chapter.

226 § 63.1-133.43. (Delayed effective date) Participant eligibility.

227 Recipients *All recipients* of AFDC shall be required to participate in the Program, except that the .
 228 The following families shall not be required to participate in any of the *employment* provisions of the
 229 Program and shall remain eligible for AFDC financial assistance:

230 1. Single-parent families in which the parent is temporarily or permanently disabled or two-parent
 231 families where both parents are temporarily or permanently disabled, as disabled is defined by State
 232 Board of Social Services (State Board) regulation; including parents who become temporarily or
 233 permanently disabled while they are Program participants.

234 2. Families in which the parent is needed to care for a temporarily or permanently disabled child or
 235 spouse, as disabled is defined by State Board regulation.

236 3. Families in which the parent is under the age of twenty years and is attending an educational or
 237 training program on a full-time basis.

238 1. Any individual, including all minor caretakers, under sixteen years of age;

239 2. Any individual at least sixteen, but no more than nineteen years of age, who is enrolled full-time

240 *in elementary or secondary school, including vocational or technical school programs. The vocational*
 241 *or technical school must be equivalent to secondary school. Once the individual loses this exemption, he*
 242 *cannot requalify for the exemption, even if he returns to school, unless the case is closed and reopened*
 243 *or he becomes exempt for another reason. Whenever feasible, such recipients should participate in*
 244 *summer work;*

245 3. *Any individual who is unable to participate because of a temporary medical condition that is*
 246 *preventing entry into employment or training, as determined by a physician and certified by a written*
 247 *medical statement. Such an exemption shall be reevaluated every sixty days to determine whether the*
 248 *person is still exempt;*

249 4. *Any individual who is incapacitated, as determined by receipt of Social Security Disability Benefits*
 250 *or Supplemental Security Income. This exemption shall not be granted to either parent in an AFDC-UP*
 251 *case; eligibility shall be evaluated for regular AFDC on the basis of the parent's incapacity;*

252 5. *Any individual sixty years of age or older;*

253 6. *Any individual who is the sole caregiver of another member of the household who is incapacitated*
 254 *as determined by receipt of Social Security Disability Benefits or Supplemental Security Income or*
 255 *another condition as determined by the State Board and whose presence is essential for the care of the*
 256 *other member on a substantially continuous basis;*

257 7. *A parent or caretaker-relative of a child under eighteen months of age who personally provides*
 258 *care for the child. A parent of a child not considered part of the AFDC assistance unit under*
 259 *§ 63.1-105.7 may be granted a temporary exemption of not more than six weeks after the birth of such*
 260 *child;*

261 8. *A female who is in her fourth through ninth month of pregnancy as determined by a written*
 262 *medical statement provided by a physician;*

263 9. *Children receiving AFDC-Foster Care;*

264 4. 10. *Families where the primary caretakers of a child or children are legal guardians, grandparents,*
 265 *foster parents, or other persons standing in loco parentis and are not the adoptive or biological parents*
 266 *of the child.*

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

270 § 63.1-133.44. (Delayed effective date) Advisory Commission on Welfare Reform.

271 There is hereby established the Advisory Commission on Welfare Reform, which shall be convened
 272 by the Secretary of Health and Human Resources.

273 The Advisory Commission shall have the following duties:

274 1. *Serve, through recommendations to the Governor, as a catalyst for generating a pool of jobs for*
 275 *participants in the Virginia Independence Program.*

276 2. *Provide evaluation and feedback to the Governor on incentives designed to promote business*
 277 *participation in the Virginia Independence Program.*

278 The chairman, vice chairman and members of the Commission, except for members of the General
 279 Assembly, shall be appointed by the Governor and shall serve at his pleasure. The Commission shall
 280 consist of twenty-four appointed members, including two members of the Virginia Senate, to be
 281 appointed by the Senate Committee on Privileges and Elections; three members of the Virginia House of
 282 Delegates, to be appointed by the Speaker of the House of Delegates; thirteen representatives of the
 283 business community, *including two representatives of labor*; two current and one former recipient of
 284 AFDC; one representative of the Virginia Municipal League; one representative of the Virginia
 285 Association of Counties; and one representative of the Virginia League of Social Service Executives.
 286 ~~The~~ *and the Secretaries of Health and Human Resources, Education, Public Safety and Commerce and*
 287 *Trade shall serve as ex officio members.*

288 § 63.1-133.45. (Delayed effective date) Participation; coordinated services.

289 A. *In administering the Program, the Department shall ensure that local departments of social*
 290 *services provide delivery and coordination of all services through intensive case management. Program*
 291 *participants shall be referred to a case manager. The case manager shall fully explain the Program to the*
 292 *participant and shall provide the participant with written materials explaining the Program.*

293 B. ~~There shall be a written individualized agreement of mutual responsibility for each participating~~
 294 ~~family which shall be developed with the full involvement of the family. The agreement shall set out the~~
 295 ~~responsibilities of and expectations for Program participants and the responsibilities and obligations of~~
 296 ~~the government, including services to be provided to the participating family. The agreement shall~~
 297 ~~identify specific education, training or employment activities that will direct a participant towards~~
 298 ~~self-sufficiency. The agreement shall be in a format developed for statewide use, provide a mechanism~~
 299 ~~for revisions and amendments based on changed circumstances and notify participating families of their~~
 300 ~~right to appeal the contents of the agreement and their other appeal rights under this chapter. Services~~

301 required by the agreement of mutual responsibility shall be offered according to the timetable established
 302 in the agreement to enable members of the family to achieve self-sufficiency and to carry out their
 303 personal and family responsibilities.

304 *The Department shall assist local departments in improving the delivery of services, including*
 305 *intensive case management, through the utilization of public, private and non-profit organizations, to the*
 306 *extent permissible under federal law.*

307 C. The Department shall be responsible for the coordination of the intensive case management. Job
 308 training shall be facilitated by the Governor's Employment and Training Department. Job finding and job
 309 matching leading to independent employment shall be facilitated by the Virginia Employment
 310 Commission and the Department of Economic Development.

311 D. The Secretary of Health and Human Resources, assisted by the Secretary of Commerce and Trade,
 312 shall prepare and maintain an annual plan for coordinating and integrating all appropriate services in
 313 order to promote successful outcomes. The plan shall encourage the use of local and regional service
 314 providers and permit a variety of methods of providing services. Emphasis shall be placed on
 315 coordinating and integrating career counseling, job development, job training and skills, job placement,
 316 and academic and technical education. Public and private institutions of higher education and other
 317 agencies which offer similar or related services shall be invited to participate as fully as possible in
 318 developing, implementing and updating the annual coordination plan.

319 E. The Secretary of Health and Human Resources shall:

320 1. Increase public awareness of the federal earned income credit and encourage families who may be
 321 eligible to apply for this tax credit.

322 2. Pursue aggressive child-support initiatives as established by the General Assembly.

323 3. Work with community providers to develop adoption, education, family planning, marriage,
 324 parenting, and training options for Program participants.

325 4. Increase public awareness of the tax advantages of relocating one's residence in order to secure
 326 employment.

327 5. Provide leadership for the development of community work experience opportunities in VIEW.

328 6. Develop strategies to educate, assist and stimulate employers to hire participants and to provide
 329 community work experience opportunities, in consultation with the Advisory Commission on Welfare
 330 Reform, representatives of employers, and other relevant public and private agencies on the state and
 331 local level.

332 7. Provide technical assistance to local departments of social services to assist them in working with
 333 employers in the community to develop job and community work experience opportunities for
 334 participants.

335 § 63.1-133.46. (Delayed effective date) Case management; support services; transitional support
 336 services.

337 A. The Commissioner of Social Services, through the local departments of social services, with such
 338 funds as appropriated, shall offer services under the Job Opportunities and Basic Skills Training Program
 339 to all families participating in the Program.

340 B. The Commissioner of Social Services, through the local departments of social services, with such
 341 funds as appropriated, shall offer families participating in the Program intensive case management
 342 services throughout the family's participation in the Program. ~~To ensure the delivery of intensive case~~
 343 ~~management services, the caseload of any case manager shall not exceed forty-five families.~~ Case
 344 management services shall include initial assessment of the full range of services that will be needed by
 345 each family including testing and evaluation, development of the individualized agreement of ~~mutual~~
 346 ~~personal~~ responsibility, and periodic reassessment of service needs and the agreement of ~~mutual~~
 347 ~~personal~~ responsibility. *It shall be the goal of the Department to have a statewide intensive case*
 348 *management ratio not higher than the prevailing statewide average ratio in the JOBS Program in*
 349 *Virginia as the ratio exists in the JOBS Program on the date of enactment of this act. The Department*
 350 *shall seek to achieve this goal during the first year of implementation. By December 1, 1996, the*
 351 *Commissioner shall develop and submit a report to the Governor and General Assembly concerning the*
 352 *establishment of a classification system for caseload management in the Program. The Department shall*
 353 *include in its annual report to the Governor and General Assembly an evaluation of program*
 354 *effectiveness statewide and by locality, including an evaluation of case management services. Pursuant to*
 355 *regulations promulgated by the State Board, the following services shall be provided to participating*
 356 *families if needed:*

357 1. Day care for the children of Program participants if:

358 a. The participant is employed and day-care services are essential to the continued employment of the
 359 participant;

360 b. Day-care services are required to enable a participant to receive job placement, job training or
 361 education services;

362 e. The participant is participating in VIEW, and day-care services are essential to continued
363 participation; or

364 d. The participant is otherwise eligible for day care pursuant to State Board regulations.

365 2. Day care for the children of former Program participants under Virginia's State Plan for
366 Supportive Services (Title IV-A/F) including (i) up to twelve months of transitional day care and (ii) "at
367 risk" day care subject to the Plan's sliding fee scale. Parents who are employed at least twenty-five
368 hours a week may use day care for job placement, job training or education activities as well as work.

369 3. Transportation which will enable parental employment, participation in services indicated by the
370 agreement of mutual responsibility, and participation in VIEW.

371 4. Job counseling, education and training, and job search assistance consistent with the purposes of
372 this chapter.

373 5. Medical assistance, including transitional medical assistance for thirty-six months for families with
374 a working parent who becomes ineligible for AFDC financial assistance due to increased earnings,
375 unless (i) affordable medical insurance providing comparable coverage is available through the parent's
376 employer or (ii) family income exceeds 185 percent of the federal poverty level. Families who would
377 otherwise be eligible for Medicaid shall continue to receive medical assistance services, even if they are
378 not eligible for AFDC financial assistance.

379 6. Other services identified by the case manager as necessary and appropriate to fulfill the agreement
380 of mutual responsibility and the goals of this chapter

381 C. Local departments of social services are authorized to provide services to VIEW families
382 throughout the family's participation in VIEW subject to regulations promulgated by the State Board,
383 including:

384 1. Day care for the children of participants if:

385 a. The participant is employed and day-care services are essential to the continued employment of
386 the participant;

387 b. Day-care services are required to enable a participant to receive job placement, job training or
388 education services; or

389 c. The participant is otherwise eligible for day care pursuant to State Board regulations.

390 2. Transportation which will enable parental employment or participation in services required by the
391 agreement of personal responsibility.

392 3. Job counseling, education and training, and job search assistance consistent with the purposes of
393 VIEW.

394 4. Medical assistance.

395 D. A participant whose AFDC financial assistance is terminated, either voluntarily or involuntarily,
396 shall receive the following services for up to twelve months after termination, if needed:

397 1. Assistance with child day care if such assistance enables the individual to work;

398 2. Assistance with transportation, if such transportation enables the individual to work; and

399 3. Medical assistance, including transitional medical assistance for families with a working parent
400 who becomes ineligible for AFDC financial assistance because of increased earnings, unless (i) medical
401 insurance is available through the parent's employer or (ii) family income exceeds 185 percent of the
402 federal poverty level.

403 E. Nothing in this section shall be construed or interpreted to create a cause of action or
404 administrative claim based upon a right or entitlement to any specific services or an exemption or
405 waiver from any provision of this Program.

406 § 63.1-133.47. (Delayed effective date) Financial eligibility and benefit levels.

407 A. The State Board of Social Services shall promulgate regulations to determine financial eligibility
408 and benefit levels for participating families as follows:

409 1. To reward work, a participating family that has earned income from any source other than VIEW,
410 may continue to receive AFDC financial assistance for up to two years from the date that both parties
411 initially sign the agreement. However, in no event shall the AFDC payment when added to the earned
412 income exceed such percentage of the federal poverty level as is established by the Commissioner, and
413 if necessary any AFDC payment shall be reduced so that earned income plus the AFDC payment equals
414 such percentage of the federal poverty level as is established by the Commissioner.

415 2. Incentive payments may be made to participating families for completing parenting education
416 programs, obtaining childhood immunizations or reaching other benchmarks set forth in the agreement of
417 mutual responsibility. Any such payments shall be disregarded in determining a participating family's
418 continued financial eligibility for AFDC and AFDC benefit level.

419 B. Participating families shall be eligible for the following income disregards and resource
420 exclusions:

421 1. The fair market value, not to exceed \$ 7,500, of one operable motor vehicle per family.

422 2. Those allowed by §§ 63.1-105 and 63.1-110.

423 § 63.1-133.48. (Delayed effective date) Waivers for certain mothers.

424 A. Notwithstanding the provisions of § 63.1-105 and the AFDC program regulations promulgated by
 425 the State Board of Social Services, the State Board shall revise the schedule of AFDC financial
 426 assistance to be paid to a participating family by eliminating the increment in AFDC benefits to which a
 427 family would otherwise be eligible as a result of the birth of a child during or up to twelve months after
 428 the period in which the family participates in the Program, or during the period in which the family or
 429 adult recipient is ineligible for AFDC benefits pursuant to a penalty imposed by the Commissioner for
 430 failure to comply with benefit eligibility or child support requirements, subsequent to which the family
 431 or adult recipient is again eligible for benefits. The State Board shall provide that a recipient family in
 432 which the Program participant gives birth to an additional child during the period of the mother's
 433 eligibility for AFDC financial assistance, or during a temporary penalty period of ineligibility for
 434 financial assistance, may receive additional financial assistance only in the case of a general increase in
 435 the amount of AFDC financial assistance which is provided to all AFDC recipients. Program participants
 436 shall receive notice of this provision at the time the agreement is signed by both parties. This provision
 437 shall not apply to legal guardians, foster parents, grandparents, or other persons in loco parentis who are
 438 not the biological or adoptive parents of the child.

439 The State Board shall provide that there shall be no elimination of the increment in benefits for (i)
 440 ten months after the effective date of the receipt of federal waivers, or July 1, 1994, whichever is later,
 441 or (ii) children born within ten months after the Program participant and the local department initially
 442 sign the agreement.

443 The provisions of this subsection shall expire two years after the receipt of the federal waivers
 444 necessary to implement this chapter.

445 B. Single-parent families in which the mother is in her third trimester of pregnancy, or where, upon
 446 a physician's written statement, participation would be deleterious to the health of the pregnant woman
 447 or to her child after birth, or in which the parent has a child under the age of eighteen months, shall be
 448 granted a waiver from the two-year time limit on Program participation and shall not be required to
 449 participate in VIEW. The waiver period shall not extend beyond the third trimester of pregnancy through
 450 the child's eighteen month birthday. Waivers granted for reasons of medical necessity as documented by
 451 a physician's written statement shall not extend beyond the period of medical necessity. Such recipients
 452 shall receive intensive case management throughout the waiver period. If a recipient who has been
 453 granted a waiver gives birth to an additional child during the waiver period or during subsequent
 454 Program participation, there shall be no additional waiver.

455 § 63.1-133.49. (Delayed effective date) Virginia Initiative for Employment Not Welfare (VIEW).

456 A. The Department shall establish and administer the Virginia Initiative for Employment Not Welfare
 457 (VIEW), which is a community work experience program for participants who have not secured
 458 independent employment after the first year of participation in the Program. Participation by a locality in
 459 VIEW shall be at the discretion of and at the option of the local governing body. *to reduce long-term
 460 dependence on welfare, to emphasize personal responsibility and to enhance opportunities for personal
 461 initiative and self-sufficiency by promoting the value of work. The Department shall endeavor to develop
 462 placements for VIEW participants that will enable participants to develop job skills that are likely to
 463 result in independent employment and that take into consideration the proficiency, experience, skills and
 464 prior training of a participant. The State Board shall promulgate the necessary regulations and shall
 465 implement VIEW within 280 days of the enactment of this chapter.*

466 *VIEW shall recognize clearly defined responsibilities and obligations on the part of public assistance
 467 recipients and shall include a written agreement of personal responsibility requiring parents to
 468 participate in work activities while receiving AFDC, earned-income disregards to reduce disincentives to
 469 work, and a limit on AFDC financial assistance.*

470 *VIEW shall require all able-bodied recipients of AFDC who do not meet an exemption and who are
 471 not employed within ninety days of receipt of AFDC benefits to participate in a work activity. VIEW
 472 shall require eligible AFDC recipients to participate in unsubsidized, partially subsidized or fully
 473 subsidized employment and enter into an agreement of personal responsibility. If recipients cannot be
 474 placed in an unsubsidized or subsidized job, they shall be required to participate in a six-month
 475 community work experience placement. Upon completion of the initial six-month work requirement,
 476 participants may receive education and training in conjunction with continued work experience to make
 477 them more employable.*

478 *B. To the maximum extent permitted by federal law, and notwithstanding other provisions of Virginia
 479 law, the Department and local departments may, through applicable procurement laws and regulations,
 480 engage the services of public and private organizations to operate VIEW and to provide services
 481 incident to such operation.*

482 *C. All VIEW participants shall be under the direction and supervision of a case manager.*

483 *D. The Department shall ensure that participants are assigned to one of the following employment*

484 categories in priority order not less than ninety days after AFDC eligibility determination:

485 1. Unsubsidized private-sector employment;

486 2. Subsidized employment, as follows:

487 (a) The Department shall conduct a program in accordance with this section and any applicable
488 federal waivers that shall be known as the Full Employment Program (FEP). FEP replaces AFDC and
489 food stamp benefits with subsidized employment. Persons not able to find unsubsidized employment who
490 are otherwise eligible for both AFDC and food stamp benefits shall participate in FEP unless exempted
491 by this chapter. FEP will assign participants to and subsidize wage-paying private-sector jobs designed
492 to increase the participants' self-sufficiency and improve their competitive position in the work force.

493 (b) The Department shall administer a wage fund, which shall be used exclusively to meet the
494 necessary expenditures of FEP. Funds to operate FEP, drawn from funds appropriated for expenditure
495 by or apportioned to Virginia for operation of the AFDC and food stamp programs, shall be deposited
496 in this pool. All payments by the Department to participating employers for FEP participants shall be
497 made from the pool.

498 (c) Participants in FEP shall be placed in full-time employment when appropriate and shall be paid
499 by the employer at an hourly rate not less than the federal or state minimum wage, whichever is higher.
500 For each participant hour worked, the Department shall reimburse the employer the amount of the
501 federal or state minimum wage and costs up to the available amount of the participant's combined value
502 of AFDC and food stamps. At no point shall a participant's spendable income received from wages and
503 tax credits be less than the value of AFDC and food stamps received prior to the work placement.

504 (d) Every employer subject to the Virginia unemployment insurance tax shall be eligible for
505 assignment of FEP participants, but no employer shall be required to utilize such participants.
506 Employers may provide on-the-job training to the degree necessary for the participants to perform their
507 duties. Employers shall ensure that jobs made available to FEP participants are in conformity with
508 Section 3304 (a) (5) of the Federal Unemployment Tax Act, which requires that the job offered cannot
509 be available as a result of a strike or labor dispute, that the job cannot require the employee to join
510 nor prohibit the employee from joining a labor organization, and that FEP participants cannot be used
511 to displace regular workers;

512 3. Part-time or temporary employment;

513 4. Community work experience as follows:

514 (a) The Department and local departments shall expand the community work experience program
515 authorized under the Job Opportunity and Basic Skills Training Program (JOBS) to include job
516 placement in community work experience programs which serve a useful public purpose as provided in
517 § 482 (f) of the Social Security Act.

518 (b) The Department and local departments shall work with other state, regional and local agencies
519 and governments in developing job placements. Placements shall be selected to provide skills and serve
520 a public function. Program participants shall not displace regular workers.

521 (c) The number of hours per week for participants shall be determined by combining the total dollar
522 amount of AFDC and food stamps and dividing by the minimum wage with a maximum of a work week
523 of thirty-two-hours, of which up to eight hours of employment-related education and training may
524 substitute for work experience employment

525 E. Participants may be re-evaluated after a period determined by the local department and
526 re-assigned to another work component. In addition, the number of hours worked may be reduced by the
527 local department so that a participant may complete additional training and/or education to further his
528 employability.

529 F. Local departments shall be authorized to sanction participants up to the full amount of the AFDC
530 grant and food stamps allotment for noncompliance.

531 The Department shall endeavor to develop placements for VIEW participants that will enable
532 participants to develop job skills that are likely to result in independent employment and that take into
533 consideration the proficiency, experience, skills and prior training of a participant. The State Board shall
534 provide guidelines regarding the development of VIEW jobs so that such jobs will best benefit the
535 participant and the community, serve a useful purpose and not result in the displacement of persons
536 currently employed. VIEW employment shall be under reasonable working conditions in an environment
537 that complies with federal, state and local health and safety standards. The State Board shall promulgate
538 regulations providing that a VIEW participant shall work a minimum of twenty hours and a maximum
539 of forty hours per week in the VIEW program. Each participant shall be allowed to work sufficient
540 hours in VIEW to earn VIEW wages at least equal to the combined value of the AFDC financial
541 assistance and food stamp allotment to which he would otherwise be entitled. State Board regulations
542 shall ensure that the participant and his case manager periodically evaluate the participant's ability to
543 find independent employment. Participants in VIEW may engage in independent employment.
544 Participants in VIEW shall be eligible for day-care payments, transportation services and Medicaid

545 coverage.

546 B. The following provisions shall be applicable to VIEW:

547 1. Program participants shall be eligible to participate in VIEW ninety days after beginning the
548 Program. A Program participant who has not secured independent employment and who is not
549 participating in VIEW at the end of his first year of participation in the Program shall be provided with
550 the opportunity to participate in VIEW.

551 2. Upon expiration of AFDC financial assistance or after one year, whichever is later, the Program
552 participant is expected to have secured independent employment or be a VIEW participant.

553 3. VIEW wages shall be paid by the Commonwealth through the Department of Social Services.
554 Wages shall equal the average prevailing AFDC payment plus food stamps divided by thirty hours a
555 week or shall equal the federal minimum wage, whichever is greater.

556 4. VIEW income shall not be considered earned income with respect to § 63.1-133.47.

557 5. VIEW participants shall be under the direction and supervision of the case manager.

558 6. VIEW participation shall be limited to two years from the date the agreement is initially signed by
559 both parties, unless a hardship exemption is granted.

560 7. G. VIEW participants shall not be assigned to projects which require that they travel unreasonable
561 distances from their homes or remain away from their homes overnight without their consent.

562 8. Any injury to a VIEW participant by accident arising out of and in the course of VIEW
563 employment *community work experience* shall be covered by the participant's existing Medicaid
564 coverage. If a VIEW *community work experience* participant is unable to work due to such an accident,
565 his status shall be reviewed to determine whether he is eligible for an exemption from the limitation on
566 AFDC financial assistance.

567 9. A VIEW *community work experience* participant who becomes incapacitated for thirty days or
568 more shall be eligible for AFDC financial assistance for the duration of the incapacity, if otherwise
569 eligible.

570 10. The State Board shall promulgate regulations providing for the accrual of paid sick leave or other
571 equivalent mechanism for VIEW *community work experience* participants.

572 § 63.1-133.50. (Delayed effective date) Limit on the receipt of AFDC.

573 The Department shall establish a goal for Program participants, through the agreement, to limit the
574 receipt of AFDC financial assistance to a maximum of one year, after which time independent
575 employment or participation in VIEW is expected. The limit shall be based on a mutual understanding
576 of achievable goals and objectives tailored to the abilities and skills of the Program participant, as well
577 as to the availability of community resources. The one-year limitation period shall commence upon the
578 signing of the agreement by the Program participant and the local department of social services. Any
579 Program participant who is not offered the opportunity to participate in VIEW shall be eligible to
580 receive AFDC financial assistance for an additional year.

581 *Unless otherwise exempt, participating families may receive AFDC financial assistance for a*
582 *maximum of twenty-four months only, subject to § 63.1-133.51. A participating family may receive*
583 *AFDC financial assistance, if otherwise eligible, after a subsequent period of twenty-four months without*
584 *(i) participation in VIEW, (ii) the receipt of AFDC financial assistance, or (iii) the receipt of*
585 *transitional assistance.*

586 *The local department of social services shall notify a participating family that its AFDC financial*
587 *assistance is scheduled to be terminated as provided in this section. Notice shall be given sixty days*
588 *prior to such termination and shall inform the participating family of the exception regulations*
589 *promulgated by the State Board and the procedure to be followed by the participating family if it*
590 *believes that it is entitled to an extension of benefits.*

591 The receipt of AFDC financial assistance may also be extended for a second year if the participant is
592 enrolled full time in, and making satisfactory progress toward, completion of a job training or education
593 program which could not reasonably be completed during the first year of participation in the Program.

594 The local department of social services shall notify a Program participant that his AFDC financial
595 assistance is scheduled to be terminated sixty days prior to such termination and shall inform the
596 participant of the exception regulations promulgated by the State Board and the procedure to be
597 followed by the participant if he believes that he is entitled to an extension of benefits.

598 A Program participant whose AFDC financial assistance is terminated pursuant to this section may
599 receive AFDC financial assistance after a period of twenty-four months without (i) participation in
600 VIEW or (ii) the receipt of AFDC financial assistance, if such person is otherwise eligible.

601 § 63.1-133.51. (Delayed effective date) Hardship exceptions.

602 The State Board of Social Services shall promulgate regulations providing exceptions to the
603 provisions *time limitations* of this chapter in cases of hardship. Such exceptions shall include, but shall
604 not be limited to, continued eligibility for AFDC financial assistance or VIEW participation in the
605 following *In promulgating regulations, the State Board shall address* circumstances:

606 1. Where a local department has failed to provide a Program participant with intensive case
607 management or necessary support services pursuant to § 63.1-133.46 or failed to fulfill its portion of the
608 agreement.

609 2. Where a Program participant has been actively seeking employment by engaging in job-seeking
610 activities required pursuant to § 60.2-612 and is unable to find suitable employment.

611 3. 2. Where factors relating to job availability are *may be* unfavorable, including residing in an area
612 of high unemployment, as determined by the Virginia Employment Commission pursuant to § 60.2-612.

613 4. 3. Where a *the* Program participant quits work for good cause or is laid off or dismissed from
614 work, provided that such dismissal is not for misconduct connected with work *loses his job as a result*
615 *of factors not related to his job performance.*

616 4. Where extension of benefits for up to one year will enable a participant to complete
617 employment-related education or training.

618 The agreement shall contain the objective criteria which will be used to determine if there should be
619 an extension of VIEW participation or eligibility for AFDC financial assistance.

620 § 63.1-133.52. (Delayed effective date) Provision of services.

621 Local departments may coalesce community resources to assist the families of persons who may be
622 in need because of the limitations on AFDC financial assistance imposed by this chapter and may
623 arrange for appropriate care of dependent children for Program families where the limitation on AFDC
624 financial assistance as a result of the birth of an additional child or the ~~one~~ two-year limit on AFDC
625 financial assistance is executed. Services may be provided that include, but are not limited to, help for
626 families in obtaining donated food and clothing, continuation of food stamps for adults and children who
627 are otherwise eligible, child day care, and Medicaid coverage for adults and children who are otherwise
628 eligible for Medicaid.

629 § 63.1-133.53. (Delayed effective date) Notice and appeal.

630 A. A participant aggrieved by the decision of a local board granting, denying, changing or
631 discontinuing assistance may appeal (i) any dispute in connection with the formation or implementation
632 of the agreement of mutual responsibility, (ii) any failure or refusal to grant a hardship exception or
633 extension of benefits or (iii) any other alleged noncompliance with the provisions of this chapter through
634 the AFDC fair hearing and review process *such decision pursuant to § 63.1-116 . In accordance with*
635 *federal regulations*, if a hearing request is received prior to the effective date of any proposed change in
636 benefit status, a participant appealing such change shall have the right to continued direct payment of
637 AFDC benefits pending final administrative action on such appeal. All federal and state statutes and
638 rules regarding notice, conciliation, hearing, and appeal shall be followed; however, notwithstanding the
639 limitations set forth in §§ 9-6.14:16, 9-6.14:17 and 9-6.14:18 shall be fully applicable in the judicial
640 review of fair hearing decisions.

641 B. The Commissioner shall provide notice to each participant of such appeal and due process rights
642 and the procedures to be followed in exercising such rights.

643 § 63.1-133.54. (Delayed effective date) Evaluation and reporting.

644 A. In administering the Program, the Commissioner shall develop and use evaluation methods that
645 measure achievement of the goals of the Program as specified in § 63.1-133.41.

646 B. Beginning December 1, 1994 1996, and annually thereafter, the Commissioner shall file a report
647 with the Governor and General Assembly which shall focus on the development, implementation and
648 effectiveness of the services required to support the Program.

649 The report shall include:

650 1. The various methods employed to involve participating families, local organizations and other
651 government agencies in the implementation of the Program.

652 2. A description of the development, implementation, and subsequent evaluation of local department
653 of social services or contract agency staff training.

654 3. A description of the development, implementation, and subsequent evaluation of the case
655 management system and individualized agreement of mutual responsibility components of the Program.

656 4. An evaluation of the Program by participating families.

657 5. A description of the capacity of the human services delivery system, both within and without state
658 and local government, the Virginia Employment Commission and the Department of Economic
659 Development, to sustain the Program, including the support services required by this chapter.

660 6. A documentation of participant outcomes, including specific information relating to the number of
661 persons employed, by occupation, industry and wage; the types of jobs secured by participants; any
662 available information about the impact of the Program on children, including objective indicators of
663 improved conditions; and the number of participating families involved in training and education
664 programs, by type of program. The December 1, 1994, report and each subsequent annual report shall
665 differentiate participant outcomes according to membership in the control group and the Program
666 participant group.

667 7. The progress made in implementing the provisions of this chapter, including an analysis of the
668 effect of the Program on state and federal revenues and expenditures.

669 8. A summary of all interim and final reports submitted by independent evaluators to the Department
670 of Social Services, the Commissioner of Social Services or the Secretary of Health and Human
671 Resources or Commerce and Trade, regarding the achievement of such goals.

672 C. In addition to the annual report filed December 1, 1996, the Department shall prepare and submit
673 by December 1, 1996, *The annual report shall include a full assessment of the Program to the*
674 *Governor and General Assembly with, including effectiveness and funding status, statewide and for each*
675 *locality, a comparison of the results of the previous annual reports and the impact of the Program. The*
676 *Department shall make a recommendation to the Governor and General Assembly about whether to*
677 *expand the Program throughout the Commonwealth. The Department shall publish the outcome criteria*
678 *to be included in the annual report by September 1, 1995.*

679 § 63.1-133.55. (Delayed effective date) Statewide Program implementation.

680 The Department shall establish guidelines for the selection of 3,000 participants for the first year of
681 implementation, 3,000 additional participants in the second year, beginning July 1, 1995, and 3,000
682 additional participants in the third year, beginning July 1, 1996 *statewide implementation of the Program*
683 *and the Program shall be implemented statewide within four years of the effective date of this act.*
684 Participants shall be residents of areas with demographics and economies reflective of Virginia's rural,
685 suburban and urban poverty areas. The first participants in the Program shall be drawn from current
686 AFDC recipients who have completed the JOBS Program. Program site selection shall conform with
687 federal requirements for waiver approval. The Department shall conduct a comparison study by selecting
688 and matching a sufficient number of individuals for a control group to provide statistically significant
689 comparisons between the control group and the initial 6,000 participants in the Program.

690 After the second year of operation of the Program, the Secretary of Health and Human Resources
691 shall continue to implement the Program on a phased basis with the goal of statewide application,
692 provided that:

693 1. The December 1996 evaluation and assessment by the Department recommends statewide
694 participation and the General Assembly agrees with the recommendation and appropriates adequate funds
695 for statewide implementation; and

696 2. Funds adequate to provide intensive case management services, training and educational services
697 and an array of family support services in accordance with individualized agreements of mutual
698 responsibility have been appropriated.

699 § 63.1-251. Payment of public assistance for child or caretaker constitutes debt to Department by
700 responsible persons; limitations; Department subrogated to rights.

701 Any payment of public assistance money made to or for the benefit of any dependent child or
702 children or their caretaker creates a debt due and owing to the Department by the person or persons who
703 are responsible for support of such children or caretaker in an amount equal to the amount of public
704 assistance money so paid. However, *if a caretaker receives AFDC payments for some of the caretaker's*
705 *dependent children but not for other children pursuant to § 63.1-105.7, the caretaker shall receive the*
706 *total amount of support collected for the children for whom no AFDC benefits are received. Such*
707 *support payments shall not create a debt due and owing to the Department and the value of such*
708 *payments shall not be counted as income for purposes of AFDC eligibility and grant determination.*
709 Where there has been a court order for support, final decree of divorce ordering support, or
710 administrative order under the provisions of this chapter for support, the debt shall be limited to the
711 amount of such order or decree. The Commissioner, pursuant to § 63.1-264, shall establish the debt in
712 an amount determined to be consistent with a responsible person's ability to pay. The Department shall
713 have the right to petition the appropriate court for modification of a court order on the same grounds as
714 either party to such cause.

715 The Department shall be subrogated to the right of such child or children or caretaker to prosecute or
716 maintain any support action or execute any administrative remedy existing under the laws of the
717 Commonwealth of Virginia to obtain reimbursement of moneys thus expended and may collect on behalf
718 of any such child, children or caretaker any amount contained in any court order of support or any
719 administrative order of support regardless of whether or not the amount of such orders exceeds the
720 amount of public assistance paid. Any support paid in excess of the total amount of public assistance
721 paid shall be returned to the caretaker by the Department. If a court order for support or final decree of
722 divorce ordering support enters judgment for an amount of support to be paid by such responsible
723 person, the Department shall be subrogated to the debt created by such order, and said money judgment
724 shall be deemed to be in favor of the Department. In any judicial proceeding brought by an attorney on
725 behalf of the Department pursuant to this section to enforce a support obligation in which the
726 Department prevails, attorney's fees shall be assessed pursuant to § 63.1-274.10.

727 The Department shall have the authority to pursue establishment and enforcement actions against the

728 person responsible for support after the closure of the public assistance case unless the caretaker notifies
729 the Department in writing that child support enforcement services are no longer desired.

730 Debt created by an administrative support order under this section shall not be incurred by nor at any
731 time be collected from a responsible person who is the recipient of public assistance moneys for the
732 benefit of minor dependent children for the period such person or persons are in such status. Recipients
733 of federal supplemental security income shall not be subject to the establishment of an administrative
734 support order while they receive benefits from that source

735 **2. That the Governor shall forthwith apply for the appropriate federal waivers and approvals**
736 **necessary to implement the provisions of this act statewide and for any other waivers of federal**
737 **law or regulation to further the goals of economic self-sufficiency.**

738 **3. That the provisions of this act and the provisions of Chapter 6.5 (§ 63.1-133.41 et seq.) of Title**
739 **63.1 shall be implemented notwithstanding the provisions of § 63.1-25.01 and the human research**
740 **regulations promulgated thereunder.**

741 **4. That the State Board of Social Services shall promulgate regulations to implement the**
742 **provisions of this act within 280 days of the enactment of this act.**

743 **5. That the provisions or portions of this act requiring federal waivers shall become effective upon**
744 **the receipt of such waivers or approvals, or on July 1, 1995, whichever is later.**

ENROLLED

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