

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 5*

Short Title: Public Assistance Responsibility.

(Public)

Sponsors: Representatives Berry, Howard, Brawley, Russell, Daughtry, Hayes, Mitchell, Snowden, Capps, Neely; Aldridge, Arnold, Baker, Barbee, Bowie, Buchanan, Cansler, Carpenter, Clary, Cocklereece, Culp, Cummings, Davis, Decker, Dickson, Dockham, Eddins, Edwards, Esposito, Gardner, Gray, Hiatt, Holmes, Ives, Kiser, Lemmond, McComas, McCombs, McMahan, K. Miller, Morgan, Nichols, Pate, Preston, Pulley, Rayfield, Reynolds, Robinson, Sexton, Sharpe, Sherrill, Shubert, Tallent, Thompson, Weatherly, C. Wilson, and G. Wilson.

Referred to: Health and Environment.

January 26, 1995

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE PUBLIC ASSISTANCE PERSONAL AND FAMILY RESPONSIBILITY ACT OF 1995.

The General Assembly of North Carolina enacts:

Section 1. This act shall be known and cited as "The Public Assistance Personal and Family Responsibility Act of 1995".

Sec. 2. Part 1 of Article 2 of Chapter 108A is amended by adding the following new sections to read:

§ 108A-26.5. Personal responsibility of recipients; education.

(a) The General Assembly finds that the rapidly increasing number of out-of-wedlock births to recipients is one major cause of the public assistance system's failure to move families from welfare dependency to permanent self-sufficiency and that the safety and well-being of society as a whole is greatly threatened by this failure.

(b) The Department of Human Resources shall ensure that no recipient parent of any age who gives birth on or after the effective date of this section to an out-of-wedlock child receives any AFDC or Food Stamp benefits for the parent or child, unless:

- 1 (1) The birth was a result of rape or incest;
2 (2) The recipient subsequently marries an individual who acknowledges
3 paternity or assumes financial responsibility for the child; or
4 (3) The child is subsequently adopted and remains otherwise eligible for
5 benefits, in which case these benefits shall be provided for the child.

6 The recipient parent denied AFDC and Food Stamp benefits pursuant to this subsection
7 remains eligible for WIC and is eligible for Medicaid for parent and child.

8 (c) The Department of Human Resources shall ensure that all savings generated
9 from the benefits denial required by subsection (b) of this section shall be passed on to
10 the 100 counties in block grants and used by the counties solely for services to parents
11 and children whose benefits have been denied by subsection (b) of this section. No
12 funds from these block grants shall be used for cash assistance for these recipients or
13 their children. Services funded pursuant to this subsection shall include:

- 14 (1) Adoption services;
15 (2) Children's homes;
16 (3) Residential homes for unwed mothers;
17 (4) Child day care;
18 (5) Nutrition and health services; and
19 (6) Any other programs or services that the county considers appropriate
20 to assist mothers and their children.

21 The Department of Human Resources shall allocate the share of the block grant to
22 each county based on the percentage of the State total of all recipient children born out-
23 of-wedlock to recipients who resided in the county in the basis year 1993.

24 (d) Any custodial parent of an out-of-wedlock dependent child who has not
25 obtained a high school diploma shall complete the requirements for a high school
26 diploma either by continuing school attendance and graduating or by attending and
27 completing an adult basic education program, unless the director of the local social
28 services department waives this requirement. Unless a custodial parent required to
29 receive education by this subsection is actively completing this education, the parent
30 shall not be eligible for the services provided by the parent's county and shall receive
31 only WIC and Medicaid.

32 "§ 108A-26.6. Paternity establishment; parental duties.

33 (a) The General Assembly finds that it is essential to restore the responsibility of
34 public assistance parents, both mothers and fathers, for their families.

35 (b) The Department of Human Resources shall ensure that G.S. 110-131 and all
36 other laws and procedures for the establishment of paternity of children whose custodial
37 parent applies for public assistance provided by the State or provided by the county
38 pursuant to G.S. 108A-26.5(c) are enforced, unless the Department of Human
39 Resources determines that:

- 40 (1) The child was born as a result of rape or incest; and
41 (2) Efforts to establish paternity would result in physical danger to the
42 parent or the child.

43 Notwithstanding any law to the contrary, the Department of Human Resources shall
44 ensure that any parent who refuses to cooperate with paternity establishment shall

1 receive only Medicaid and WIC benefits for parent and child. A custodial parent who
2 identifies the other parent of their child shall be eligible for all noncash benefits to
3 which the custodial parent is eligible pursuant to G.S. 108A-26.5.

4 (c) The Department of Human Resources and the Administrative Office of the
5 Courts shall ensure that the local agencies affected make every attempt to have
6 noncustodial parents pay child support within a reasonable time on a reasonable
7 schedule. The Department of Human Resources and the Administrative Office of the
8 Courts shall ensure that all affected local agencies document all attempts at collecting
9 child support as part of their annual reports.

10 The Department shall ensure that, if a noncustodial parent is in high school and
11 employed, that parent's wages are subject to child support withholding.

12 (d) The Department of Human Resources shall ensure that, pursuant to G.S. 110-
13 135.1, any court order that requires child support of a noncustodial parent may be
14 modified upon a finding that the noncustodial parent cannot pay child support because
15 that parent is unemployed. The modified order shall require that the unemployed
16 noncustodial parent shall perform public community service. If such a parent is both
17 unemployed and a high school student, the modified order shall also specify that this
18 parent shall perform public community service and that these services takes precedence
19 over all nonacademic extracurricular activities. The modified court order shall specify
20 the number of hours an unemployed noncustodial parent shall work, which number shall
21 be based on the monthly amount of child support owed by the parent divided by the
22 State's minimum wage.

23 The Department of Human Resources shall cooperate with the Administrative Office
24 of the Courts in adopting rules necessary to implement this subsection.

25 Noncustodial parents who fail to perform the court-ordered number of hours of
26 public community service as prescribed in subsection (d) of this section or who
27 otherwise fail to fulfill their financial responsibilities for court-ordered child support
28 shall lose any privileges granted by any State licensing privilege, defined as the
29 authority to engage in an activity as evidenced by the following licenses: regular and
30 commercial drivers licenses, occupational licenses, hunting licenses and permits, and
31 fishing licenses and permits.

32 Upon a local social services agency's determination that a noncustodial parent has
33 failed to fulfill the required duty for child support or to perform the required work in
34 lieu of making child support payments, it shall promptly notify the clerk of superior
35 court to begin the process prescribed by G.S. 110-135.1 that shall lead to the
36 noncustodial parent's forfeiture of all licensing privileges if the court finds that the
37 noncustodial parent has failed in these court-ordered duties. The noncustodial parent's
38 rights to contest any such finding and the procedure of notifying licensing agencies as
39 defined in G.S. 15A-1331 to revoke all licensing privileges are as set out in G.S. 110-
40 135.1.

41 **"§ 108A-26.7. Family responsibility of recipients; Learnfare; required**
42 **immunizations.**

43 (a) The Department of Human Resources shall ensure that increases in assistance
44 other than general increases provided to all recipients are not provided to a recipient

1 family for any additional dependent child born on or after the effective date of this
2 section while the family is receiving assistance.

3 (b) The Department of Human Resources shall ensure that recipient families do
4 not avoid the limitation on assistance required by subsection (a) of this section by
5 temporarily leaving the assistance program during the time they give birth and then
6 reapplying.

7 (c) The Department of Human Resources shall ensure that a family receiving
8 assistance pursuant to this Part acts responsibly in raising its children by seeing that its
9 children attend school, if required by the Compulsory Attendance Law, for at least
10 eighty percent (80%) of the time and that its children receive all the immunizations and
11 other health services that are required of and provided for them by State and federal law,
12 unless the family qualifies for an Immunization Law exemption.

13 If a dependent child does not attend school for at least eighty percent (80%) of the
14 time, if required by the Compulsory Attendance Law, the Department shall reduce the
15 family's assistance by fifty dollars (\$50.00) each month each child's attendance does not
16 meet this requirement.

17 If a family does not provide a dependent child with the age-appropriate
18 immunizations and other health services, including preventive health services, that are
19 required of and provided for the family, the Department shall reduce the family's
20 assistance by fifty dollars (\$50.00) for each month the appropriate services are not
21 provided to each child, unless the family qualifies for an Immunization Law exemption.

22 If a family fails to ensure a dependent child's proper school attendance, if required
23 by the Compulsory Attendance Law, and fails as well to provide the appropriate health
24 services unless exempted, the Department shall reduce the family's assistance by a total
25 of one hundred dollars (\$100.00) per month per child for so long as the family continues
26 to fail to ensure the child's school attendance and fails to provide the appropriate health
27 services.

28 The Department, in cooperation with the State Board of Education, the Department
29 of Environment, Health, and Natural Resources, the Social Services Commission, the
30 Office of Nonpublic Education in the Office of the Governor, and the Commission for
31 Health Services, shall ensure that actual notice of pending failure to meet Compulsory
32 Attendance Law requirements and of due dates for immunizations and other available
33 health services are received by families receiving assistance pursuant to this Part.

34 The Department, in cooperation with these agencies, shall also ensure:

35 (1) That clear and equitable rules are applied:

36 a. To the monitoring of families' failures to act responsibly
37 pursuant to this section; and

38 b. To the restoring of full unreduced assistance as soon as
39 possible;

40 (2) That these rules are made clear to the families; and

41 (3) That local departments of social services work with their families:

42 a. To help them keep their children in school;

43 b. To keep them provided with the appropriate health services; and

c. If possible, to keep them from having to have their assistance reduced.

"§ 108A-26.8. Notification of eligibility restrictions.

(a) The Department of Human Resources shall ensure that all applicants for assistance are informed at the time of application of the eligibility restrictions and requirements contained in G.S. 108A-26.5, 108A-26.6, and 108A-26.7.

(b) Effective upon ratification of these sections, the Department of Human Resources shall develop a comprehensive program of public service announcements and printed materials and shall work to publicize these eligibility restrictions and requirements. This notification shall begin immediately following ratification of these sections to encourage all affected citizens, both men and women, to accept personal and family responsibility."

Sec. 3. G.S. 110-131 reads as rewritten:

"§ 110-131. Compelling disclosure of information respecting the nonsupporting responsible parent of a child receiving public assistance.

(a) If a parent of any dependent child receiving public assistance fails or refuses to cooperate with the county in locating and securing support from a nonsupporting responsible parent, this parent may be cited to appear before any judge of the district court and compelled to disclose such information under oath and/or may oath. This parent shall be declared ineligible for public assistance all noncash benefits this parent is otherwise eligible for under G.S. 108A-26.5 by the county department of social services for as long as he—the parent fails to cooperate—cooperate, unless the department determines that the dependent child was born as a result of rape or incest and that efforts to establish paternity would result in physical danger to the parent or the child. Parents who refuse to cooperate shall receive only Medicaid and WIC benefits for parent and child. Parents who identify the other parent of their child, who cooperate in locating and securing support from the other parent, or who are excused from cooperation as prescribed in this subsection shall be eligible for all noncash benefits to which they are eligible under G.S. 108A-26.5.

(b) Any parent who, having been cited to appear before a judge of the district court pursuant to subsection (a), fails or refuses to appear or fails or refuses to provide the information requested may be found to be in contempt of said court and may be fined not more than one hundred dollars (\$100.00) or imprisoned not more than six months or both.

(c) Any parent who is declared ineligible for public assistance by the county department of social services shall have his—this parent's needs excluded from consideration in determining the amount of the grant, and the needs of the remaining family members shall be met in the form of a protective payment in accordance with G.S. 108-50. G.S. 108A-38."

Sec. 4. Article 9 of Chapter 110 is amended by inserting a new section to read:

"§ 110-135.1. Work/support requirements of noncustodial parent; loss of licenses for failure to comply.

1 (a) This section applies only to those IV-D cases requiring child support from
2 noncustodial fathers of dependent children as defined in G.S. 108A-24. The term
3 'noncustodial parent' is used in lieu of 'responsible parent'.

4 (b) Notwithstanding any law to the contrary, the Department of Human
5 Resources shall ensure that any court order that requires child support of a noncustodial
6 parent may be modified upon a finding that the noncustodial parent cannot pay child
7 support because that parent is unemployed. The modified order shall require that the
8 unemployed noncustodial parent shall perform public community service. If such a
9 parent is both unemployed and a high school student, the modified order shall also
10 specify that this parent shall perform public community service and that these services
11 takes precedence over all nonacademic extracurricular activities. The number of hours
12 per month that this parent shall work is based on the monthly amount of child support
13 owed by the parent divided by the State's minimum wage.

14 The Department of Human Resources and the Administrative Office of the Courts
15 shall adopt rules necessary to implement this subsection.

16 Noncustodial parents who fail to perform the court-ordered number of public
17 community service as prescribed in subsection (a) of this section or who otherwise fail
18 to fulfill their financial responsibilities for court-ordered child support shall lose any
19 privileges granted by any State licenses as defined in G.S. 15A-1331A.

20 Upon the local department of social service's determination that a noncustodial
21 parent has failed to fulfill the required duty for child support or to perform the required
22 work in lieu of making child support payments, it shall promptly notify the clerk of
23 superior court to find that the noncustodial parent has failed in these court-ordered
24 duties and to order that all licensing privileges as defined in G.S. 15A-1331A are
25 revoked by the appropriate licensing agencies as defined in G.S. 15A-1331A."

26 Sec. 5. This act becomes effective July 1, 1996, and applies to benefits
27 provided on or after that date, provided that, if a waiver is required by the federal
28 government, the Department of Human Resources shall diligently pursue a waiver from
29 the date of ratification, in which case the act shall become effective on the first day of
30 the second calendar month after the waiver is accepted and applies to benefits provided
31 made on or after that date.