

LD0594136

## HOUSE BILL NO. 2001

## FLOOR AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by Senator Holland, C. A.

on February 14, 1995)

(Patron Prior to Substitute—Delegate Brickley)

*A BILL to amend and reenact §§ 63.1-133.44 and 63.1-133.55 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 63.1-133.48:1 and 63.1-133.50:1 through 63.1-133.50:6, relating to the Virginia Independence Program.*

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

1. That §§ 63.1-133.44 and 63.1-133.55 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 63.1-133.48:1 and 63.1-133.50:1 through 63.1-133.50:6 as follows:

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

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

The Advisory Commission shall have the following duties:

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

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

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

§ 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.*

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

68 § 63.1-133.50:3. Paternity identity and establishment.

69 A. Any applicant for, or recipient of, AFDC who intentionally misidentifies another person as a  
70 parent shall be guilty of perjury and upon conviction therefor, shall be punished in accordance with  
71 § 18.2-434. Such cases shall be referred to the attorney for the Commonwealth for prosecution.

72 B. In addition to any other remedy available under law, If paternity is not established after six  
73 months of receipt of AFDC, the local department may suspend, in accordance with regulations  
74 promulgated by the State Board, the adult portion of the AFDC grant if such adult has failed without  
75 good cause to cooperate fully in establishing paternity.

76 § 63.1-133.50:4. AFDC for two-parent families.

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

80 § 63.1-133.50:5. School attendance.

81 A. The Superintendent of Public Instruction and the Commissioner of Social Services shall jointly  
82 develop methods to ensure that children who receive AFDC and are habitually absent from school are  
83 identified and that their identity is reported to the local department of social services. Such methods  
84 shall protect the privacy of families receiving AFDC.

85 B. Upon receipt by a local department of social services of a report that a child receiving AFDC has  
86 been habitually absent from school, the family's case manager shall ascertain the reason for  
87 nonattendance and in consultation with the child's caretaker, develop a plan to alleviate any barriers to  
88 school attendance and to establish future attendance milestones for the child. If the caretaker refuses to  
89 cooperate with the case manager in developing or implementing a plan to alleviate the child's school  
90 attendance problem and the child continues to be habitually absent from school, the local department of  
91 social services may reduce the family's AFDC grant by removing the caretaker's needs from the  
92 assistance unit. The caretaker shall remain eligible for Medicaid. The family's AFDC grant shall be  
93 increased by restoring the caretaker's needs to the assistance unit as soon as either (i) the caretaker  
94 cooperates with the case manager in developing and implementing a plan to alleviate the child's school  
95 attendance problem or (ii) the child complies with school attendance requirements.

96 § 63.1-133.50:6. Human research regulations.

97 The provisions of this chapter, Chapter 6.5 (§ 63.1-133.41 et seq.), entitled From Welfare to Work:  
98 The Virginia Independence Program, shall be implemented notwithstanding the provisions of  
99 § 63.1-25.01 and the human research regulations promulgated thereunder.

100 § 63.1-133.55. (Delayed effective date - See note) Statewide Program implementation.

101 The Department shall establish guidelines for the selection of 3,000 participants for the first year of  
102 implementation, 3,000 additional participants in the second year, beginning July 1, 1995, and 3,000  
103 additional participants in the third year, beginning July 1, 1996 phasing in statewide implementation of  
104 the Program within four years of the effective date of this act. Participants shall be residents of areas  
105 with demographics and economies reflective of Virginia's rural, suburban and urban poverty areas. The  
106 first participants in the Program shall be drawn from current AFDC recipients who have completed the  
107 JOBS Program. Program site selection shall conform with federal requirements for waiver approval. The  
108 Department shall conduct a comparison study by selecting and matching a sufficient number of  
109 individuals for a control group to provide statistically significant comparisons between the control group  
110 and the initial 6,000 participants in the Program.

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

114 1. The December 1996 evaluation and assessment by the Department recommends statewide  
115 participation and the General Assembly agrees with the recommendation determines that statewide  
116 implementation is appropriate and appropriates adequate funds for statewide implementation are  
117 provided; and

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

121 2. That the Governor shall forthwith apply for the appropriate federal waivers and approvals

122 necessary to implement the provisions of this act statewide and for any other waivers of federal  
123 law or regulation to further the goals of economic self-sufficiency.  
124 3. That the Governor is the designated agent of the Commonwealth to apply for the federal  
125 waivers necessary to implement the provisions of this act; however, if application for all waivers  
126 necessary to implement this act is not filed with the U.S. Secretary of Health and Human  
127 Resources by the Governor prior to July 1, 1995, the Lieutenant Governor shall be and is hereby  
128 designated the agent of the Commonwealth to apply for all federal waivers necessary to implement  
129 the provisions of this act. The Lieutenant Governor shall apply for such waivers forthwith.  
130 4. That the provisions or portions of this act requiring federal waivers shall become effective upon  
131 the receipt of such waivers or approvals, or on July 1, 1995, whichever is later.

**S E N A T E      S U B S T I T U T E**

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