House Bill 129

By: Representatives Hong of the 103rd, Cooper of the 45th, Hawkins of the 27th, Taylor of the 173rd, Petrea of the 166th, and others

A BILL TO BE ENTITLED

AN ACT

To amend Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to public assistance, so as to expand temporary assistance for needy families eligibility criteria to pregnant women; to revise definitions; to repeal a provision relating to elimination of increment in benefits; to provide for conforming changes; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to public assistance, is amended by revising Code Section 49-4-170, relating to grounds for appointing personal representative and petition by county or district director, as follows:

"49-4-170.

When any otherwise qualified applicant for or recipient of assistance under this chapter or payee, in the case of temporary assistance for needy families, is or shall become unable to manage the assistance payments or otherwise fails so to manage, to the extent that deprivation or hazard to himself <u>or herself</u> or others results, or when, in the case of temporary assistance for needy families, the payment is not being used for the benefit of

the children or the pregnant woman, a petition may be filed by the county or district director of family and children services before the probate court of the county in which the applicant resides or the county in which the recipient receives his or her check, in the form of a verified written application for the appointment of a personal representative for the purpose of receiving and managing public assistance payments for any such recipient or payee, which application shall allege one or more of the above grounds for the legal appointment of such personal representative.″

SECTION 2.

Said chapter is further amended by revising Code Section 49-4-171, relating to hearing on petition, appointment, duties, and removal of representative, and court costs waived, as follows:

″49-4-171.

The court shall summarily order a hearing on the petition and shall cause the applicant or recipient to be served personally with a copy of the petition and order at least five days in advance of the time and place for the hearing. Findings of fact shall be made by the court without a jury; and if the court shall find that the applicant for or recipient of assistance under this chapter or the payee, in the case of temporary assistance for needy families, is unable to manage the assistance payments or otherwise fails so to manage to the extent that deprivation or hazard to himself or herself or others results or, in the case of temporary assistance for needy families, the payment is not being used for the benefit of the children or the pregnant woman, the court may thereupon enter an order embracing such findings and appointing some responsible person as a personal representative of the applicant or recipient or of the payee, in the case of temporary assistance for needy families, for the purposes set forth in this article; provided, however, that no employee of the Department of Human Services shall be eligible to hold such appointment. The personal representative so appointed shall serve without bond and without compensation. He ~~will~~ or she shall be

responsible for receiving the monthly assistance payment and using the proceeds of such payment for the benefit of the recipient of assistance under this chapter or, in the case of temporary assistance for needy families, for the application of the payment to the best interest of the children, the pregnant woman, or both. Such personal representative shall be responsible to the court for the faithful discharge of the duties of his or her trust. The court may consider the recommendation of the county director of family and children services in the selection of a suitable person for appointment as personal representative for the limited purposes of this Code section. The personal representative so appointed may be removed by the court and the proceedings dismissed or another suitable personal representative appointed. All costs of court with respect to any such proceeding shall be waived."

SECTION 3.

Said chapter is further amended in Code Section 49-4-181, relating to definitions applicable to the Temporary Assistance for Needy Families Program, by revising paragraphs (2) and (6) as follows:

"(2) 'Assistance' means the temporary assistance provided to needy families ~~with children~~ in accordance with Part A of Title IV of the federal Social Security Act, as amended, regulations promulgated pursuant thereto by the secretary of health and human services, all applicable laws of this state, the state plan, and regulations of the Board of Human Services."

"(6) 'Family' means a pregnant woman or one or more children living with a responsible parent, both parents, or other caretaker relative or legal guardian."

SECTION 4.

Said chapter is further amended in Code Section 49-4-182, relating to the Temporary Assistance for Needy Families Program, by revising subsection (a) as follows:

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

SECTION 5.

Said chapter is further amended in Code Section 49-4-183, relating to administration of article by department, promulgation of rules and regulations by board, and duties of department, by revising paragraph (3) of subsection (c) as follows:

"(3) Publish in print or electronically an annual report and such interim reports as may be necessary. The annual report and such interim reports shall be provided to the Governor and members of the General Assembly. The department shall not be required to distribute copies of the annual report or the interim reports to the members of the General Assembly but shall notify the members of the availability of the reports in the manner which it deems to be most effective and efficient. The annual report and interim reports shall contain the following:

(A) The total TANF caseload count;

(B) Quarterly and annual TANF reports, in full, prepared for submission to the federal government;

(C) The percentage of the TANF caseload and the number of individuals given a hardship exemption from the lifetime limit on cash assistance and a categorization of the reasons for such exemptions;

(D) The number of individuals who received transportation assistance and the cost of such assistance;

(E) The number of individuals who received diversionary assistance in order to prevent their requiring TANF assistance and the categories and cost of such diversionary assistance, and job acceptance and retention statistics;

(F) The number of individuals denied assistance due to a serious violent felony conviction;

(G) The number of mothers under 19 years of age who received assistance and their percentage of the total TANF caseload;

(H) The number of children receiving subsidized child care and the total and average per recipient cost of child care provided to TANF recipients;

(I) Data on teen pregnancy prevention;

(J) The number of families sanctioned;

(K) The number of legal immigrants receiving TANF benefits by category of immigration status;

(L) The number of families no longer eligible because of time limits; and

(M) Follow-up information on job retention and earnings~~; and~~

~~(N) An evaluation of the effect of Code Section 49-4-186 on the number of births to TANF recipient families~~.

The information required under this paragraph shall be provided on a county-by-county basis where feasible; and"

SECTION 6.

Said chapter is further amended in Code Section 49-4-184, relating to eligibility for assistance, by revising paragraph (1) of subsection (a) as follows:

"(1) The applicant's or recipient's family does not include a minor child, unless the applicant or recipient is a pregnant woman;"

SECTION 7.

Said chapter is further amended in Code Section 49-4-186, relating to schedule of assistance to eliminate increment in benefits under TANF program as result of child birth during eligibility period, by repealing and reserving said Code section in its entirety.

SECTION 8.

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