

ENROLLMENT(S)

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COUNCIL OF THE DISTRICT OF COLUMBIA

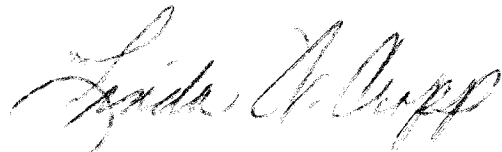
NOTICE

D.C. LAW 12-7

"Public Assistance Temporary Amendment Act of 1997".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P.L. 93-198 "the Act", the Council of the District of Columbia adopted Bill No. 12-102, on first and second readings, February 18, 1997 and May 6, 1997, respectively. Following the signature of the Mayor on May 20, 1997, pursuant to Section 404(e) of "the Act", and was assigned Act No. 12-79, and published in the June 13, 1997, edition of the D.C. Register (Vol. 44 page 3353) and transmitted to Congress on June 11, 1997 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 12-7, effective August 1, 1997.



LINDA W. CROPP
Acting Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

June 11,12,16,17,18,19,20,23,24,25,26,27

July 7,8,9,10,11,14,15,16,17,21,22,23,24,25,28,29,30,31

AN ACT
D.C. ACT 12-79

*Codification
District of
Columbia
Code
1998 Supp*

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 20, 1997

To amend, on a temporary basis, the District of Columbia Public Assistance Act of 1982 to comply with provisions of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, P.L. 104-193, by repealing the Aid to Families with Dependent Children Program, establishing the Temporary Assistance to Needy Families as a nonentitlement program of assistance, and making the following conforming amendments: (1) imposing a time limit for receipt of benefits under TANF, (2) revising certain eligibility requirements related to children absent from the home, (3) revising the duty to assign child support rights while on assistance, (4) defining the duty to cooperate in pursuing child support, (5) defining the "good cause" exception to the cooperation requirement, (6) establishing job search and work participation and development of individual responsibility plans, including sanctions for noncompliance, (7) establishing alien eligibility for TANF and Medicaid, (8) extending the current payment level and amount of assistance, (9) revising the living at home requirements for pregnant and parenting teens, (10) broadening the application of the school attendance provisions of the Demonstration Project for pregnant and parenting teens, (11) denying assistance to recipients engaging in certain kinds of fraud, fugitive felons, and parole violators, (12) making technical amendments to reflect the termination of the pass-through of the first \$50 of child support, and (13) establishing confidentiality provisions; and to amend An Act To enable the District of Columbia to receive Federal financial assistance under title XIX of the Social Security Act for a medical assistance program, and for other purposes to make conforming changes to the Medicaid law.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Public Assistance Temporary Amendment Act of 1997".

Sec. 2. The District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Code § 3-201.1 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Code § 3-201.1) is amended as follows:

*Note, Section
3-201.1*

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(1) Paragraph (1) is repealed.

(2) A new paragraph (2A) is added to read as follows:

"(2A) "Department" means the Department of Human Services of the District of Columbia."

(3) A new paragraph (9) is added to read as follows:

"(9) "TANF" means the Temporary Assistance for Needy Families program established by Title II."

(b) Section 201 (D.C. Code § 3-202.1) is amended as follows:

Note, Section
3-202.1

(1) Paragraph (1) is repealed.

(2) Paragraph (3) is amended by striking the word "and" at the end.

(3) Paragraph (4) is amended by striking the period at the end and inserting the phrase "; and" in its place.

(4) A new paragraph (5) is added to read as follows:

"(5) Temporary Assistance for Needy Families."

(c) Section 205 (D.C. Code § 3-202.5) is amended as follows:

(1) The existing text is designated as subsection (a).

Note, Section
3-202.5

(2) A new subsection (b) is added to read as follows:

"(b) The Mayor shall issue proposed rules to implement the provisions of the Public Assistance Emergency Amendment Act of 1997 within 45 days from the effective date of the Public Assistance Emergency Amendment Act of 1997 and as necessary thereafter, pursuant to title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Code § 1-1501 et seq.). The proposed rules shall be submitted to the Council of the District of Columbia for a 30-day period of review excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within the 30-day review period, the proposed rules shall be deemed approved."

(d) Section 501 (D.C. Code § 3-205.1) is amended to read as follows:

Note, Section
3-205.1

"Sec. 501. Eligibility for public assistance.

"(a) Except for TANF and as provided in sections 561 through 568, public assistance shall be awarded to, or on behalf of, any needy individual who is within one of the categories of public assistance established by Title II.

"(b) Public assistance may be awarded to or on behalf of any needy individual who is eligible for TANF. Nothing in this act shall be construed to confer or create an entitlement to TANF benefits in any individual who is eligible to receive TANF benefits."

(e) Section 511(a) (D.C. Code § 3-205.11(a)) is amended as follows:

Note, Section
3-205.11

(1) Paragraph (5A) is amended by inserting the word "and" at the end.

(2) Paragraph (6) is amended by striking the phrase "; and" at the end and inserting a period in its place.

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(3) Paragraph (7) is repealed.

(f) A new section 511a is added to read as follows:

Note, Section
3-205.11

"Sec. 511a. Time limit for receipt of TANF benefits.

"(a) Federally-funded TANF benefits shall not be provided to any assistance unit that includes an adult who has received federally-funded TANF benefits for 60 months (whether or not consecutive) after the effective date of the Public Assistance Emergency Amendment Act of 1997.

"(b) In determining the number of months for which a parent or pregnant individual has received federally-funded TANF benefits, the District shall disregard any month for which TANF benefits were provided with respect to the individual when the individual was:

"(1) A minor child; and

"(2) Not the head of a household or married to the head of a household.

"(c) In determining the number of months for which an adult has received federally-funded TANF benefits, any month shall be disregarded if during that month the adult lived on an Indian reservation or in an Alaskan Native village, if during the month at least 1,000 individuals were living on the reservation or in the village and at least 50% of the adults living on the reservation or in the village were unemployed.

"(d) The Mayor may exempt an assistance unit from the requirements of subsection (a) of this section by reason of hardship or if the assistance unit includes an individual who has been battered or subject to extreme cruelty. For purposes of this subsection, an individual has been battered or subject to extreme cruelty if that individual has been subjected to:

(1) Physical acts that resulted in, or threatened to result in, physical injury to the individual;

"(2) Sexual abuse;

"(3) Sexual activity involving a dependent child;

"(4) Forced engagement in nonconsensual sexual acts or activities, and the individual is a caretaker relative of a dependent child;

"(5) Threats of, or attempts at, physical or sexual abuse;

"(6) Mental abuse; or

"(7) Neglect or deprivation of medical care.

"(e) No more than 20% of the average monthly number of assistance units for which federally-funded TANF benefits are provided may be exempt under subsection (d) of this section."

(g) Section 518 (D.C. Code § 3-205.18) is amended by adding new subsections (d) and (e) to read as follows:

Note, Section
3-205.18

"(d) A minor child otherwise eligible for TANF benefits under subsection (a) of this section, who has been, or is expected by a parent or other caretaker relative to be,

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absent from the home for more than 90 consecutive days is ineligible to receive federally-funded TANF benefits.

"(e) A parent or other caretaker relative of a minor child shall be determined ineligible to receive federally-funded TANF benefits if the parent or caretaker relative fails to notify the Mayor of the absence of the child from the home after the 5-day period beginning with the date on which it becomes clear to the parent or caretaker relative that the child will be absent from the home for more than 90 consecutive days."

(h) Section 519 (D.C. Code § 3-205.19) is amended as follows:

Note, Section
3-205.19

(1) Subsection (b) is amended to read as follows:

"(b) As a condition of eligibility for assistance, each applicant or recipient shall assign to the District any rights to support from any other person that the applicant or recipient may have in the applicant's or recipient's own behalf, or on behalf of any other family member for whom the applicant or recipient is applying for or is receiving assistance."

(2) Subsection (c) is amended to read as follows:

"(c) The assignment referred to in subsection (b) of this section:

"(1) Is effective as to both current and accrued child support obligations, except as limited by paragraph (4) of this subsection;

"(2) Takes effect upon a determination that the applicant is eligible for assistance;

"(3) Terminates when an applicant ceases to receive assistance except with respect to the amount of any unpaid support obligation accrued under the assignment as limited by paragraph (4) of this subsection; and

"(4) With respect to an applicant or recipient of TANF benefits, shall not exceed the total amount of cash assistance provided to the family and shall not apply with respect to any support, other than support collected pursuant to section 464 of the Social Security Act, that accrued before the family received TANF benefits and that the District has not collected by:

"(A) September 30, 2000, if the assignment is executed on or after October 1, 1997, and before October 1, 2000; or

"(B) The date that the family ceases to receive assistance, if the assignment is executed on or after October 1, 2000."

(i) New sections 519a and 519b are added to read as follows:

Note, Section
3-205.19

"Sec. 519a. Employment program.

"(a) The District shall continue to operate the program established under title IV-F of the Social Security Act, in compliance with title IV-F of the Social Security Act, 45 C.F.R. §§ 250.0 through 250.78 and 251.0 through 251.5, and the District of Columbia Job Opportunities and Basic Skills state plan, as each was in effect on August 21, 1996, consistent with the provisions of the Public Assistance Emergency Amendment Act of 1997.

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"(b) The Mayor shall make a preliminary assessment of the skills, prior work experience, employability, and barriers to employment of each applicant for TANF benefits at the time of application for TANF benefits.

"(c) Following any preliminary assessment, an applicant who does not have paid employment of at least 20 hours per week and who is not required to meet the school attendance requirements of section 565 shall be required to sign an agreement to participate in job search or job readiness activities as a condition of eligibility for TANF benefits. The Mayor shall determine the nature and scope of the activities based on the preliminary assessment. In no event shall the Mayor require the applicant to participate in job search or job readiness activities for more than 25 hours per week.

"(d) An assessment of the skills, prior work experience, employability, and barriers to employment of each applicant for TANF benefits may be made after the applicant is determined eligible to receive TANF benefits. If an assessment is made after the applicant is determined eligible, the assessment may be completed as follows:

"(1) With respect to a recipient who was receiving Aid to Families with Dependent Children in the District as of the effective date of the Public Assistance Emergency Amendment Act of 1997, the assessment may be completed within 180 days after the effective date of the Public Assistance Emergency Amendment Act of 1997; and

"(2) With respect to all other recipients, the assessment may be completed within 90 days after the applicant is determined eligible to receive TANF benefits.

"(e)(1) Following any post-eligibility assessment, each recipient of TANF benefits shall develop an individual responsibility plan with the Mayor that describes the steps that the recipient is required to take to achieve self-sufficiency and the services that the District shall provide to assist the recipient in attaining self-sufficiency. The individual responsibility plan shall be based on the assessments.

"(2) This subsection shall apply only to a recipient who has been assessed under this section.

"(f) Subject to the exemptions listed in 45 C.F.R. § 250.30(b), a recipient who has developed an individual responsibility plan with the Mayor shall be required, as part of that plan, to participate in work activities, which may include one or more of the following:

- "(1) Unsubsidized employment;
- "(2) Subsidized private sector employment;
- "(3) Subsidized public sector employment;
- "(4) Work experience;
- "(5) On-the-job training;
- "(6) Job search and job readiness assistance;
- "(7) Community service;
- "(8) Vocational education training;

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"(9) Job skills training directly related to employment;

"(10) Education; or

"(11) Provision of child care services to an individual who is participating in a community service program.

"(g) Each individual responsibility plan shall periodically be reviewed and revised, as appropriate.

"(h) For purposes of this section, an adult or minor head of household who is receiving Aid to Families with Dependent Children on the effective date of the Public Assistance Emergency Amendment Act of 1997 may be considered an applicant for TANF benefits at the time of the first redetermination following the effective date of the Public Assistance Emergency Amendment Act of 1997.

"(i) Notwithstanding subsection (a) of this section and section 519(b), nothing in this act shall be construed to confer an entitlement to children for any person.

"Sec. 519b. Refusal to comply with individual responsibility plan.

"(a) If an adult recipient or minor head of household recipient refuses, without good cause, to comply with the requirements of an individual responsibility plan developed pursuant to section 519a(e), the refusal shall be considered the same, for purposes of 45 C.F.R. § 250.34 as in effect on August 21, 1996, as a failure of a person required to participate in the JOBS program to comply with the JOBS program.

"(b) TANF benefits shall not be reduced based on the refusal of a recipient to participate in work activities if the recipient is a single custodial parent caring for a child under 6 years old, and the recipient proves that the recipient has a demonstrated inability, as determined by the Mayor, to obtain needed child care for 1 or more of the following reasons:

"(1) Appropriate child care within a reasonable distance from the recipient's home or work site is unavailable;

"(2) Informal child care by a relative or under other arrangements is unavailable or unsuitable; or

"(3) Appropriate and affordable formal child care arrangements are unavailable.

"(c) TANF benefits shall not be reduced based on the refusal of a recipient to participate in work activities if neither an assessment has been made nor an individual responsibility plan developed with the Mayor.

"(d) Notwithstanding subsection (c) of this section, a recipient's TANF benefits may be reduced or terminated if that recipient quits paid employment without good cause or voluntarily reduces income without good cause within 45 days before the determination of eligibility for TANF or during the period in which the recipient receives TANF."

(j) Section 524 (D.C. Code § 3-205.24) is amended to read as follows:

Note, Section
3-205.24

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"Sec. 524. Eligibility requirements for aliens.

"Any person who is not a citizen of the United States, who entered the United States before August 22, 1996, and who is a "qualified alien", as defined by section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. § 1641):

"(1) May receive TANF benefits, if otherwise eligible under this act; and

"(2) May receive Medicaid benefits, if otherwise eligible under the District of Columbia State Plan submitted pursuant to title XIX of the Social Security Act."

(k) Section 537(a) (D.C. Code § 3-205.37(a)) is amended by inserting the sentence "For purposes of TANF, income and resources shall be considered under the Social Security Act as in effect on August 21, 1996." after the existing sentence.

Note, Section 3-205.37

(l) Section 544 (D.C. Code § 3-205.44) is amended by adding a new subsection (c) to read as follows:

Note, Section 3-205.44

"(c) Notwithstanding subsection (b) of this section:

"(1) No person shall be entitled to receive TANF benefits; and

"(2) The Mayor may reduce or terminate TANF benefits to any person for failure to comply with the requirements of Titles V or XVII."

(m) Section 550(e) (D.C. Code § 3-205.50(e)) is amended by striking the word "shall" and inserting the word "may" in its place.

Note, Section 3-205.50

(n) Section 552 (D.C. Code § 3-205.52) is amended as follows:

Note, Section 3-205.52

(1) Subsection (c) is amended to read as follows:

"(c) The standards of assistance are set forth in the following table and include basic costs of food, clothing, shelter, household and personal items, certain transportation costs, and life insurance when paid by the Mayor:

"STANDARDS OF ASSISTANCE

Family Size	Standard of Assistance	Payment Level
1	\$ 450.00	239.00
2	560.00	298.00
3	712.00	379.00
4	870.00	463.00
5	1,002.00	533.00
6	1,178.00	627.00
7	1,352.00	719.00
8	1,494.00	795.00
9	1,642.00	874.00

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10	1,786.00	950.00
11	1,884.00	1,002.00
12	2,024.00	1,077.00
13	2,116.00	1,126.00
14	2,232.00	1,187.00
15	2,316.00	1,232.00
16	2,432.00	1,294.00
17	2,668.00	1,419.00
18	2,730.00	1,452.00
19	2,786.00	1,482.00"; and

(2) Subsection (d) is amended by striking the date "September 30, 1996" and inserting the date "January 31, 1997" in its place."

(o) Section 605 (D.C. Code § 3-206.5) is amended by striking the phrase "Aid to Families with Dependent Children" and inserting the acronym "TANF" in its place.

Note, Section 3-206.5

(p) Section 804 (D.C. Code § 3-208.4) is amended by striking the phrase "assistance payable to AFDC recipients shall be the amount to which the individual or family is entitled" and inserting the phrase "assistance that may be paid to a TANF recipient shall be the amount for which the individual or family is eligible" in its place.

Note, Section 3-208.4

(q) A new section 904 is added to read as follows:

"Sec. 904. Confidentiality of information.

Note, Section 3-209.3

"(a) The use or disclosure of information concerning applicants and recipients of TANF shall be limited to purposes directly connected to the following:

"(1) The administration of TANF, General Public Assistance, General Assistance for Children, Emergency Family Shelter, Old Age Assistance, Aid to the Permanently and Totally Disabled, and programs under titles I, IV-B, IV-D, IV-E, X, XIV, XVI (AABD and SSI), XIX, or XX of the Social Security Act. The purposes for use or disclosure of information shall include establishing eligibility, determining the amount of the assistance, and providing services for applicants and recipients;

"(2) Any investigation, prosecution, or criminal or civil proceeding conducted in connection with the administration of any public assistance program under this act;

"(3) The administration of any federal or federally-assisted program which provides assistance, in cash or in-kind, or services directly to individuals on the basis of need;

"(4) The verification to a state employment services agency for the purposes of providing information about a public assistance recipient's eligibility for employer tax credits;

"(5) Any audit or similar activity, e.g., review of expenditure reports or

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financial review, conducted in connection with the administration of any public assistance program by any governmental entity which is authorized by law to conduct such audit or activity;

"(6) The administration of the unemployment compensation program for the District of Columbia or any other state unemployment compensation program; or

"(7) The reporting to the Metropolitan Police Department of information on known or suspected instances of physical or mental injury, sexual abuse or exploitation, or to the Commission on Social Services of information on known or suspected instances of negligent treatment or maltreatment of a child receiving aid under circumstances which indicate the child's health or welfare is threatened.

"(b) The Mayor may disclose the current address of a recipient to the Metropolitan Police Department or any other law enforcement officer at his or her request. The information shall be disclosed only to a law enforcement officer who provides the name and social security number of the recipient and satisfactorily demonstrates that:

"(1) The recipient is a person who is seeking to escape prosecution on the grounds that he or she is believed to have committed a felony;

"(2) The location or apprehension of the felon is within the law enforcement officer's official duties; and

"(3) The request is made in the proper exercise of the officer's duties.

"(c) Disclosure of any information that identifies by name or address any applicant or recipient to any federal, state, local committee, or legislative body other than in connection with any activity under subsection (a)(5) of this section is prohibited.

"(d) If a subpoena is issued for the case record or for any Mayor's representative to testify concerning an applicant or recipient, disclosure of information and testimony is prohibited unless:

"(1) The applicant or recipient authorizes release; or

"(2) The information or testimony is requested for purposes directly related to the purposes listed in subsection (a) of this section.

"(e) The Mayor shall establish policies and procedures to implement and enforce the requirements for safeguarding information regarding applicants and recipients and to define the criteria that govern the types of information that are safeguarded and the conditions under which the information may be released or used."

(r) Section 1002(c) (D.C. Code § 3-210.2(c)) is amended by striking the acronym "AFDC" and inserting the phrase "Aid to Families with Dependent Children, TANF" in its place.

Note, Section
3-210.2

(s) Section 1106 (D.C. Code § 3-211.6) is repealed.

Note, Section
3-211.6

(t) Section 1701 (D.C. Code § 3-217.1) is amended as follows:

Note, Section
3-217.1

(1) By striking the phrase "received AFDC" in paragraph (1) and inserting the

phrase "was eligible for Aid to Families with Dependent Children under District and federal law in effect on June 1, 1995" in its place; and

(2) By striking the phrase "received such aid" from paragraph (2) and inserting the phrase "been eligible under such law" in its place.

(u) Section 1708 (D.C. Code § 3-217.8) is amended to read as follows:

Note, Section
3-217.8

"(a) As a condition of eligibility for assistance under programs specified in section 1707, unless good cause for refusing to cooperate is determined to exist in accordance with section 1709, each applicant for, or recipient of, assistance shall be required to cooperate in good faith with the District of Columbia in:

"(1) Identifying and locating the absent parent of a child with respect to whom an applicant or recipient requests or obtains assistance;

"(2) Establishing the paternity of a child born out of wedlock with respect to whom an applicant or recipient requests or obtains assistance;

"(3) Establishing a support order for a child with respect to whom an applicant or recipient requests or obtains assistance;

"(4) Modifying any support order for a child with respect to whom an applicant or recipient requests or obtains assistance;

"(5) Enforcing any support order for a child with respect to whom an applicant or recipient requests or obtains assistance; and

"(6) Obtaining any other payment or property due the applicant, recipient, or child with respect to whom an applicant or recipient requests or obtains assistance.

"(b) Before requiring cooperation under this section, the Mayor shall notify the applicant or recipient orally and in writing of the right to be excepted from the requirement based on good cause. The notice shall include each requirement applicable to a good cause determination, and facts concerning the benefits, risks, and consequences of cooperation and pursuing child support.

"(c) If the Mayor determines an applicant or recipient has failed to cooperate as required by subsection (a) of this section, without good cause, the agency administering the District of Columbia child support program under title IV-D of the Social Security Act shall promptly notify the applicant or recipient. The agency shall provide the basis for its determination of noncooperation in writing as part of the notice to the applicant or recipient.

"(d) Any applicant or recipient aggrieved by the action or inaction of the Mayor regarding the determination of cooperation, noncooperation, or good cause for refusal to cooperate shall be entitled to a hearing. Hearing rights shall be provided in accordance with the provisions of Title X.

"(e) Each District of Columbia government agency involved in the administration of public assistance or the enforcement of child support obligations under title IV-D of the Social Security Act shall make all reasonable efforts to ensure that the applicant's, recipient's,

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or child's whereabouts are kept confidential and take other measures necessary to protect the applicant or recipient and the child from harm in any case in which:

"(1) A claim of good cause for noncooperation is pending;

"(2) A claim of good cause for noncooperation has been granted;

"(3) A civil protection order or temporary protection order has been entered with respect to the applicant, recipient, or the child with respect to whom assistance is claimed; or

"(4) The Mayor has reason to believe that the release of the information may result in harm to the applicant or recipient or the child."

(v) Section 1709 (D.C. Code § 3-217.9) is amended as follows:

Note, Section
3-217.9

(1) By designating the existing text as subsection (a);

(2) By striking the phrase "Secretary of Health and Human Services," and inserting the word "Mayor" in its place; and

(3) By adding new subsections (b), (c), (d), and (e) to read as follows:

"(b) The Mayor shall make a timely determination whether good cause exists.

"(c) The agency administering assistance shall promptly report any information to the District of Columbia agency administering the child support program under title IV-D of the Social Security Act that is provided by the applicant or recipient that relates to a good cause determination.

"(d) Assistance shall not be denied, delayed, reduced, or discontinued pending a determination of good cause for refusal to cooperate, if the applicant or recipient has made a good faith effort to substantiate the claim.

"(e) An applicant or recipient may claim good cause for noncooperation at any time. An applicant's or recipient's decision not to claim good cause shall not preclude the applicant or recipient from claiming good cause at a later date."

(w) Section 1710 (D.C. Code § 3-217.10) is amended to read as follows:

Note, Section
3-217.10

"(a) If an applicant or recipient claims good cause for noncooperation under section 1709 and the Mayor determines that good cause does not exist, the applicant or recipient shall be notified and given an opportunity to cooperate, to withdraw the application for assistance, or to have the assistance case closed. Refusal to cooperate, after such notice and opportunity to cooperate, shall result in imposition of the sanctions provided in subsection (b) of this section.

"(b) If an applicant for, or recipient of, assistance, who is the parent of the child with respect to whom assistance is claimed, fails to cooperate as required by section 1708, and the Mayor has determined under section 1709 that the applicant or recipient does not have good cause for noncooperation, the needs of the noncooperating parent and the needs of each child with respect to whom the parent refuses to cooperate shall not be considered in determining eligibility for TANF benefits.

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"(e) If the applicant or recipient complies with section 1708 after a determination of noncooperation, the agency administering the child support program under title IV-D of the Social Security Act shall promptly notify the agency administering assistance for the family. The agency administering assistance shall restore assistance to the applicant or recipient in the month following the date of cooperation."

Note,
Sections
3-205.2
3-205.5
3-205.10
3-205.11
3-205.13
3-205.15
3-205.17
3-205.18
3-205.21
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3-208.1
3-208.4
3-210.19
3-211.1
3-211.3
3-212.2
3-217.5
3-217.7
3-218.1

(x) Sections 502 (D.C. Code § 3-205.2); 505 (D.C. Code § 3-205.5); 510 (D.C. Code § 3-205.10); 511 (D.C. Code § 3-205.11); 513 (D.C. Code § 3-205.13); 515 (D.C. Code § 3-205.15); 517 (D.C. Code § 3-205.17); 518 (D.C. Code § 3-205.18); 521 (D.C. Code § 3-205.21); 522 (D.C. Code § 3-205.22); 523 (D.C. Code § 3-205.23); 525 (D.C. Code § 3-205.25); 530 (D.C. Code § 3-205.30); 533 (D.C. Code § 3-205.33); 536 (D.C. Code § 3-205.36); 542 (D.C. Code § 3-205.42); 543 (D.C. Code § 3-205.43); 551 (D.C. Code § 3-205.51); 552 (D.C. Code § 3-205.52); 553 (D.C. Code § 3-205.53); 554 (D.C. Code § 3-205.54); 555 (D.C. Code § 3-205.55); 801 (D.C. Code § 3-208.1); 804 (D.C. Code § 3-208.4); 1019 (D.C. Code § 3-210.19); 1101 (D.C. Code § 3-211.1); 1103 (D.C. Code § 3-211.3); 1202 (D.C. Code § 3-212.2); 1705 (D.C. Code § 3-217.5); 1707 (D.C. Code § 3-217.7); and 1801 (D.C. Code § 3-218.1) are amended by striking the acronym "AFDC" wherever it appears and inserting the acronym "TANF" in its place.

Sec. 3. Section 505a of the District of Columbia Public Assistance Act of 1982, effective August 17, 1991 (D.C. Law 9-19; D.C. Code § 3-205.5a), is amended by striking the acronym "AFDC" wherever it appears and inserting the acronym "TANF" in its place.

Note, Section
3-205.5a

Sec. 4. Sections 561 through 568 of the District of Columbia Public Assistance of 1982, effective October 27, 1995 (D.C. Law 11-72; D.C. Code §§ 3-205.61 through 3-205.68), are amended as follows:

(a) Section 563 (D.C. Code § 3-205.63) is amended as follows:

Note, Section
3-205.63

(1) By amending subsection (b) as follows:

(A) By striking the phrase "The Mayor shall amend the State Plan so that, except" and inserting the word "Except" in its place;

(B) By striking the phrase "eligible for AFDC benefits" and inserting the phrase "eligible for federally-funded TANF benefits" in its place;

(C) By striking the phrase "or in a private family setting or other living arrangement which, as determined by the Department, is maintained as a family setting, as evidenced by the assumption of responsibility for the care and control of the minor parent and dependent child or the provision of supportive services, such as counseling, guidance, or supervision unless:" and inserting the phrase "or maintained by another adult relative of the individual as the home of the individual's parent, guardian, or adult relative unless:" in its place;

ENROLLED ORIGINAL

(D) By striking the phrase "no living parent or legal guardian" in paragraph (1) and inserting the phrase "no living parent, legal guardian or other appropriate adult relative" in its place;

(E) By amending paragraph (2) to read as follows:

"(2) No parent, legal guardian or other appropriate adult relative who could otherwise qualify to act as the applicant's legal guardian allows the applicant or recipient to live in his or her home;"

(F) By repealing paragraph (3); and

(G) By amending paragraph (5) by inserting the sentence "Standards set forth in the regulations shall include consideration of the best interests of the dependent child." after the existing sentence;

(2) By adding a new subsection (e) to read as follows:

"(e)(1) If the applicant is exempt from the home living requirement under subsection (b) of this section, the Department shall provide or assist the applicant in locating a second chance home, as defined in paragraph (2) of this subsection, a maternity home, or other appropriate adult-supervised supportive living arrangement, unless the Department determines that the applicant's current living arrangement is appropriate. The Department shall consider the needs and concerns of the applicant in providing or assisting in locating a living arrangement for the applicant. The Department shall then determine the appropriate living arrangement for the applicant and require that the applicant and the dependent child live in such a living arrangement as a condition of continued receipt of TANF benefits. If the Department determines that the applicant's circumstances have changed and the current arrangement ceases to be appropriate, the applicant may live in an alternative appropriate arrangement and continue to receive TANF benefits.

"(2) For the purposes of this subsection, the term "Second chance home" means an entity that provides individuals described in subsection (b)(1), (2), (4), and (5) of this section with a supportive and supervised living arrangement in which they are required to learn parenting skills, including child development, family budgeting, health and nutrition, and other skills to promote their long-term economic independence and the well-being of their children."; and

(3) By striking the acronym "AFDC" wherever it appears and inserting the acronym "TANF" in its place.

(b) Section 564 (D.C. Code § 3-205.64) is amended as follows:

(1) By amending subsection (a) by striking the phrase "section 563(b)" and inserting the phrase "section 563(b) and (e)" in its place;

(2) By amending subsection (b) by striking the phrase "ineligible for AFDC assistance" and inserting the phrase "ineligible for federally-funded TANF benefits" in its place;

Note, Section
3-205.64

and

(3) By striking the acronym "AFDC" wherever it appears and inserting the acronym "TANF" in its place.

(c) Section 565 (D.C. Code § 3-205.65) is amended as follows:

(1) Subsection (a) is amended to read as follows:

"(a)(1) As a condition of eligibility for federally-funded TANF benefits, a pregnant or parenting teen who is not married and has not successfully completed a high school education or its equivalent shall be required to attend school regularly each semester and experience no more than 10 full school days or 20 half school days, as defined by the Board, of unexcused absences in 1 school semester or be determined ineligible for federally-funded assistance.

"(2) The requirements of paragraph (1) of this subsection shall not affect the eligibility for TANF benefits of a child living with a pregnant or parenting teen who, if otherwise eligible, may receive TANF benefits determined without regard to the needs of the ineligible pregnant or parenting teen."

(2) Subsection (d) is amended by striking the phrase "A reduction in AFDC benefits" and inserting the phrase "The determination of a pregnant or parenting teen's ineligibility for federally-funded TANF benefits" in its place.

(3) Subsection (e) is amended to read as follows:

"(e) If the Department determines that a pregnant or parenting teen who has been determined ineligible for federally-funded TANF benefits pursuant to subsection (a) of this section has satisfied the requirements of subsection (d) of this section, the determination of ineligibility for federally-funded TANF benefits shall be rescinded in the next possible payment month."

(4) Subsection (f) is amended as follows:

(A) Paragraph (1) is amended by inserting the phrase "and the pregnant and parenting teen participates in an alternative educational or training program that has been approved by the Department" after the phrase "in the judgment of the Department".

(B) Paragraph (2) is amended by striking the phrase "90 days" and inserting the phrase "12 weeks" in its place.

(5) Subsection (g) is amended as follows:

(A) By striking the phrase "\$50 reduction in AFDC benefits" and inserting the phrase "determination of a pregnant or parenting teen's ineligibility for federally-funded TANF benefits" in its place; and

(B) By adding the phrase "or approved alternative educational or training program" after the phrase "verified by the school".

(6) Subsection (h) is amended by striking the phrase "receive reduced AFDC benefits" and inserting the phrase "be determined ineligible for federally-funded TANF benefits for each month in which one of the individuals does not cooperate" in its place.

Note, Section
3-205.65

ENROLLED ORIGINAL

(7) Subsection (j) is amended by striking the phrase "participant in the Demonstration Project" and inserting the phrase "who is applying for or receives federally-funded TANF benefits" in its place.

(8) Subsection (l) is amended by striking the phrase "participates in the Demonstration Project" and inserting the phrase "is applying for or receives federally-funded TANF benefits" in its place.

(9) A new subsection (m) is added to read as follows:

"(m) This section shall apply to all applicants for, or recipients of, federally-funded TANF benefits."

(d) Section 566(b) (D.C. Code § 3-205.66(b)) is amended by striking the phrase "reduce the applicant's AFDC assistance by \$50" and inserting the phrase "determine the pregnant or parenting teen ineligible for federally-funded TANF benefits" in its place.

Note, Section
3-205.66

(e) New sections 569 and 570 are added to read as follows:

Note, Section
3-205.68

"Sec. 569. Denial of assistance for fraudulent misrepresentation of residency.

"(a) A person who has been convicted in a federal, District of Columbia, or state court of making a fraudulent statement or representation with respect to that person's place of residence in order to receive assistance simultaneously from 2 or more states under programs that are funded under title I of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, title XIX of the Social Security Act (42 U.S.C. § 1396 *et seq.*), or the Food Stamp Act of 1977 (7 U.S.C. § 2011 *et seq.*), or benefits in 2 or more states under the Supplemental Security Income program under title XVI of the Social Security Act (42 U.S.C. § 1381 *et seq.*), shall be ineligible for TANF benefits for 10 years from the date of the conviction.

"(b) Subsection (a) of this section shall not apply with respect to conduct of an individual for any month beginning after the President of the United States grants a pardon with respect to the conduct which was the subject of the conviction.

"Sec. 570. Denial of assistance for fugitive felons and probation and parole violators.

"(a) A person shall be ineligible for TANF benefits if that person:

"(1) Flees to avoid prosecution, custody, or confinement after conviction, under the laws of the jurisdiction from which the person flees for a crime, or an attempt to commit a crime, which is a felony under the laws of the jurisdiction from which the individual flees; or

"(2) Violates a condition of probation or parole imposed under federal, District of Columbia, or state law.

"(b) Subsection (a) of this section shall not apply with respect to conduct of an individual for any month beginning after the President of the United States grants a pardon with respect to the conduct."

Sec. 5. Section 1(d) of An Act To enable the District of Columbia to receive Federal financial assistance under title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Code § 1-359(d)), is amended as follows:

Note, Section
1-359

(a) By amending paragraph (1)(A) to read as follows:

"(A) "Medicaid Managed Care recipient" means a person who is eligible for the Medicaid Managed Care Program under the District of Columbia state plan approved under title XIX of the Social Security Act, as in effect on July 16, 1996."; and

(b) By striking the phrases "AFDC and AFDC-related Medicaid recipient" and "AFDC and AFDC-related Medicaid recipients" wherever they appear and inserting the phrases "Medicaid Managed Care recipient" and "Medicaid Managed Care recipients", respectively, in their places.

Sec. 6. Fiscal impact statement.

Enacted on August 22, 1996, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193 (Act), creates the Temporary Assistance for Needy Families (TANF) block grant which transforms welfare into a system that requires work in exchange for time-limited assistance. The Act specifically eliminates any individual entitlement to or guarantee of assistance, repeals the Aid to Families with Dependent Children (AFDC), Emergency Assistance, and Job Opportunities and Basic Skills Training (JOBS) Programs, and replaces them with a single TANF block grant.

Section 402 of the Act provides that a State must submit a plan that outlines how it intends to administer the TANF block grant funds. The District submitted its TANF State Plan on December 3, 1996, in advance of the statutory deadline of July 1, 1997, because an early submission date would enable the District to claim additional federal TANF funds. The U.S. Department of Health and Human Services (HHS) has recently issued guidelines governing the timing of the TANF implementation in relation to the payment of block grant allocations to states. These guidelines put in writing for the first time a date by which a state that submitted a plan before July 1, 1997, must implement its plan and become subject to federal TANF provisions in order to maximize federal funding. Pursuant to these guidelines, the District has elected to implement its TANF Plan and become subject to the TANF statutory rules no later than March 1, 1997. This date is the latest day on which the District can implement its TANF Plan and still receive its maximum allowable TANF allocation.

The effective date of this legislation will have a significant impact on the funding available to the District. By choosing March 1, 1997 as the effective date for the legislation, the TANF funding available to the District will be calculated retroactive to the date on which the State Plan was filed, December 3, 1996. For any period for which the District is not collecting TANF funds and not operating the TANF Program, it is reimbursed under the AFDC,

JOBS and Emergency Assistance Programs at the rates for those programs in effect before the Act.

The District's TANF grant is based on federal funding levels of the AFDC, JOBS, and Emergency Assistance Programs for Fiscal Year 1994, permitting a maximum allotment of \$92.6 million. During FY 1994, the District expended more federal funds on these programs and had a greater number of eligible recipients than in the current year. As a result, the funds available under TANF are approximately \$45,490 per day more than the federal funds that would otherwise be available to the District under the programs. The failure to enact this legislation and implement the TANF Program by March 1 would allow HHS to refuse to provide TANF funding retroactive to the date of the plan submission, and, instead, provide TANF funding as of the date of actual TANF implementation. This would result in the loss of approximately \$4 million -- the additional amount the District could claim in TANF funds from December 3, 1996 to March 1, 1997 -- and a further loss of \$45,490 per day for each day after March 1 that the District delays implementation.

Implementation of TANF will have additional, more difficult to define, financial impacts on the District of Columbia. As part of the new approach to social welfare policy, TANF requires teenage parents to both live in an adult-supervised setting and attend high school, or an approved educational or training program, in order to receive benefits. Likewise, TANF requires that adults work and places a 60 month lifetime cap on the receipt of benefits. These changes will have a financial impact the District of Columbia. However, even though it is reasonable to assume that these innovations will result in long-term savings, the costs associated with establishing the infrastructure for this program may preclude any immediate savings. Thus, it is difficult to quantify the possible savings. This is equally true for the increased amount of child support arrearages that must be assigned to the District of Columbia. In any event, while these changes may even disadvantage the District of Columbia, as may the fact that this is a capped block grant, these requirements are not discretionary.

In fact, failure to implement such requirements would result in TANF block grant penalties, *inter alia*, for the District as follows:

A reduction of the grant by two per cent for failure to participate in the income and eligibility system;

A reduction of the grant of not more than five per cent for failure to comply with paternity establishment and child support enforcement requirements;

A reduction in the grant by percentages, which range from five per cent to 21 per cent for failure to satisfy the minimum participation rates as set out in the Act;

An unspecified reduction in the grant for failure to maintain at least 80 per cent level of

ENROLLED ORIGINAL

effort. Level of historic effort is defined by prior expenditure amounts for cash assistance in prior fiscal years;


A five per cent reduction in the grant for failure to comply with five year limit on assistance; and

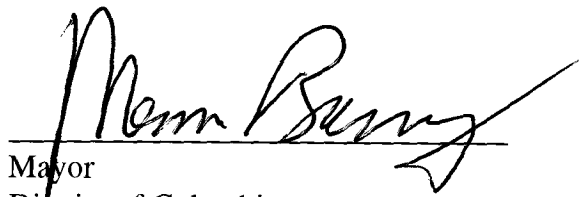
A five per cent reduction in the grant for failure to maintain assistance to adult single custodial parent who cannot obtain child care for child under age 6.

In conclusion, the fiscal impact on the District of Columbia for failure to implement TANF will be very severe.

Sec. 7. (a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(a)), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.


Acting Chairman
Council of the District of Columbia


Mayor
District of Columbia

APPROVED: May 20, 1997



COUNCIL OF THE DISTRICT OF COLUMBIA
 COUNCIL PERIOD TWELVE
 RECORD OF OFFICIAL COUNCIL VOTE

B12-102

Docket No. _____

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FIRST READING, 02-18-97

VOICE VOTE

APPROVED

RECORDED VOTE ON REQUEST

ABSENT _____

CHMN. CLARKE, EVANS AND THOMAS

ROLL CALL VOTE - Result _____

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Clarke					Evans					Smith, Jr.				
Allen					Jarvis					Thomas, Sr.				
Brazil					Mason									
Chavous					Patterson									
Cropp					Schwartz									

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

Regis Jones
 Secretary to the Council

May 14, 1997
 Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FINAL READING, 05-06-97

VOICE VOTE

APPROVED

RECORDED VOTE ON REQUEST

ABSENT _____

ALL PRESENT

ROLL CALL VOTE - Result _____

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Jarvis					Thomas, Sr.				
Allen					Mason									
Brazil					Patterson									
Chavous					Schwartz									
Evans					Smith, Jr.									

X-indicates no

AB-Absent

NV-Present not voting

CERTIFICATION RECORD

Regis Jones
 Secretary to the Council

May 14, 1997
 Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

VOICE VOTE

RECORDED VOTE ON REQUEST

ABSENT _____

ROLL CALL VOTE - Result _____

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Jarvis					Thomas, Sr.				
Allen					Mason									
Brazil					Patterson									
Chavous					Schwartz									
Evans					Smith, Jr.									

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

Secretary to the Council

Date