

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 743

By: Brown

COMMITTEE SUBSTITUTE

(Poor persons - Temporary Assistance to Promote Self-
sufficiency (TAPS) Program Act - codification -
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 229.1 of Title 56, unless there
is created a duplication in numbering, reads as follows:

A. Sections 1 and 2 of this act shall be known and may be cited
as the "Temporary Assistance to Promote Self-sufficiency (TAPS)
Program Act".

B. In order to establish a coordinated approach to restoring to
families who receive public assistance the sense of self worth and
dignity that comes with meaningful employment, and to providing such
families with supportive services that enhance their ability to
obtain and retain such employment, the Oklahoma Legislature hereby
establishes a managed system of employment and related supportive
services which include, but are not limited to:

1. Employment and training activities, including, but not
limited to:

- a. employability and social service needs assessments for recipients and noncustodial parents,
 - b. education and training,
 - c. job development, referral and placement, and
 - d. employment follow-up and tracking;
2. Social service referral, including, but not limited to:
- a. alcohol and substance abuse rehabilitation and counseling,
 - b. housing assistance,
 - c. parenting classes and noncustodial parent support groups,
 - d. life management skills, and
 - e. transportation assistance;
3. Child care services including, but not limited to:
- a. increased developmental child care for pre-school children, including, but not limited to, expanded age and hours of operation criteria for Head Start services and expansion of four-year-old programs from half day to full day,
 - b. expanded before and after school care, including increased development of after school programs for children thirteen (13) years of age or older,
 - c. twenty-four-hour child care for shift workers,
 - d. development of a voucher system of payment for child care provided by relatives,
 - e. adjustment of the child care co-payment schedule,
 - f. adjustment of the reimbursement rates paid to child care providers, and
 - g. extension of transitional child care services up to twenty-four (24) months after employment; and
4. Health care services, including, but not limited to:

- a. extension of medical assistance for twenty-four (24) months following employment,
- b. expansion of Medicaid eligibility through adjustment of the federal poverty guidelines and establishment of public and private partnerships to provide health care coverage to more children,
- c. enhanced coordination and monitoring of compliance with Early and Periodic Screening, Diagnostic and Treatment (EPSDT) requirements, including immunizations.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 229.2 of Title 56, unless there is created a duplication in numbering, reads as follows:

A. The Temporary Assistance to Promote Self-sufficiency Program Act shall be administered by the Department of Human Services. The program shall consist of contracts for managed employment and related supportive services with participating providers who shall provide to recipients the services and activities specified in Section 1 of this act.

B. The Department shall contract with both public and private entities to fulfill the requirements of this act.

C. The Department shall promulgate rules to enact the provisions of this act.

SECTION 3. AMENDATORY Section 1, Chapter 346, O.S.L. 1995 (56 O.S. Supp. 1996, Section 230.1), is amended to read as follows:

Section 230.1 A. ~~This act~~ Section 230.1 et seq. of this title 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. D. On February 1 of each year, the Department shall provide to the Legislature and the Governor a written copy of the report required by the federal Department of Health and Human Services 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 the work participation rates of participants in the Temporary Assistance for Needy Families program.~~

~~G. E. 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 each~~

program provided for in the Oklahoma Welfare Self Sufficiency Initiative ~~unless specifically authorized to do so by the Legislature.~~

SECTION 4. AMENDATORY Section 2, Chapter 346, O.S.L. 1995 (56 O.S. Supp. 1996, Section 230.2), is amended to read as follows:

Section 230.2 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~~ eliminate 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 5. AMENDATORY Section 3, Chapter 346, O.S.L. 1995 (56 O.S. Supp. 1996, Section 230.3), is amended to read as follows:

Section 230.3 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~~ Temporary Assistance for Needy Families ~~with Dependent Children (AFDC)~~ (TANF) program.

SECTION 6. AMENDATORY Section 4, Chapter 346, O.S.L. 1995 (56 O.S. Supp. 1996, Section 230.4), is amended to read as follows:

Section 230.4 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~~ require that a participant in the ~~Job Opportunities and Basic Skills (JOBS) program shall only be eligible to receive payments under the Aid to Temporary Assistance for Needy Families with Dependent Children (AFDC) (TANF) program for a total of thirty-six (36) months out of a~~ shall be involved in a work, education or training activity pursuant to federal law from the time such individual is initially determined eligible through the 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 of such person's eligibility;~~ 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 7. AMENDATORY Section 6, Chapter 346, O.S.L. 1995 (56 O.S. Supp. 1996, Section 230.6), is amended to read as follows:

Section 230.6 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 Temporary Assistance for Needy Families with Dependent Children~~ (AFDC) (TANF) 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~~ TANF 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~~ a TANF 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 8. AMENDATORY Section 10, Chapter 346, O.S.L. 1995 (56 O.S. Supp. 1996, Section 230.8), is amended to read as follows:

Section 230.8 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~~ Temporary Assistance for Needy Families with Dependent Children (AFDC) (TANF) program if, upon recertification of a recipient for the ~~AFDC~~ TANF 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 9. AMENDATORY Section 14, Chapter 346, O.S.L. 1995, as amended by Section 27, Chapter 353, O.S.L. 1996 (56 O.S. Supp. 1996, Section 230.9), is amended to read as follows:

Section 230.9 A. Except as provided in subsection B of this section, if a person applying for benefits under the ~~Aid to Temporary Assistance for Needy Families with Dependent Children~~ ~~(AFDC)~~ (TANF) 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 foster placement, a 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 10. AMENDATORY Section 15, Chapter 346, O.S.L. 1995 (56 O.S. Supp. 1996, Section 230.10), is amended to read as follows:

Section 230.10 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~~ Temporary Assistance for Needy Families with Dependent Children (AFDC) (TANF) 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~~ TANF 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~~ TANF benefits, or
- b. during a temporary period in which the family or recipient is ineligible for ~~AFDC~~ TANF 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~~ TANF benefits if the recipient gives birth to an additional child during the period in which the family is eligible for ~~AFDC~~ TANF 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~~ TANF 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 11. AMENDATORY Section 18, Chapter 346, O.S.L. 1995 (56 O.S. Supp. 1996, Section 230.11), is amended to read as follows:

Section 230.11 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 Temporary Assistance for Needy Families with Dependent Children (AFDC)~~ (TANF) 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~~ TANF 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~~ TANF program.

SECTION 12. AMENDATORY Section 22, Chapter 346, O.S.L. 1995 (56 O.S. Supp. 1996, Section 230.13), is amended to read as follows:

Section 230.13 The Department of Human Services shall ensure, to the fullest extent possible, that any recipient of benefits under the ~~Aid to Temporary Assistance for Needy Families with Dependent Children (AFDC)~~ (TANF) 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 13. AMENDATORY Section 24, Chapter 346, O.S.L. 1995 (56 O.S. Supp. 1996, Section 230.15), is amended to read as follows:

Section 230.15 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 Temporary Assistance for Needy~~

Families with Dependent Children (AFDC) (TANF) 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 14. AMENDATORY Section 25, Chapter 346, O.S.L. 1995 (56 O.S. Supp. 1996, Section 230.16), is amended to read as follows:

Section 230.16 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~~ Temporary Assistance for Needy Families with Dependent Children (AFDC) (TANF) 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 15. AMENDATORY Section 26, Chapter 346, O.S.L. 1995 (56 O.S. Supp. 1996, Section 230.17), is amended to read as follows:

Section 230.17 A. The Department of Human Services shall provide case management services to a targeted group of recipients under the ~~Aid to~~ Temporary Assistance for Needy Families with Dependent Children (AFDC) (TANF) 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~~ TANF recipients and ~~AFDC~~ TANF 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~~ 230.18 of this ~~act~~ title.

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

SECTION 16. AMENDATORY Section 27, Chapter 346, O.S.L. 1995 (56 O.S. Supp. 1996, Section 230.18), is amended to read as follows:

Section 230.18 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 Temporary Assistance for Needy Families with Dependent Children~~ ~~(AFDC)~~ (TANF) 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~~ TANF 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~~ TANF 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~~ TANF 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 17. AMENDATORY 56 O.S. 1991, Section 233, as amended by Section 16, Chapter 346, O.S.L. 1995 (56 O.S. Supp. 1996, Section 233), is amended to read as follows:

Section 233. A. The Department of Human Services shall have authority to investigate and ascertain the reasons why parents of children for whom the Department is making payments in its program for ~~Aid to Temporary Assistance for Needy Families with Dependent Children (AFDC)~~ (TANF) are not providing for the maintenance and support of their children.

B. 1. If any parent of a child is determined by the Department to be willfully violating the provisions of Section 852 of Title 21 of the Oklahoma Statutes by not providing for 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 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. The Department shall provide legal assistance to the district attorneys in such prosecutions.

C. A parent of a child for whom the Department is making payments in its program for TANF who willfully fails or refuses to

accept employment when employment is available shall be 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.

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. If a parent is convicted pursuant to subsection A of this section it shall be mandatory that the punishment of the parent shall include imprisonment in the county jail for not more than ninety (90) days; provided, that the parent may be released on probation, subject to supervision of the Department, on condition that the parent register with the Oklahoma Employment Security Commission and obtain or accept employment or training that will enable the parent to provide for the support and maintenance of 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 18. AMENDATORY Section 17, Chapter 346, O.S.L. 1995 (56 O.S. Supp. 1996, Section 233.1), is amended to read as follows:

Section 233.1 A. 1. A parent of a child for whom the Department of Human Services is making payments in its program for ~~Aid to Temporary Assistance for Needy Families with Dependent Children~~ (TANF) 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 Temporary Assistance for Needy Families ~~with~~

~~Dependent Children (AFDC)~~ (TANF) 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~~ TANF 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~~ Temporary Assistance for Needy Families ~~with Dependent Children~~ (TANF) 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 19. AMENDATORY Section 3, Chapter 291, O.S.L. 1992, as amended by Section 13, Chapter 346, O.S.L. 1995 (56 O.S. Supp. 1996, Section 234.1), is amended to read as follows:

Section 234.1 A. The Commission for Human Services, ~~on or~~ before August 1, 1995, shall request an amendment to the approved waiver from the Secretary of the federal Department of Health and Human Services which authorized the Department of Human Services to waive 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 promulgate rules requiring compulsory school attendance for a child thirteen (13) years of age who is eligible to attend kindergarten to a child who is eighteen (18) years of age, unless said such child is being home educated as per the Oklahoma Constitution and statutes, shall be as a condition for of participation in the Aid to Temporary Assistance for Needy Families with Dependent Children (AFDC) (TANF) 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 approval of the amended waiver, the Commission for The Department of Human Services shall promulgate rules for implementing the amended waiver through the demonstration project 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 Temporary Assistance for Needy Families with Dependent Children (AFDC) (TANF) 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 20. AMENDATORY 56 O.S. 1991, Section 237.5, as amended by Section 9, Chapter 346, O.S.L. 1995 (56 O.S. Supp. 1996, Section 237.5), is amended to read as follows:

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

SECTION 21. AMENDATORY 56 O.S. 1991, Section 237.6, as amended by Section 11, Chapter 346, O.S.L. 1995 (56 O.S. Supp. 1996, Section 237.6), is amended to read as follows:

Section 237.6 A. The Department of Human Services shall require, as a condition of participation, that parents or guardians receiving benefits pursuant to the ~~Aid to~~ Temporary Assistance for Needy Families with Dependent Children (AFDC) (TANF) 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 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 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.

C. 1. The Department shall expand the supply of developmental child care services in this state through collaboration and coordination among early child care and education systems including, but not limited to, child care, Head Start, early childhood education programs for four-year-old children within the public schools, and Native American child care programs, in order to effectively utilize all child care resources available in the state.

2. The Department shall identify and establish indicators and levels of quality for child care services which include, but are not limited to, self-assessment, accreditation, and credentialed staff, in order to provide for a higher rate of reimbursement for child care for programs which deliver services through a collaborative and coordinated system.

3. The Department shall promulgate rules necessary to enact the provisions of this subsection.

SECTION 22. AMENDATORY Section 28, Chapter 346, O.S.L. 1995 (74 O.S. Supp. 1996, Section 166.6), is amended to read as follows:

Section 166.6 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 Temporary Assistance for Needy Families with Dependent Children~~ ~~(AFDC)~~ (TANF) benefits or have made application for ~~AFDC~~ TANF 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 23. REPEALER Sections 5 and 21, Chapter 346, O.S.L. 1995 (56 O.S. Supp. 1996, Sections 230.5 and 230.12), are hereby repealed.

SECTION 24. 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.

46-1-1127

CJ