

Senate Bill 389

By: Senators Hill of the 6th, Williams of the 19th, Hill of the 32nd and Williams of the 27th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 9 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated,
2 relating to temporary assistance for needy families, so as to provide for an exception to
3 lifetime maximum assistance; to revise provisions regarding rules and regulations; to provide
4 for a cash diversion program; to provide for intervention for a recipient who fails to comply
5 with the work activity requirement; to revise penalties for noncompliance; to provide for
6 related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 9 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to
10 temporary assistance for needy families, is amended by revising Code Section 49-4-182,
11 relating to the creation of the Temporary Assistance for Needy Families Program, as follows:
12 "49-4-182.

13 (a) There is created the Georgia Temporary Assistance for Needy Families Program,
14 which shall be known as the 'Georgia TANF Program.' The purpose of such program is to
15 provide necessary assistance to needy families with children on a temporary basis and to
16 provide parents, legal guardians, or other caretaker relatives of children with the necessary
17 support services to enable such parents, legal guardians, or caretaker relatives to become
18 self-sufficient and leave the program as soon as possible. After an initial assessment and
19 once the state determines an applicant is ready for work, applicants for assistance shall be
20 required to engage in a work activity in accordance with Part A of Title IV of the federal
21 Social Security Act, as amended, and the state plan as soon as possible after making
22 application for assistance, but in any event no later than 24 months after first receiving cash
23 assistance.

24 (b) Assistance shall be provided in accordance with the state plan and any future
25 amendments thereto. Cash assistance to a recipient who is not a minor child and who is a
26 head of a household or married to the head of a household shall be limited to a lifetime

27 maximum of 48 months, whether or not consecutive, beginning January 1, 1997; provided,
 28 however, that the lifetime maximum shall not apply to any family to which the department
 29 has granted an exemption for reasons of hardship or if the family includes an individual
 30 who has been battered or subjected to extreme cruelty, provided that the average monthly
 31 number of such families in a fiscal year shall not exceed 20 percent of the average monthly
 32 number of families to which TANF is provided during the current fiscal year or the
 33 immediately preceding fiscal year.

34 (c) Nothing in this article, the state plan, or any rules or regulations adopted pursuant to
 35 this article shall be interpreted to entitle any individual or any family to assistance under
 36 the Georgia TANF Program."

37 **SECTION 2.**

38 Said article is further amended by revising subsection (b) of Code Section 49-4-183, relating
 39 to administration of article by department, promulgation of rules and regulations by board,
 40 and duties of the department, as follows:

41 "(b) The board shall ensure that such rules and regulations provide for:

42 (1) Methods of administration necessary for the proper and efficient operation of the
 43 state plan for implementation of this article;

44 (2) Reasonable standards for determining eligibility and the extent of assistance available
 45 for recipients;

46 (3) Consideration of the income and resources of an applicant for assistance in
 47 determining eligibility; provided, however, that in order to encourage the formation and
 48 maintenance of two-parent families, when a TANF recipient marries, the new spouse's
 49 income and assets shall be disregarded for six consecutive months. This disregard shall
 50 be a once-in-a-lifetime benefit for the recipient;

51 (4) Personal responsibility obligations and work activity requirements consistent with
 52 Part A of Title IV of the federal Social Security Act, as amended, and the state plan,
 53 provided that programs included in the personal responsibility obligations established by
 54 the board shall include counseling on abstinence until marriage; and provided, further,
 55 that a single custodial parent with a child under 12 months of age may be exempt from
 56 any work activity requirement until adequate child care is available;

57 (5) Criteria which make an applicant ineligible to receive benefits under the Georgia
 58 TANF Program, including but not limited to those specified in Code Section 49-4-184;

59 (6) Specific conduct which would authorize the reduction or termination of assistance
 60 to a recipient, including but not limited to that specified in Code Section 49-4-185;

61 (7) Standards whereby certain obligations, requirements, and criteria will be waived for
 62 specific applicants or recipients based on hardship;

63 (8) An administrative hearing process with hearings to be conducted by the Office of
 64 State Administrative Hearings in accordance with Chapter 13 of Title 50, the 'Georgia
 65 Administrative Procedure Act,' and subsection (b) of Code Section 49-4-13;

66 (9) Safeguards which restrict the use and disclosure of information concerning applicants
 67 for and recipients of assistance under this article and in accordance with Code Section
 68 49-4-14 and Part A of Title IV of the federal Social Security Act, as amended;

69 (10) Immunizations for specified diseases for preschool age children as a condition of
 70 assistance being provided for such children, and the schedule of and standards for
 71 administering such immunizations, including the presentation of a certificate of
 72 immunization, unless:

73 (A) There is appropriate evidence from the local health department or a physician that
 74 an immunization sequence has been started and can be completed within a period of up
 75 to 180 days, in which case a waiver of the immunization requirement for up to 180 days
 76 shall be granted;

77 (B) After examination by the local board of health or a physician, any preschool age
 78 child is found to have a physical disability which may make vaccination undesirable,
 79 in which case a certificate to that effect issued by the local board of health or the
 80 physician may be accepted in lieu of a certificate of immunization and shall exempt the
 81 child from obtaining a certificate of immunization until the disability is relieved;

82 (C) The parent or legal guardian furnishes an affidavit swearing or affirming that the
 83 immunization conflicts with the religious beliefs of the parent or legal guardian; or

84 (D) The implementation of such an immunization requirement violates any federal law
 85 or regulations or would result in the loss of any federal funds to this state; ~~and~~

86 (11) The establishment and maintenance of individual development accounts. The funds
 87 in such accounts may be used for postsecondary educational expenses, the purchase of
 88 a first home, or business capitalization. The funds in such accounts shall not be
 89 considered in determining eligibility for cash assistance pursuant to 42 U.S.C. Section
 90 604(h); ~~and~~

91 (12) Procedures to determine whether a recipient has cooperated with a work activity
 92 requirement and procedures for notification of a caretaker relative, second parent, or
 93 payee receiving the financial assistance on behalf of the recipient's family unit."

94 **SECTION 3.**

95 Said article is further amended by adding a new Code section to read as follows:

96 "49-4-184.1.

97 Beginning July 1, 2016, the department shall implement a cash diversion program that
 98 grants eligible TANF recipients lump sum cash grants for short-term needs, as well as job

99 referrals or referrals to career centers, in lieu of signing up for the long-term monthly cash
 100 assistance program upon a showing of good cause as determined by the department. Such
 101 lump sum grants shall be available for use once in a 12 month period and only five times
 102 in a lifetime. Good cause may include loss of employment, excluding voluntarily quitting
 103 or being dismissed due to poor job performance or failure to meet a condition of
 104 employment; catastrophic illness or accident of a family member that requires an employed
 105 recipient to leave employment; a domestic violence incident; or any other situation or
 106 emergency that renders an employed family member unable to care for the basic needs of
 107 the family. The board shall promulgate rules and regulations determining the parameters
 108 for the cash diversion program, including good cause determinations, and shall set the lump
 109 sum maximum limit at three times the family size allowance and for use once in a 12
 110 month period and only five times in a lifetime."

111 **SECTION 4.**

112 Said article is further amended by revising Code Section 49-4-185, relating to sanctions
 113 against recipient for failure to comply, as follows:

114 "49-4-185.

115 (a) As used in this Code section, the term 'sanction' means a 25 percent reduction of any
 116 cash assistance provided to a family for a time period established by the board for the first
 117 material violation and termination of any cash assistance provided to the family for any
 118 subsequent material violation within a time period established by the board; provided,
 119 however, that the department may determine that there is good cause not to apply such a
 120 sanction in specific circumstances.

121 (b) ~~⌘~~ Except as otherwise provided in Code Section 49-4-185.1, a recipient shall be
 122 subject to sanction for failing to comply with the state plan if the recipient:

123 (1) Fails to report that a child is absent from home for a period of 45 consecutive days
 124 or, in the case of a child who is a recipient, being absent from home for a period of 45
 125 consecutive days; provided, however, that a child who is a recipient shall not be
 126 sanctioned if the department determines there is good cause not to sanction the child
 127 under such circumstances;

128 ~~(2) Violates any personal responsibility or work participation requirement; provided,~~
 129 ~~however, that a single custodial parent with a child under 12 months of age may be~~
 130 ~~exempt from any work participation requirement until adequate child care is available;~~
 131 or

132 ~~(3)~~(2) Except for violations of subsection (a) of Code Section 49-4-184 which result in
 133 the recipient no longer being eligible for assistance, violates any other term or condition

134 specified in the federal Social Security Act, as amended, the state plan, or the rules and
135 regulations of the board."

136 **SECTION 5.**

137 Said article is further amended by adding a new Code section to read as follows:

138 "49-4-185.1.

139 (a) If after an investigation the department determines that a recipient is not cooperating
140 with a work activity requirement under the Georgia TANF Program, a representative of the
141 department shall meet face-to-face with the recipient to explain the potential sanction and
142 the requirements to cure the sanction. After the meeting, such recipient shall have six
143 weeks to comply with the work activity requirement, during which time no sanction of
144 benefits shall occur. If the recipient does not comply with the work activity requirement
145 within that six-week period, the department shall immediately apply a sanction terminating
146 50 percent of the amount of temporary assistance benefits to or for the recipient and the
147 recipient's family for a maximum of ten weeks. During such period of sanctions, the
148 recipient shall remain on the caseload in sanction status and a representative of the
149 department shall attempt to meet face-to-face with the recipient to explain the existing
150 sanction and the requirements to cure the sanction. To cure a sanction, the recipient shall
151 perform work activities for at least a minimum average of 30 hours per week for one
152 month, as described in 45 C.F.R. 261.31(d). If the recipient does not cure the sanction, the
153 case shall be closed.

154 (b) To return to the Georgia TANF Program after having been sanctioned and removed
155 from the caseload under subsection (a) of this Code section, an applicant shall complete
156 work activities for a minimum average of 30 hours per week within one month of the
157 temporary assistance eligibility interview.

158 (c) Nothing in this article shall be construed to prohibit the state from providing child care
159 or any other related social or support services for a person who is eligible for cash
160 assistance but to whom such assistance is not paid because of the person's failure to
161 cooperate with the work activity."

162 **SECTION 6.**

163 All laws and parts of laws in conflict with this Act are repealed.