

# VIRGINIA ACTS OF ASSEMBLY -- 1996 SESSION

## CHAPTER 848

*An Act to amend and reenact § 63.1-105.1 of the Code of Virginia, relating to eligibility for aid to families with dependent children.*

[H 1069]

Approved April 8, 1996

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

**1. That § 63.1-105.1 of the Code of Virginia is amended and reenacted as follows:**

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

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

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

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

3. Identify the parents of the child for whom aid is claimed, subject to the "good cause" provisions or exceptions in federal law or regulations. However, this requirement shall not apply if the child is in a foster care placement *or if the local department determines, based upon the sworn statement of the applicant or recipient or of another person with knowledge of the circumstances, that the child was conceived as the result of incest or rape;* and

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

~~B.~~ Any applicant or recipient 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.

~~C.~~ *B. Unless an exception to the requirement set forth in subdivision A 3 of this section applies, it shall be the responsibility of the Department's Division of Child Support Enforcement to proceed to determine parentage pursuant to Chapter 3.1 (§ 20-49.1 et seq.) of Title 20. If paternity is not established after six months of receipt of AFDC, the case shall be reviewed to determine the reason that paternity has not been established. If paternity has not been established due to the caretaker relative's noncooperation, the local department may suspend the entire grant or the adult portion of the grant, subject to regulations promulgated by the State Board; in cases where the local department determines that the recipient is not cooperating in the establishment of paternity.*