

LD4021136

## HOUSE BILL NO. 2001

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Health, Welfare and Institutions  
on February 4, 1995)

(Patron Prior to Substitute—Delegate Brickley)

*A BILL to amend the Code of Virginia by adding sections numbered 63.1-133.48:1 and 63.1-133.50:1 through 63.1-133.50:4, relating to the Virginia Independence Program.*

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

**1. That the Code of Virginia is amended by adding sections numbered 63.1-133.48:1 and 63.1-133.50:1 through 63.1-133.50:4 as follows:**

*§ 63.1-133.48:1. Child support; limitation on AFDC benefits for additional child.*

*A single custodial parent who does not receive additional AFDC financial assistance for the birth of a child pursuant to subsection A of § 63.1-133.48 shall receive the total value of all child support payments due and collected for such child, and the value of such payments shall not be counted as income for the purposes of AFDC eligibility and grant determination.*

*§ 63.1-133.50:1. Diversionary AFDC cash assistance.*

*The State Board shall promulgate regulations to enable AFDC-eligible applicants meeting certain criteria to receive at one time the maximum AFDC cash assistance which the applicant would otherwise receive for a period up to 120 days. An individual may receive diversionary AFDC cash assistance only one time in a sixty-month period and, in so doing, waives his eligibility for AFDC for a period of up to 120 days. Diversionary assistance shall be used to address one-time emergencies that will divert the family from receiving ongoing AFDC cash assistance.*

*§ 63.1-133.50:2. Minor parent residency.*

*A. Except as provided in subsection B, an individual who is under the age of eighteen and has never married, and who has a dependent child in his care may receive AFDC for himself and his child only if the individual and his child reside in the home maintained by his parent, legal guardian or other adult relative.*

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

*1. The individual has no parent or legal guardian of his own who is living or whose whereabouts are known;*

*2. No parent or legal guardian of the individual allows the individual and his child to live in the home of the parent or legal guardian;*

*3. The local department of social services determines that the physical or emotional health or safety of the individual or his dependent child would be jeopardized if the individual and dependent child lived in the same residence with the individual's own parent or legal guardian;*

*4. The individual lived apart from his parent or legal guardian for a period of at least one year before the birth of any such dependent child or before the individual applied for AFDC; or*

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

*C. If the individual and his dependent child are not required to live with the individual's parent, legal guardian or other adult relative, the local department of social services shall assist the individual in locating an appropriate adult-supervised supportive living arrangement taking into consideration the needs and concerns of the minor and thereafter shall require that the individual and his child reside in such living arrangement or an alternative appropriate arrangement as a condition of the continued receipt of AFDC. If the local department of social services is unable, after making diligent efforts, to locate any such appropriate living arrangement, it shall provide case management and other social services consistent with the best interests of the individual and child who live independently.*

*§ 63.1-133.50:3. Paternity identity and establishment.*

*A. Any applicant for, or recipient of, AFDC who intentionally misidentifies another person as a parent shall be guilty of perjury and upon conviction therefor, shall be punished in accordance with § 18.2-434. Such cases shall be referred to the attorney for the Commonwealth for prosecution.*

*B. If paternity is not established after six months of receipt of AFDC, the local department may suspend, in accordance with regulations promulgated by the State Board, the adult portion of the AFDC grant if such adult has failed without good cause to cooperate fully in establishing paternity.*

*§ 63.1-133.50:4. AFDC for two-parent families.*

*To the extent permissible under federal law, AFDC shall be provided to needy two-parent families in the same amount, for the same duration and on the same terms and conditions that AFDC is provided to single-parent families of like size.*

**2. That the Secretary of Health and Human Resources shall apply for the appropriate federal**

60 waivers and approvals necessary to implement the provisions of this act with the goal of statewide  
61 implementation and for any other waivers of federal law or regulation to further the goals of  
62 economic self-sufficiency and that the provisions or portions of this act requiring federal waivers  
63 shall become effective upon the receipt of such waivers or approvals, or on July 1, 1995, whichever  
64 is later.