

ENROLLED HOUSE  
BILL NO. 1673

By: Toure, Boyd (Betty),  
Blackburn, Boyd (Laura),  
Cox, McCorkell, Glover,  
Roach, Ross, Seikel and  
Leist of the House

and

Fisher, Brown, Cain,  
Horner, Shedrick and  
Long (Ed) of the Senate

An Act relating to poor persons; creating the Oklahoma Welfare Self Sufficiency Initiative; requiring the Department of Human Services to carry out and implement the act; providing for implementation; requiring certain waiver submission; requiring Department to expedite waivers; requiring certain coordination; providing for promulgation of rules; requiring certain information and reports; requiring federal participation; prohibiting certain implementation except for certain conditions; requiring certain legislative authorizations; providing for implementation of demonstration projects related to elimination of the 100-hour rule, exclusion of certain equity automobile allowance from determination of resources; limiting participation in the Jobs Opportunities and Basic Skills (JOBS) program, workfare, learnfare, fill-the-gap budgeting, extension of transitional Medicaid, child care assistance and transitional support services, and immunization of minor children; providing for conditions and restrictions; providing for certain determinations and policies; requiring procedures; requiring certain information; requiring certain agreements and registrations; creating a legislative task force to study certain issues related to welfare self-sufficiency; providing for membership, duties and criteria of the task force; requiring certain staffing and reports; providing for travel reimbursement; authorizing certain contracts; requiring joint study regarding employment-related services; providing for contents; amending 56 O.S. 1991, Section 237.5, which relates to public assistance; providing for certain payments; amending 56 O.S. 1991, Section 237.6, which relates to participation of certain persons in programs; requiring certain participation for eligibility; specifying certain programs; amending 70 O.S. 1991, Section 24-120, as amended by Section 5, Chapter 291, O.S.L. 1992 (70 O.S. Supp. 1994, Section 24-120), which relates to truancy reports; requiring certain reports from district attorneys; amending Section 3, Chapter 291, O.S.L. 1992 (56 O.S. Supp.

1994, Section 234.1), which relates to learnfare; requiring amendment to certain waiver for program; requiring statewide implementation under certain conditions; requiring certain evaluations; requiring certain minors to reside at certain location; providing exceptions; providing for vouchers; amending 56 O.S. 1991, Section 233, which relates to penalties for failure to provide for certain children; setting certain standards; specifying penalties; clarifying and deleting obsolete language; prohibiting referrals for prosecution of certain persons for certain actions; providing for court orders; requiring certain employment efforts; providing exceptions; requiring certain information and documentation; providing for application of act; requiring certain information for eligibility for assistance; providing for alternative procedures; requiring promulgation of rules; requiring determination of father for certain children; amending 56 O.S. 1991, Section 237.1, which relates to agreements for collection and enforcement of child support; providing for certain revisions of certain schedules; providing standards of eligibility; providing for application of act; specifying certain exceptions; setting certain requirements for certain assistance; providing for vouchers for certain purposes; requiring certain revision of rules; requiring certain approval; authorizing certain payments without certain restrictions; providing for certain retained benefits; authorizing additional grants; requiring certain procedures; requiring certain assistance; requiring certain increased payments; increasing certain benefits; clarifying language and statutory cites; establishing a joint legislative committee to study child support collection by the Office of the Attorney General or private contractors; providing for membership and duties; requiring evaluations and report; requiring certain payments to new residents; providing for calculations and determination of payments; providing conditions; requiring certain applications; requiring submission of plan for certain eligibility system; specifying contents; requiring hot line; providing for rules; requiring establishment of certain fraud control program; requiring certain action; requiring certain case management service to certain recipients for certain purposes; specifying recipients and certain services; requiring services to be provided according to certain agreement; requiring contents; requiring certain actions; providing for denial of certain benefits; providing for establishment of disability benefits projects; providing purpose; authorizing contracts; authorizing advisory committee; providing for composition, terms and scope of responsibility of the committee; prohibiting expansion or expenditure of certain funds for certain purposes without certain authorization or other expressions of

legislative intent; repealing Section 45 of Enrolled House Bill No. 1462 of the 1st Session of the 45th Oklahoma Legislature, which relates to certain prohibitions relating to expansion or expenditures of certain fund; providing for noncodification; providing for codification; providing an effective date; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 230.1 of Title 56, unless there is created a duplication in numbering, reads as follows:

A. This act shall be known and may be cited as the "Oklahoma Welfare Self Sufficiency Initiative".

B. The Department of Human Services shall carry out the projects and programs specified in the Oklahoma Welfare Self Sufficiency Initiative and shall implement the provisions of the Oklahoma Welfare Self Sufficiency Initiative to the fullest extent permitted by law in accordance with the terms and conditions granted by the federal government.

C. The Department of Human Services shall:

1. Submit any federal waiver requests and apply for and otherwise seek to obtain any amendments and exemptions from federal statutes and rules as necessary to implement the provisions of the Oklahoma Welfare Self Sufficiency Initiative not later than January 1, 1996;

2. Expedite the acquisition of any federal waivers necessary to implement the provisions of the Oklahoma Welfare Self Sufficiency Initiative through amendments, combined waivers, requests and in any other such manner authorized by federal law and rules; and

3. Work in close and continuous coordination with appropriate federal officials and prepare and submit completely and in a timely manner all forms and data required by such federal officials to implement the Oklahoma Welfare Self Sufficiency Initiative.

D. Upon receipt of approval of any waivers, exemptions or amendments from the federal Department of Health and Human Services or prior to implementation of any of the programs provided for in the Oklahoma Welfare Self Sufficiency Initiative, the Commission for Human Services shall promulgate rules for developing any projects and programs provided for in the Oklahoma Welfare Self Sufficiency Initiative.

E. 1. The Department of Human Services is directed to file with the Speaker of the House of Representatives and the President Pro Tempore of the Senate a copy of each waiver application or request for amendment or exemption filed with the federal government, copies of correspondence to and from the federal government explaining and elaborating upon said applications, and final documentation of any waivers, amendments, and exemptions granted by the federal government.

2. On February 1 of each year, the Department shall provide a written report on each project specified in the Oklahoma Welfare Self Sufficiency Initiative to the Legislature and the Governor which identifies:

- a. the status of the waiver,
- b. number of active participants, and

c. demonstration projects which will be completed prior to the beginning of the next regular legislative session. The Department shall include in the report required by this section recommendations for statewide implementation of any such demonstration projects.

F. 1. Each provision of the Oklahoma Welfare Self Sufficiency Initiative, shall, regardless of whether it includes a specific provision for federal approval, be subject to federal approval, if required, and federal financial participation.

2. If the state fails to receive a waiver for any provision of the Oklahoma Welfare Self Sufficiency Initiative or would otherwise fail to receive federal financial participation in the implementation of such provision, then such provision shall not be implemented, except as otherwise required by the Legislature, or unless and until the full amount required for implementation of the provision without federal participation is appropriated by the Legislature.

G. 1. Except as specifically provided by the Oklahoma Welfare Self Sufficiency Initiative, the Department shall implement each project and program required by the Oklahoma Welfare Self Sufficiency Initiative as a demonstration project.

2. Except as otherwise provided by the Oklahoma Welfare Self Sufficiency Initiative, the Department shall not implement on a statewide basis any of the demonstration projects or programs provided for in the Oklahoma Welfare Self Sufficiency Initiative unless specifically authorized to do so by the Legislature.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 230.2 of Title 56, unless there is created a duplication in numbering, reads as follows:

The Department of Human Services, in accordance with the terms and conditions of a waiver granted by the federal Department of Health and Human Services, shall implement a demonstration project which will test and evaluate elimination of the 100-hour rule under the Aid to Families with Dependent Children (AFDC) program. For purposes of this section, the "100-hour rule" means the limit on the number of hours a recipient may work and be considered unemployed for eligibility purposes, pursuant to the program. The recipient shall be ineligible for benefits if the total income considered after disregards are applied exceeds the standard of need.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 230.3 of Title 56, unless there is created a duplication in numbering, reads as follows:

The Department of Human Services, in accordance with the terms and conditions of a waiver granted by the federal Department of Health and Human Services, shall implement a demonstration project under which the Department is authorized to exclude an automobile with an equity allowance of not more than Five Thousand Dollars (\$5,000.00) from the determination of resources available to meet the needs of an applicant for or recipient of benefits under the Aid to Families with Dependent Children (AFDC) program.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 230.4 of Title 56, unless there is created a duplication in numbering, reads as follows:

A. The Department of Human Services, in accordance with the terms and conditions of a waiver granted by the federal Department of Health and Human Services, shall implement a demonstration project which provides that a participant in the Job Opportunities and Basic Skills (JOBS) program shall only be eligible to receive payments under the Aid to Families with Dependent Children (AFDC) program for a total of thirty-six (36) months out of a sixty-month

period. After such time, any participant in the JOBS program who has been unsuccessful in finding unsubsidized employment shall participate in a workfare program; provided, however, this requirement shall not apply to a recipient participating in the work supplementation program or the work experience program.

B. As used in this section, "workfare" means a community work experience program in which a recipient of benefits under the AFDC program who is eligible for the JOBS program is required to work a minimum of twenty-four (24) hours per week in a community service, public works or private sector job in order to receive an AFDC grant, regardless of the size of the grant.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 230.5 of Title 56, unless there is created a duplication in numbering, reads as follows:

A. The Department of Human Services, in accordance with the terms and conditions of a waiver granted by the federal Department of Health and Human Services, shall conduct a demonstration project in five counties to test "fill-the-gap" budgeting and to determine whether such an approach leads to improved rates of employment entry and employment retention by recipients in the Aid to Families with Dependent Children (AFDC) program.

B. In the affected counties, if a family's net nonexempt earned income is below the need standard, the amount of assistance to be paid to the family shall be determined by subtracting the family's net nonexempt earned income from the need standard.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 230.6 of Title 56, unless there is created a duplication in numbering, reads as follows:

A. The Department of Human Services, in accordance with the terms and conditions of a waiver granted by the federal Department of Health and Human Services, shall conduct a demonstration project to revise applicable standards and rules which will allow a recipient of assistance under the Medicaid and Aid to Families with Dependent Children (AFDC) programs, who becomes employed, to continue to receive transitional Medicaid and child care assistance for twenty-four (24) months following the initial date of employment unless:

1. The employer provides medical assistance or child care benefits; or

2. The monthly salary received from the employer exceeds the monthly allowance of assistance pursuant to the AFDC program plus the cost of child care and medical insurance to which the recipient would be entitled.

B. The Commission for Human Services shall revise applicable standards and rules to allow an AFDC recipient, who becomes employed, to receive case management and transitional support services, pursuant to the Family Support Act of 1988, for a period of ninety (90) days. Such services shall include, but not be limited to, transportation assistance, ensuring that the family receives transitional Medicaid and child care, ensuring that the family is familiar with and applies for the Earned Income Tax Credit, and assistance with any other problems which emerge in the initial months of employment.

SECTION 7. A. There is hereby created a Joint Legislative Task Force to study the following welfare self-sufficiency issues:

1. The administration of federal and state public assistance programs, benefits received from such programs, and the effectiveness of such programs and benefits in serving the citizens of this state which shall include, but not be limited to:

- a. an evaluation of the administrative coordination of, eligibility determination for, and the interrelationship between the following federal and state public assistance programs:
    - (1) Aid to Families with Dependent Children (AFDC),
    - (2) food stamps,
    - (3) Women, Infants, and Children (WIC),
    - (4) Medicare,
    - (5) Medicaid,
    - (6) federal housing grants,
    - (7) aid to the Aged, Blind and Disabled,
    - (8) Supplemental Security Income,
    - (9) Social Security,
    - (10) Social Security Disability Insurance Program,
    - (11) Title XX Social Services Block Grant Program,
    - (12) Unemployment Compensation,
    - (13) child care,
    - (14) Child Welfare, Foster Care, and Adoption Assistance,
    - (15) Child Nutrition Programs,
    - (16) Job Training Partnership Act Program,
    - (17) The Job Opportunities and Basic Skills Program (JOBS),
    - (18) Low-Income Home Energy Assistance Program (LIHEAP),
    - (19) Head Start,
    - (20) guidance programs, and
    - (21) family planning programs,
  - b. identification of programs which consider benefits received from other programs as resources in determining eligibility for program benefits. The report shall identify how much, if any, monies could be saved by integrating eligibility determination and treating program benefits received from one program as a resource when determining eligibility for other programs. The report required by this section shall also identify programs which should be consolidated to more effectively serve citizens in Oklahoma,
  - c. an evaluation of the benefits of restructuring Medicaid by eliminating the link between Medicaid eligibility and AFDC eligibility, allowing working persons to purchase Medicaid benefits at actual cost, and ending compulsory consumption of Medicaid benefits by AFDC-eligible recipients, and
  - d. an evaluation of a capitated, cafeteria-style public assistance program in which the benefits accepted from any program are treated as resources for purposes of eligibility for any other program.
2. a. A review of existing measures of program effectiveness under the JOBS program for adequacy and appropriateness. Such review shall include, but not be limited to:
    - (1) the needs assessment process for education, training, job readiness and support services,
    - (2) agreements with the Oklahoma State Regents for Higher Education and the Oklahoma Department of Vocational and Technical Education, and
    - (3) criteria for determining the period of time in unsubsidized employment for which a participant

shall be considered as having successfully completed the JOBS program;

- b. A review of the types of community service, public works and private sector jobs available to AFDC recipients, including, but not limited to, jobs in the following areas:
  - (1) private sector industries,
  - (2) school or vocational-technical districts,
  - (3) institutions of higher education, and
  - (4) state, county and city government;
- c. Investigate incentive programs for private sector employers who hire AFDC recipients; and
- d. Include recommendations for any needed statutory changes required pursuant to the findings of the study. Recommendations shall include, but not be limited to, statutory changes related to workers' compensation, unemployment services, tax exemptions, and hiring and firing procedures for employers who hire AFDC recipients;

3. Whether an adult recipient of benefits under the Aid to Families with Dependent Children (AFDC) program, with children over the age of three (3) months, should be required to register and participate in the Job Opportunities and Basic Skills (JOBS) program as required by the Department of Human Services;

4. The feasibility of:

- a. requiring, for the purposes of determining eligibility for AFDC, Medicaid and child care, that an applicant for such programs shall first apply for and receive a determination of eligibility for food stamps. Under such provision, the value of the applicant's food stamps grant, irrespective of the applicant's receipt of such grant, shall be considered a resource in determining eligibility and co-payments under the AFDC, Medicaid and child care programs, and
- b. prohibiting the Commission for Human Services from using eligibility for food stamps grants to increase the need standard for eligibility for AFDC, Medicaid or child care grants; and

5. Whether the income of the stepparent of a dependent child who resides in the same household as the child should be considered in determining the amount of assistance to be paid to a recipient family under the Aid to Families with Dependent Children (AFDC) program; provided, the available income of the stepparent does not exceed one hundred percent (100%) of the federal poverty level.

B. The Joint Legislative Task Force shall be composed of fourteen (14) members, seven of whom shall be members of the Senate, appointed by the President Pro Tempore of the Senate, and seven of whom shall be members of the House of Representatives, appointed by the Speaker of the House of Representatives. Appointments shall be made by September 1, 1995.

C. The chairs of the House Human Services Committee and the Senate Human Resources Committee shall serve as cochairs for the Joint Legislative Task Force and shall convene the first meeting of the Task Force no later than October 15, 1995. Staffing for the Joint Legislative Task Force shall be provided by the legislative staffs of the Senate and the House of Representatives.

D. Members shall be reimbursed for actual and necessary travel expenses, incurred in the performance of their duties pursuant to Section 456 of Title 74 of the Oklahoma Statutes, from the legislative body in which they serve.

E. Upon approval from the President Pro Tempore of the Senate and the Speaker of the House of Representatives, the Joint Legislative Task Force may contract for services as needed to fulfill its duties and responsibilities as described in this section.

F. The Legislative Task Force shall request information and assistance from:

1. The Director of the Department of Human Services, or a designee;
2. The Director of the Oklahoma Employment Security Commission, or a designee;
3. The Director of the Job Training Partnership Program within the Oklahoma Employment Security Commission, or a designee;
4. The Administrator of the Office of Personnel Management, or a designee;
5. The Director of the Office of Volunteerism; and
6. Such other persons and agencies deemed necessary by the Joint Legislative Task Force.

G. The Joint Legislative Task Force shall issue a report of its findings and recommendations to the President Pro Tempore of the Senate and the Speaker of the House of Representatives by February 1, 1996.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 230.7 of Title 56, unless there is created a duplication in numbering, reads as follows:

The Department of Human Services, the Oklahoma Employment Security Commission and the Job Training Partnership Program within the Oklahoma Employment Security Commission shall jointly study and make recommendations for implementing a system to provide job referral services to recipients of benefits under the Aid to Families with Dependent Children (AFDC) program through the Oklahoma Employment Security Commission. Recommendations for implementing the system shall be reported to the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives not later than January 1, 1996. The joint study shall include, but not be limited to:

1. A review of federal requirements for education, training and employment (ET&E) programs, with emphasis on job development and placement components;
2. A review and evaluation of the existing ET&E system with emphasis on the job development and placement component. Such review shall include a survey of the participation experiences of employers and recipients in the job development and placement activity; and
3. An examination of duplication of employment-related services within state agencies.

SECTION 9. AMENDATORY 56 O.S. 1991, Section 237.5, is amended to read as follows:

Section 237.5 For purposes of Title 56 of the Oklahoma Statutes, public assistance payments made ~~for~~ to an eligible adult custodian in the Aid to Families with Dependent Children program shall be deemed to be made for the benefit of any a minor child and shall be paid to the adult having actual and continuous physical custody of the minor child.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 230.8 of Title 56, unless there is created a duplication in numbering, reads as follows:

In order to establish an incentive program for the immunization of minor children pursuant to the State Department of Health immunization schedule, the Department of Human Services, in

accordance with the terms and conditions of a waiver granted by the federal Department of Health and Human Services, shall eliminate benefits for recipients under the Aid to Families with Dependent Children (AFDC) program if, upon recertification of a recipient for the AFDC program, the recipient fails to show proof of immunization for the recipient's minor children. Proof of immunization shall be accomplished by presentation of the vaccination record by the recipient issued by the local health officer or a physician.

SECTION 11. AMENDATORY 56 O.S. 1991, Section 237.6, is amended to read as follows:

Section 237.6 A. The Department of Human Services shall ~~encourage~~ require, as a condition of participation, that parents or guardians receiving benefits pursuant to the Aid to Families with Dependent Children ~~to~~ (AFDC) program participate in a parent education program or enlist or enroll their child or children in a Head Start program, a Parents as Teachers program, a local early childhood education ~~programs~~ program for four-year-old children, if available, in kindergarten programs, or in schooling deemed appropriate by school authorities, unless the child is being home educated as per the Oklahoma Constitution and statutes.

B. The Department shall allow ~~said~~ parents or guardians who attend all parent-teacher conferences requested by teachers or other officials, or who participate in parent education programs offered by a school district to apply an equivalent amount of time towards any work experience or job training requirements.

~~B. If waiver of federal regulations is required to effect the requirements of subsection A of this section, the Department of Human Services shall promptly request such waiver.~~

SECTION 12. AMENDATORY 70 O.S. 1991, Section 24-120, as amended by Section 5, Chapter 291, O.S.L. 1992 (70 O.S. Supp. 1994, Section 24-120), is amended to read as follows:

Section 24-120. A. At the close of each attendance period of the school term, the board of education of each school district shall notify in writing the Department of Human Services of the name of any child who has not been present for instruction at least eighty percent (80%) of the time without valid excuse as defined in Section 10-105 of this title.

B. Upon the receipt of such information from the ~~board of education of a~~ school district, the Director of the Department of Human Services is authorized to withhold assistance payments to the payee of such child and to instigate an investigation for the purpose of improving the school attendance of such child. After such investigation, if the attendance record of the child investigated is satisfactory, such withheld payments may be released. In the event the investigation results in a change in custody and care of such child, payments to the payee shall be canceled or shall be made to the person qualified to receive benefits on behalf of the child.

C. For purposes of the pilot project, the Department of Human Services and the State Board of Education shall establish a procedure ~~which will~~ to provide for the exchange of information required by this section concerning students subject to the provisions of this section. Any procedure thus established shall, if applicable, comply with the requirements of the Family Educational Rights and Privacy Act, 20 U.S.C. Section 1232g et seq., and any other applicable federal law.

D. The district attorney shall file with the Department of Human Services a report identifying any child who has been convicted of truancy within thirty (30) days of such conviction.

SECTION 13. AMENDATORY Section 3, Chapter 291, O.S.L. 1992 (56 O.S. Supp. 1994, Section 234.1), is amended to read as follows:

Section 234.1 A. The Commission for Human Services, on or before ~~January~~ August 1, 1993 1995, shall request ~~a~~ an amendment to the approved waiver from the Secretary of the federal Department of Health and Human Services ~~to permit~~ which authorized the Department of Human Services to waive ~~42~~ the provisions of 45 C.F.R., paragraph 250.30(b) (1) (i) by lowering to age thirteen (13) the exemption from the required JOBS program, so that compulsory school attendance for a child thirteen (13) years of age to eighteen (18) years of age, unless said child is being home educated as per the Oklahoma Constitution and statutes, shall be a condition for participation in the Aid to Families with Dependent Children (AFDC) program.

B. The amendment shall request the federal Department of Health and Human Services to authorize the Department of Human Services to additionally waive the provisions of 45 C.F.R., paragraph 250.30(b) (1) by lowering the exemption from the required JOBS program to the age at which a child is eligible to attend kindergarten so that participation in the AFDC program is conditioned upon compulsory school attendance for a child who is eligible to attend kindergarten to a child twelve (12) years of age, unless the child is being home educated as per the Oklahoma Constitution and statutes.

C. After receipt approval of the amended waiver, the Commissioner Commission for Human Services shall promulgate rules for ~~developing a pilot~~ implementing the amended waiver through the demonstration project ~~for denying~~ originally prepared and planned pursuant to subsection A of this section which will authorize the Department to deny a recipient of benefits under the Aid to Families with Dependent Children (AFDC) program that portion of payments which relate to an individual who fails to comply with the requirements of this section.

D. Denial of the request for an amendment to the approved waiver from the federal Department of Health and Human Services shall not affect the implementation of the waiver originally approved. If in denying the request for an amendment, the federal Department of Health and Human Services indicates that a separate waiver is required for implementation of the provisions of subsection B of this section, the Department shall pursue a new waiver to implement the provisions of subsection B of this section.

E. Upon receipt of an evaluation of the demonstration project established pursuant to this section by a public or private contractor which indicates that expansion of the demonstration project on a statewide basis is economically feasible and practical, the Commission for Human Services shall promulgate rules, subject to legislative review, for developing a statewide program for denying a recipient of benefits under the Aid to Families with Dependent Children (AFDC) program that portion of payments which relate to a child who is eligible to attend kindergarten to eighteen (18) years of age, who has not complied with the attendance requirements of the local school district.

SECTION 14. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 230.9 of Title 56, unless there is created a duplication in numbering, reads as follows:

A. Except as provided in subsection B of this section, if a person applying for benefits under the Aid to Families with Dependent Children (AFDC) program is a minor, has never married and is pregnant or has a dependent child in such minor's care, the minor shall not be eligible for benefits unless the minor lives in a place

maintained by the minor's parent, legal guardian or other adult relative as the parent's, legal guardian's or other adult relative's own home, or unless the minor lives in a foster home, maternity home or other supportive living arrangement supervised by an adult.

B. Subsection A of this section shall not apply if:

1. The minor applying for benefits has no parent, legal guardian or adult relative, or none whose whereabouts are known;

2. No parent, legal guardian or adult relative of the minor applying for benefits allows such minor to live in the home of that parent, legal guardian or adult relative;

3. The Department determines that the physical or emotional health or safety of the minor applying for benefits or of the minor's dependent child would be jeopardized if the minor and the minor's dependent child lived with the minor's parent, legal guardian or adult relative;

4. The minor applying for benefits lived apart from the minor's parent, legal guardian or adult relative for at least one (1) year before the birth of any dependent child of the minor or before the minor applied for benefits; or

5. The minor person is legally emancipated pursuant to Chapter 4 of Title 10 of the Oklahoma Statutes.

SECTION 15. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 230.10 of Title 56, unless there is created a duplication in numbering, reads as follows:

A. The Commission for Human Services shall revise the schedule of benefits to be paid to a recipient family under the program of Aid to Families with Dependent Children (AFDC) pursuant to the provisions of this section.

B. 1. Except as otherwise provided in paragraph 4 of this subsection, for families receiving benefits pursuant to the AFDC program, the Commission shall provide that the increment in benefits under the program for which that family would otherwise be eligible as a result of the birth of an additional child:

a. during the period in which the family is eligible for AFDC benefits, or

b. during a temporary period in which the family or recipient is ineligible for AFDC benefits pursuant to a penalty imposed by the Department of Human Services for failure to comply with benefit eligibility requirements, subsequent to which the family or adult recipient is again eligible for benefits,

shall be paid pursuant to a voucher as provided in paragraph 2 of this subsection.

2. In the case of a family that receives AFDC benefits if the recipient gives birth to an additional child during the period in which the family is eligible for AFDC benefits or during a temporary penalty period of ineligibility for benefits, subsequent to which the family of the adult recipient again becomes eligible for benefits, the Department shall not issue incremental benefits for such additional child to the recipient but shall instead issue a voucher for the amount of the incremental benefit that such recipient would have received for the additional child. The voucher shall be made payable, on behalf of the recipient, for infant and toddler clothing, food, and other articles of necessity for the infant and toddler, in such manner as authorized pursuant to rules of the Commission for Human Services.

3. A minor child of an applicant or of a recipient family who bears one child shall not be subject to the restriction on incremental benefits for one child only.

4. Any child born to an eligible person within ten (10) months of the effective date of this act or within ten (10) months of application for the AFDC program shall not be construed to be an additional child pursuant to the provisions of this section and the recipient family shall not be subject to the restriction on incremental benefits for that child.

SECTION 16. AMENDATORY 56 O.S. 1991, Section 233, is amended to read as follows:

Section 233. A. The Department of ~~Public Welfare~~ Human Services shall have authority to ~~have investigations made to investigate and~~ ascertain the reasons why parents of children for whom the Department is making payments in its program for Aid to Families with Dependent Children are not providing for the maintenance and support of their children; ~~and if it appears that.~~

B. 1. If any such parent may be of a child is determined by the Department to be willfully violating the law in the provisions of Section 852 of Title 21 of the Oklahoma Statutes by not providing for such the maintenance and support of the child and the amount of the child support delinquency accrues for more than one (1) year or exceeds Five Thousand Dollars (\$5,000.00), the Department shall notify the proper district attorney shall be notified and shall be furnished with of the names of pertinent witnesses and information gained from the investigation.

2. Complaints necessary to institute prosecutions against such parents may be made by the Department's investigators; ~~and the.~~ The Department shall provide attorneys legal assistance to assist the district attorneys in such prosecutions.

~~B. C.~~ C. A parent of a child ~~or children~~ for whom the Department is making payments in its program for Aid to Families with Dependent Children who willfully fails and or refuses to accept employment when employment is available shall be ~~charged as provided in subsection A~~ deemed to have failed to provide for the child and upon conviction thereof shall be punished as provided by subsection E of this section or pursuant to Section 852 of Title 21 of the Oklahoma Statutes.

~~C.~~ A parent may not be referred for prosecution under the preceding subsection if he is registered with the Employment Registration and Certification Program of the Oklahoma Employment Security Commission and said Commission has certified that the parent is actively seeking employment or accepting training under the rules and regulations of the Employment Registration and Certification Program and that he has not refused to report for or take employment or training offered to him.

~~A parent may not be prosecuted under the provisions of this act who is unable to work because of physical disability, mental disability or who is unable to make support payments because of a duly authorized and recognized strike at his place of employment, which prevents him from work.~~

D. A parent omitting to provide for the maintenance and support of a child shall be afforded an opportunity to report to the Department for training or assistance in finding employment without referral for prosecution on the condition that ~~he~~ the parent provide for such maintenance and support.

E. If a parent is convicted ~~in a prosecution under~~ pursuant to subsection A of this section it shall be mandatory that the punishment of the parent ~~upon conviction~~ shall include imprisonment in the county jail for not more than ninety (90) days; provided, that ~~he~~ the parent may be released on probation, subject to supervision of the Department, on condition that ~~he~~ the parent register with the ~~Employment Registration and Certification Program~~

~~of the~~ Oklahoma Employment Security Commission and obtain or accept employment or training that will enable ~~him~~ the parent to provide for the support and maintenance of ~~his~~ the parent's child or children.

F. These provisions shall not apply to an only parent, caring for the child or children in the home, when day-care services are not available or when it is unreasonable to place the child or children in day-care services.

SECTION 17. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 233.1 of Title 56, unless there is created a duplication in numbering, reads as follows:

A. 1. A parent of a child for whom the Department of Human Services is making payments in its program for Aid to Families with Dependent Children shall not be referred for prosecution for indirect contempt for failure to comply with an order for child support if the parent is registered with the Oklahoma Employment Security Commission and said Commission has certified that the parent:

- a. is actively seeking employment or accepting training under the rules of the Commission,
  - b. has not refused to report for or take employment or training offered to such parent, and
  - c. is otherwise complying with the order for child support, other support or other court orders regarding a minor child of such parent and the provisions of this subsection.
2. a. When a court of competent jurisdiction is ordering or has ordered child support payments to be made by the noncustodial parent and the noncustodial parent claims inability to pay because of unemployment, the court shall require the noncustodial parent to register with the Oklahoma Employment Security Commission for employment. The noncustodial parent shall be responsible for:
- (1) providing documentation of registration to the court,
  - (2) making a good faith effort to obtain any employment for which the Oklahoma Employment Security Commission makes referral, and
  - (3) providing documentation of employment application.
- b. Registration for employment with the Oklahoma Employment Security Commission shall in no way limit the noncustodial parent's attempts to obtain employment through personal initiative.
  - c. The noncustodial parent shall be required to participate in employment efforts at least equal to those required for the custodial parent under the Aid to Families with Dependent Children (AFDC) program, pursuant to federal law.
  - d. The Department of Human Services shall create a document of notification which details the employment requirements under the AFDC program based on federal law. The Department shall provide a copy of the notification document and a listing of employment services that are available at no cost to all citizens with information which shall include, but not be limited to, information on access to the services and programs of the Oklahoma Employment Security Commission and the Job Training Partnership Act. The

noncustodial parent shall be responsible for obtaining such services and providing documentation of participation.

B. A parent of a child for whom the Department of Human Services is making payments in its program for Aid to Families with Dependent Children may not be referred for prosecution for indirect contempt for failure to comply with an order for child support, if such parent is unable to work because of physical or mental health problems. When a court of competent jurisdiction is ordering or has ordered child support payments to be made by the noncustodial parent and the noncustodial parent claims mental or physical health problems as the reason for not seeking employment, the noncustodial parent shall show to the court proof of an active treatment plan which includes an estimate of the duration of the mental or physical health problems. Treatment plans may include, but are not limited to, care provided by a physician licensed to practice in this state, a mental health professional licensed to practice in this state or a substance abuse professional licensed to practice in this state. Upon completion of the treatment plan, the terms outlined in paragraph 2 of subsection A of this section shall be in force.

C. A parent may not be referred for prosecution for indirect contempt for failure to comply with an order for child support, if the parent is unable to work because of a mental or physical disability. When a court of competent jurisdiction is ordering or has ordered child support payments to be made by the noncustodial parent and the noncustodial parent claims disability as the reason for unemployment, the noncustodial parent shall provide to the court documentation that such parent has applied for disability determination with the federal Social Security Administration and shall provide to the court documentation that such parent has applied to the State Department of Rehabilitation Services for assistance in becoming employable. If the noncustodial parent is determined to be employable by the State Department of Rehabilitation Services, the noncustodial parent shall provide documentation that such parent has made every effort to cooperate in obtaining employment pursuant to subsection A of this section.

D. A parent omitting to provide for the maintenance and support of a child shall be afforded an opportunity to report to the Department for training or assistance in finding employment without referral for prosecution on the condition that the parent provide for such maintenance and support.

E. These provisions shall not apply to an only parent, caring for the child or children in the home, when day-care services are not available or when it is unreasonable to place the child or children in day-care services.

SECTION 18. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 230.11 of Title 56, unless there is created a duplication in numbering, reads as follows:

A. Except as otherwise provided in this section, any applicant who makes application with the Department of Human Services for benefits under the Aid to Families with Dependent Children (AFDC) program, in order to be eligible for such assistance, shall provide the name of the person or persons alleged to be legally responsible for the support of a child, and if known, the address and employer of the person or persons alleged to be legally responsible for the support of such child prior to receipt of any such assistance.

B. 1. If the specific person or persons legally responsible for the support of the child are unknown, the applicant for AFDC shall submit with the application a list of names of persons alleged

to be responsible for the support of the child to the Department of Human Services.

2. If the applicant does not provide the Department with the identity of the person or persons alleged to be legally responsible for the support of the child, the applicant shall be ineligible to continue to receive such assistance unless the Department determines that the applicant or recipient or a child of the applicant or recipient would more likely than not be subject to abuse for identifying the person or persons alleged to be responsible for the support of the child.

3. The Department shall promulgate policies and rules which will standardize the decision process for determining eligibility pursuant to this paragraph.

C. The Department of Human Services shall determine the father for each minor child for whom benefits are received under the AFDC program.

SECTION 19. AMENDATORY 56 O.S. 1991, Section 237.1, is amended to read as follows:

Section 237.1 District attorneys may enter into agreements with the Department of Human Services for the enforcement and collection of child support obligations under Part D of Title IV of the federal Social Security Act, 42 U.S.C.A. Section 651 et seq. Such agreements may include provisions for the payment of federal or state funds to the district attorney for the payment of any expense incurred in the operation of ~~his~~ the district attorney's office for the purposes of ~~said~~ such agreement. All funds, except payroll funds, shall be transmitted to the county treasurer and deposited in a special fund to be known as the "District Attorney Child Support Contract Fund" and be disbursed in accordance with accounting procedures prescribed by the State Auditor and Inspector. Such special funds shall not be a part of the general fund of the county and shall not be subject to appropriation by the county excise board. Payroll funds, which shall be governed by Section ~~44~~ 215.30 of this ~~act~~ title, shall be paid pursuant to the agreement.

SECTION 20. A. There is hereby established a joint legislative committee to study the feasibility of providing child support enforcement and collection of child support obligations pursuant to Part D of Title IV of the federal Social Security Act, 42 U.S.C., Section 651 et seq., through private contractors, or the State Attorney General's Office as well as district attorneys.

B. The committee shall be composed of fourteen (14) legislators, seven of whom shall be appointed by the President Pro Tempore of the Senate and seven of whom shall be appointed by the Speaker of the House of Representatives. The chairs of the House Human Services Committee and the Senate Human Resources Committee shall serve as co-chairs for the committee. The Department of Human Services and the District Attorney's Council shall cooperate with the committee in the performance of its duties. Staff of the House of Representatives and of the Senate shall assist the committee as necessary in the performance of its duties. The committee may hold meetings as necessary to implement the provisions of this section and shall convene its first meeting not later than October 1, 1995.

C. The joint legislative committee shall evaluate the existing child support enforcement and collection system established through the district attorneys pursuant to Section 237.1 of Title 56 of the Oklahoma Statutes. In evaluating the existing system, the committee shall review other states' systems for collection and enforcement of child support, any federal requirements, any cost savings or additional revenues needed, and potential interest of private attorneys and other child support collection entities in providing

such services. The committee shall request information and assistance from district attorneys who are currently contracting with the Department of Human Services, and clients of district attorneys and of the Department of Human Services.

D. The committee shall report its findings, along with any recommendations for legislation, to the Legislature by February 1, 1996.

SECTION 21. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 230.12 of Title 56, unless there is created a duplication in numbering, reads as follows:

A. Any person who applies and is otherwise eligible to receive benefits pursuant to the Aid to Families with Dependent Children (AFDC) program who has resided in this state less than twelve (12) months on a continuous basis and who is unable to demonstrate to the satisfaction of the Department of Human Services that such person was employed for at least thirteen (13) weeks after moving to this state shall receive the lesser of payments in an amount equal to:

1. The amount received by persons similarly situated residing in this state for twelve (12) months or less; or

2. The benefits such person received or would have received in the last state of residence pursuant to the AFDC program in that state.

B. Any person who is otherwise eligible and who has resided in this state on a continuous basis for twelve (12) months or more may receive the authorized full level of benefits.

C. To be eligible to receive benefits pursuant to the AFDC program, an applicant shall provide verification as to length of residence in this state and, if a resident of this state less than twelve (12) months, the previous state of residence.

D. The provisions of this section shall only apply to new applications for benefits pursuant to the AFDC program made on or after implementation of the provisions of this section.

SECTION 22. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 230.13 of Title 56, unless there is created a duplication in numbering, reads as follows:

The Department of Human Services shall ensure, to the fullest extent possible, that any recipient of benefits under the Aid to Families with Dependent Children (AFDC) and the food stamp programs, who may qualify for receipt of the Earned Income Tax Credit (EITC), pursuant to 26 U.S.C., Section 32(a-j), applies for such credit. The Department shall have EITC forms readily available and shall provide assistance and encouragement to those wishing to apply for the EITC.

SECTION 23. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 230.14 of Title 56, unless there is created a duplication in numbering, reads as follows:

The Department of Human Services shall develop and submit to the Legislature on or before November 15, 1995, a technology-based eligibility system plan. The plan shall include, but not be limited to, provisions which:

1. Simplify eligibility determination procedures;

2. Reduce administrative costs; and

3. Reduce fraud.

SECTION 24. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 230.15 of Title 56, unless there is created a duplication in numbering, reads as follows:

A. The Department of Human Services shall establish and maintain a statewide incoming areawide telephone service hot line for the purpose of reporting suspected cases of welfare eligibility

fraud, Aid to Families with Dependent Children (AFDC) fraud and food stamp fraud.

B. The Commission for Human Services shall promulgate rules to enact the provisions of this section, and shall include in such rules procedures which address false reports and issues of confidentiality.

SECTION 25. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 230.16 of Title 56, unless there is created a duplication in numbering, reads as follows:

The Department of Human Services shall establish and operate a fraud control program. The Department shall proceed against any individual member of a family, regardless of payment status under the Aid to Families with Dependent Children (AFDC) program, whom it believes to have committed an intentional program violation pursuant to federal law through an administrative hearing or by referring the matter to the appropriate authorities for civil or criminal action in a state or federal court. In proceeding against such an individual, the Department shall coordinate its actions with any corresponding actions being taken under Medicaid fraud programs where the factual issues arise from the same or related circumstances.

SECTION 26. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 230.17 of Title 56, unless there is created a duplication in numbering, reads as follows:

A. The Department of Human Services shall provide case management services to a targeted group of recipients under the Aid to Families with Dependent Children (AFDC) program to prevent or break the cycle of repeated or lengthening receipt of assistance. The targeted groups shall include teen custodial parents, long-term AFDC recipients and AFDC recipients with a history of repeated receipt of benefits. Case management services shall include, but not be limited to:

1. Intensive and in-depth individual assessment of a recipient's education, training and employment needs;
2. Development of an employability plan which incorporates the findings of the assessment; and
3. Close follow-up of program implementation requirements and participation pursuant to a personal responsibility agreement as provided in Section 27 of this act.

B. The Department of Human Services is hereby directed to develop policy outlining procedural and educational expectations for recipients of benefits under the AFDC program.

SECTION 27. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 230.18 of Title 56, unless there is created a duplication in numbering, reads as follows:

A. The Department of Human Services shall require services to be provided to each applicant or recipient of benefits in any program according to a written personal responsibility agreement. The agreement shall be:

1. Written in English, Spanish or other language, according to the applicant's or recipient's needs;
2. Signed by the applicant or recipient;
3. Signed by the parent of the applicant or recipient, if the applicant or recipient is under eighteen (18) years of age;
4. Signed by the case manager, for the applicant or recipient and the recipient's family; and
5. Reviewed by both the applicant or recipient and the case manager at least once a year. The agreement may be revised from time to time according to the needs of the recipient, the recipient's family and the program.

B. The personal responsibility agreement shall set forth the specific responsibilities of the recipient, at a minimum, to:

1. Develop a detailed plan for achieving self-sufficiency;
2. Acknowledge that additional benefits pursuant to the Aid to Families with Dependent Children (AFDC) program will be paid for a child born more than ten (10) months after the recipient qualifies for assistance only pursuant to a voucher system;
3. If the recipient is a minor parent, live in a place maintained by the recipient's parents, legal guardian or other adult relative as the parent's, legal guardian's or other adult relative's own home, or live in a foster home, maternity home or other supportive living arrangement supervised by an adult in order to receive AFDC benefits;
4. Accept responsibility for ensuring that the recipient's child complies with the attendance requirements of the local school district and attends school until the child of the recipient either:
  - a. graduates from high school or attains a high school equivalency certificate, or
  - b. becomes nineteen (19) years of age,

whichever occurs first,

5. Accept responsibility for attending any classes required by a program at least ninety percent (90%) of the time;
6. Immunize the recipients' minor children pursuant to the State Department of Health's immunization schedule;
7. Register and participate as funds are available, in the Job Opportunities and Basic Skills (JOBS) program;
8. Be available for and actively seek and maintain employment and accept any reasonable employment as soon as it becomes available if required by the program;
9. Participate in any educational or training program required by the Department; and
10. Participate in a community service, public works or private sector job for a minimum of twenty-four (24) hours per week regardless of the amount of the AFDC grant if the recipient has been unsuccessful in finding unsubsidized employment; provided, that this requirement shall not apply to a recipient participating in the work supplementation program or the work experience program.

C. AFDC benefits shall be denied to a recipient who fails to comply with the requirements of the personal responsibility agreement pursuant to this section until such time as the Department determines that the recipient is once again in compliance with the personal responsibility agreement.

SECTION 28. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 166.6 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. The Commission for Rehabilitation Services shall establish and maintain a disability benefits project for the exclusive purpose of providing increased legal assistance for mentally or physically disabled persons, who are receiving Aid to Families with Dependent Children (AFDC) benefits or have made application for AFDC benefits and are determined to be eligible for such assistance, to secure federal disability benefits provided through the Social Security Disability Insurance program under Title II of the Social Security Act, through the Supplemental Security Income program under Title XVI of the Social Security Act, and through such other programs subsequently established by Congress to accomplish similar purposes for persons with disabilities.

B. The State Department of Rehabilitation Services may administer or contract with any organization for the purpose of administering the disability benefits project.

C. The Department may appoint a disability advisory committee for the purpose of assisting in matters pertaining to the project. The disability advisory committee shall be composed, at a minimum, of members of the legal community, including those with experience in advocacy for persons with disabilities, and members of the disabled community. The terms of the committee members and the scope of the committee's responsibilities shall be determined by the State Department of Rehabilitation Services.

SECTION 29. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 41.13a of Title 62, unless there is created a duplication in numbering, reads as follows:

No state agency or entity shall commit or expend any funds from federal block grant funds created after the effective date of this act, including, but not limited to, employment, job training, vocational education, vocational rehabilitation, adult education or literacy programs without:

1. Prior authorization;
2. Appropriation of the funds by the Legislature as provided in Section 23 of Article 10 of the Oklahoma Constitution; or
3. Other formal expression of legislative intent.

SECTION 30. Sections 7 and 20 of this act shall not be codified in the Oklahoma Statutes.

SECTION 31. REPEALER Section 45 of Enrolled House Bill No. 1462 of the 1st Session of the 45th Oklahoma Legislature, is hereby repealed.

SECTION 32. This act shall become effective July 1, 1995.

SECTION 33. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 25th day of May, 1995.

Speaker of the House of  
Representatives

Passed the Senate the 26th day of May, 1995.

President of the Senate