

Part 3 Family Employment Program

35A-3-301 Purpose -- Legislative findings.

- (1) The Legislature finds that:
 - (a) employment improves the quality of life for parents, children, and individuals by increasing family income, developing job skills, and improving self-esteem; and
 - (b) the purpose of the cash assistance provided under this part is to assist a parent recipient to obtain employment that is sufficient to sustain a family, to ensure the dignity of those receiving assistance, and to strengthen families.
- (2) The Legislature recognizes that even with assistance, some recipients may be unable to attain complete self-sufficiency.

Amended by Chapter 221, 2015 General Session

35A-3-302 Eligibility requirements.

- (1) There is created the "Family Employment Program" to provide cash assistance under this part.
- (2)
 - (a) The department shall submit a state plan to the Secretary of the United States Department of Health and Human Services to obtain funding under the federal Temporary Assistance for Needy Families Block Grant.
 - (b) The department shall make the state plan consistent with this part and federal law.
 - (c) If a discrepancy exists between a provision of the state plan and this part, this part supersedes the provision in the state plan.
- (3) The services provided under this part are for both one-parent and two-parent families.
- (4) To be eligible for cash assistance under this part, a family shall:
 - (a) have at least one minor dependent child; or
 - (b) have a parent who is in the third trimester of a pregnancy.
- (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules for eligibility and the amount of cash assistance a family is eligible to receive under this part based on:
 - (a) family size;
 - (b) family income;
 - (c) income disregards;
 - (d) other relevant factors; and
 - (e) if the applicant has met the eligibility requirements under Subsections (5)(a) through (d), the assessment and other requirements described in Sections 35A-3-304 and 35A-3-304.5.
- (6) To determine eligibility, the department may not consider money on deposit in an Individual Development Account established under Section 35A-3-312.
- (7) The department shall provide for an appeal of a determination of eligibility in accordance with Title 63G, Chapter 4, Administrative Procedures Act.
- (8)
 - (a) The department shall make a report to the Social Services Appropriations Subcommittee on any proposed rule change made under Subsection (5) that would modify the:
 - (i) eligibility requirements for cash assistance; or
 - (ii) amount of cash assistance a family is eligible to receive.

- (b) The department shall submit the report under Subsection (8)(a) prior to implementing the proposed rule change.
 - (c) The report under Subsection (8)(a) shall include:
 - (i) a description of the department's current practice or policy that it is proposing to change;
 - (ii) an explanation of why the department is proposing the change;
 - (iii) the effect of an increase or decrease in cash benefits on families; and
 - (iv) the fiscal impact of the proposed change.
 - (d) The department may use the Notice of Proposed Rule Amendment form filed with the Office of Administrative Rules as its report if the notice contains the information required under Subsection (8)(c).
- (9) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules to ensure that:
- (a) a recipient of assistance from the Family Employment Program:
 - (i) has adequate access to the assistance;
 - (ii) has the ability to use and withdraw assistance with minimal fees or surcharges, including the opportunity to obtain assistance with no fees or surcharges;
 - (iii) is provided information regarding fees and surcharges that may apply to assistance accessed through an electronic fund transaction; and
 - (iv) is provided information explaining the restrictions on accessing assistance described in Subsection (10); and
 - (b) information regarding fees and surcharges that may apply when accessing assistance from the Family Employment Program through an electronic fund transaction is available to the public.
- (10) An individual receiving assistance under this section may not access the assistance through an electronic benefit transfer, including through an automated teller machine or point-of-sale device, in an establishment in the state that:
- (a) exclusively or primarily sells intoxicating liquor;
 - (b) allows gambling or gaming; or
 - (c) provides adult-oriented entertainment where performers disrobe or perform unclothed.
- (11) An establishment described under Subsection (10)(a), (b), or (c) may not allow an individual to access the assistance under this section on the establishment's premises through an electronic benefit transfer, including through an automated teller machine or point-of-sale device.
- (12) In accordance with federal requirements and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules to prevent individuals from accessing assistance in a manner prohibited by Subsections (10) and (11), which rules may include enforcement provisions that impose sanctions that temporarily or permanently disqualify an individual from receiving assistance.

Amended by Chapter 193, 2016 General Session
Amended by Chapter 222, 2016 General Session

35A-3-303 Diversion.

- (1)
 - (a) When an applicant applies for cash assistance under this part, the department shall assess whether the applicant should be helped by:
 - (i) diversion to avoid extended cash assistance; or
 - (ii) normal cash assistance under this part.
 - (b) In completing the assessment under this section, the department may consider the following:

- (i) the applicant's employment history;
 - (ii) the likelihood of the applicant obtaining immediate full-time employment;
 - (iii) the applicant's general prospect for obtaining full-time employment;
 - (iv) the applicant's need for cash assistance to pay for housing or substantial and unforeseen expenses or work-related expenses;
 - (v) housing stability; and
 - (vi) the adequacy of the applicant's child care arrangements, if applicable.
- (2) If the department determines that the applicant should be helped by diversion and the applicant agrees with this determination, the department shall provide a single payment of cash assistance up to three times the maximum monthly amount of cash assistance that the applicant would be otherwise qualified to receive based on household size.
- (3) If the department determines that diversion is not appropriate, an applicant may receive cash assistance as provided in this part.

Amended by Chapter 221, 2015 General Session

35A-3-304 Assessment -- Participation requirements and limitations -- Employment plan -- Mentors.

- (1)
- (a) Within 30 business days of the date of enrollment, the department shall provide that a parent recipient:
 - (i) is assigned an employment counselor; and
 - (ii) completes an assessment provided by the department regarding the parent recipient's:
 - (A) prior work experience;
 - (B) ability to become employable; and
 - (C) skills.
 - (b) The assessment provided under Subsection (1)(a)(ii) shall include a survey to be completed by the parent recipient with the assistance of the department.
- (2)
- (a) Within 15 business days of a parent recipient completing an assessment:
 - (i) the department and the parent recipient shall enter into an employment plan; and
 - (ii) the parent recipient shall complete a written questionnaire, provided by the department, designed to accurately determine the likelihood of the parent recipient having a substance use disorder involving the misuse of a controlled substance.
 - (b) The employment plan shall have a target date for entry into employment.
 - (c) The department shall provide a copy of the employment plan to the parent recipient.
 - (d) For the parent recipient, the employment plan may include:
 - (i) job searching requirements;
 - (ii) if the parent recipient does not have a high school diploma, participation in an educational program to obtain a high school diploma, or its equivalent;
 - (iii) education or training necessary to obtain employment;
 - (iv) a combination of work and education or training; and
 - (v) assisting the Office of Recovery Services in good faith to:
 - (A) establish the paternity of a minor child; and
 - (B) establish or enforce a child support order.
 - (e) If the parent recipient tests positive for the unlawful use of a controlled substance after taking a drug test under Section 35A-3-304.5, the employment plan shall include an agreement by the parent recipient to:

- (i) participate in treatment for a substance use disorder; and
 - (ii) meet the other requirements of Section 35A-3-304.5.
- (f) The department's responsibilities under the employment plan may include:
- (i) providing cash and other types of public and employment assistance, including child care;
 - (ii) assisting the parent recipient to obtain education or training necessary for employment;
 - (iii) assisting the parent recipient to set up and follow a household budget; and
 - (iv) assisting the parent recipient to obtain employment.
- (g) The department may amend the employment plan to reflect new information or changed circumstances.
- (h) If immediate employment is an activity in the employment plan, the parent recipient shall:
- (i) promptly commence a search for employment for a specified number of hours each week; and
 - (ii) regularly submit a report to the department on:
 - (A) how time was spent in search for a job;
 - (B) the number of job applications completed;
 - (C) the interviews attended;
 - (D) the offers of employment extended; and
 - (E) other related information required by the department.
- (i)
- (i) If full-time education or training to secure employment is an activity in an employment plan, the parent recipient shall promptly undertake a full-time education or training program.
 - (ii) The employment plan may describe courses, education or training goals, and classroom hours.
- (j)
- (i) The department may only provide cash assistance under this part if the parent recipient agrees in writing to make a good faith effort to comply with the parent recipient's employment plan.
 - (ii) The department shall establish a process to reconcile disputes between a parent recipient and the department as to whether:
 - (A) the parent recipient has made a good faith effort to comply with the employment plan; or
 - (B) the department has complied with the employment plan.
 - (iii) If a parent recipient consistently fails to show good faith in complying with the employment plan, the department may seek to terminate all or part of the cash assistance services provided under this part.
- (3) The department may only provide cash assistance on behalf of a minor child under this part if the minor child is:
- (a) enrolled in and attending school in compliance with Sections 53A-11-101.5 and 53A-11-101.7; or
 - (b) exempt from school attendance under Section 53A-11-102.
- (4) This section does not apply to a person who has received diversion assistance under Section 35A-3-303.
- (5)
- (a) The department may recruit and train volunteers to serve as mentors for parent recipients.
 - (b) A mentor may advocate on behalf of a parent recipient and help a parent recipient:
 - (i) develop life skills;
 - (ii) implement an employment plan; or
 - (iii) obtain services and support from:
 - (A) the volunteer mentor;

- (B) the department; or
- (C) civic organizations.

Amended by Chapter 105, 2016 General Session

35A-3-304.5 Drug testing requirements.

- (1)
 - (a) If the results of the written questionnaire described in Subsection 35A-3-304(2) indicate a reasonable likelihood that a parent recipient may have a substance use disorder involving the misuse of a controlled substance, the department shall require the parent recipient to meet with a licensed clinical therapist and be evaluated for a potential substance use disorder involving the misuse of a controlled substance.
 - (b) If the licensed clinical therapist determines that there is a reasonable likelihood that the parent recipient may have a substance use disorder involving the misuse of a controlled substance, the department shall require the parent applicant to take a drug test at the department's expense in order to continue to receive cash assistance under this part.
- (2) If a parent recipient refuses to meet with a licensed clinical therapist or take a drug test if required under Subsection (1), the department shall terminate cash assistance under this part and the parent recipient may not reapply for cash assistance under this part for:
 - (a) 90 days after a first refusal to meet with a licensed clinical therapist or take a drug test; or
 - (b) one year after a second refusal to meet with a licensed clinical therapist or take a drug test within one year.
- (3) A drug test given under this section shall be administered with due regard to the privacy and dignity of the person being tested.
- (4) Before taking a drug test under this section, a parent recipient may advise the person administering the test regarding any prescription or over-the-counter medication the parent recipient is taking.
- (5) The result of a drug test given under this section is a private record in accordance with Section 63G-2-302 and disclosure to a third party is prohibited except as provided under Title 63G, Chapter 2, Government Records Access and Management Act.
- (6) If a parent recipient tests negative for the unlawful use of a controlled substance after taking a drug test under Subsection (1), the parent recipient is eligible for cash assistance, subject to the other eligibility requirements of this part.
- (7) If a parent recipient tests positive for the unlawful use of a controlled substance after taking a drug test under Subsection (1), the parent recipient:
 - (a) shall be given a list of approved substance use disorder treatment providers that are available in the area in which the individual resides; and
 - (b) may continue to receive benefits if the parent recipient enters into and follows the requirements of the parent recipient's employment plan, including:
 - (i) receiving treatment, at the department's expense, from an approved substance use disorder treatment provider for at least 60 days;
 - (ii) testing negative for the unlawful use of a controlled substance:
 - (A) in each subsequent drug test required by department rule during treatment; and
 - (B) in an additional drug test given at the conclusion of treatment; and
 - (iii) meeting the other requirements of receiving cash assistance under this part.
- (8)
 - (a) The department shall terminate cash assistance under this part, if a parent recipient:
 - (i) declines to enter into an employment plan required by Subsection (7); or

- (ii) enters into, but fails to meet, a requirement of an employment plan under Subsection (7), including if the parent recipient refuses to take a drug test required by the employment plan or tests positive for the unlawful use of a controlled substance in a drug test required by the employment plan.
- (b) A parent recipient whose cash assistance has been terminated under Subsection (8)(a) may not reapply for cash assistance under this part for:
 - (i) except as provided in Subsection (8)(b)(ii), 90 days after the day on which the department determines, under this Subsection (8), that the parent recipient is no longer eligible for cash assistance; or
 - (ii) one year after the day on which the department determines, under this Subsection (8), that the parent recipient is no longer eligible for cash assistance, if the department has previously determined on at least one other occasion in the past year that the parent recipient is no longer eligible for cash assistance under this Subsection (8).

Amended by Chapter 105, 2016 General Session

35A-3-306 Limits on eligibility -- Transitional cash assistance.

- (1) As used in this section, "battered or subjected to extreme cruelty" has the same meaning as defined in The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 42 U.S.C. Sec. 608(a)(7)(C)(iii).
- (2) Except as provided in Subsection (4), the department may not provide cash assistance to a family who has received cash assistance for 36 months or more.
- (3)
 - (a) The department shall count toward the time limit described in Subsection (2) any time after January 1, 1997, during which:
 - (i) the parent recipient received cash assistance in this or another state; and
 - (ii) the parent recipient is disqualified from receiving cash assistance and the parent recipient's income and assets are counted in determining eligibility for the family in this or another state.
 - (b) The department may not count toward the time limit described in Subsection (2) or the time period described in Subsection (4) any time during which:
 - (i) a person 18 years of age or older received cash assistance as a minor child and not as a parent; or
 - (ii) a parent recipient received transitional cash assistance under Subsection (5).
- (4)
 - (a) The department may provide cash assistance to a family for up to 24 months beyond the time limit described in Subsection (2) if during the previous two months the parent recipient was employed for at least 20 hours per week.
 - (b) Notwithstanding the time limit described in Subsection (2), the department may provide cash assistance to a family beyond the time limit in Subsection (2):
 - (i) by reason of a hardship;
 - (ii) if the family includes an individual who has been battered or subjected to extreme cruelty; or
 - (iii) if a parent volunteers to fully participate in a department-approved employment and training activity as prescribed by rules made by the department in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
 - (c) Notwithstanding the time limit established in Subsection (4)(a), the department may provide cash assistance to a family beyond the additional time period in Subsection (4)(a):
 - (i) by reason of a hardship; or

- (ii) if the family includes an individual who has been battered or subjected to extreme cruelty.
 - (d) The department may only provide the additional cash assistance described in Subsections (4)(b) and (c) for up to 20% of the average monthly number of families who receive cash assistance under this part.
 - (e) Except as provided in Subsections (4)(b) and (c), the department may not provide cash assistance to a family who has received 60 months of cash assistance after October 1, 1996.
- (5)
- (a) The department may provide transitional cash assistance to a parent recipient:
 - (i) if the department determines the transitional cash assistance is necessary to stabilize employment and prevent recidivism of a recipient;
 - (ii) who was previously receiving cash assistance under the Family Employment Program but who becomes ineligible due to earned or unearned income; and
 - (iii) for a maximum of three months if the parent recipient is employed an average of 30 hours per week during the transitional period.
 - (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules for the provision of transitional cash assistance under this section.

Amended by Chapter 221, 2015 General Session

35A-3-307 Cash assistance to a single minor parent.

- (1) The department may provide cash assistance to a single minor parent in accordance with this section.
- (2) A single minor parent who receives cash assistance under this part shall:
 - (a) except as provided under Subsection (3), reside in a place of residence maintained by a parent, legal guardian, or other adult relative of the single minor parent;
 - (b) participate in education for parenting and life skills;
 - (c) participate in infant and child wellness programs approved by the department; and
 - (d) for at least 20 hours per week:
 - (i) if the single minor parent does not have a high school diploma, attend high school or an alternative to high school;
 - (ii) participate in education or training; or
 - (iii) participate in a combination of employment and education or training.
- (3)
 - (a) If the department determines that the requirements of Subsection (2)(a) are not appropriate for a single minor parent, the department may assist the single minor parent to obtain suitable living arrangements, including an adult-supervised living arrangement.
 - (b) The department may only provide cash assistance to a single minor parent who is exempt from the requirements of Subsection (2)(a) if the single minor parent resides in a living arrangement that is approved by the department.
 - (c) The approval by the department of a living arrangement under Subsection (3)(b):
 - (i) is a means of safeguarding the use of state and federal funds; and
 - (ii) is not a certification or guarantee of the safety, quality, or condition of the living arrangements of the single minor parent.
- (4)
 - (a) If a single minor parent resides with a parent, the department shall include the income of the parent of the single minor parent in determining the single minor parent's eligibility for services under this part.

- (b) If a single minor parent receives services under this chapter but does not reside with a parent, the department shall seek an order under Title 78B, Chapter 12, Utah Child Support Act, requiring the parent of the single minor parent to financially support the single minor parent.
- (5) The requirements of this section shall be included in a single minor parent's employment plan under Section 35A-3-304.

Amended by Chapter 221, 2015 General Session

35A-3-308 Adoption services -- Printed information -- Supports provided.

- (1) The department may provide assistance under this section to an applicant who is pregnant and is not receiving cash assistance at the beginning of the third trimester of pregnancy.
- (2) For a pregnant applicant, the department shall:
 - (a) refer the applicant for appropriate prenatal medical care, including maternal health services provided under Title 26, Chapter 10, Family Health Services;
 - (b) inform the applicant of free counseling about adoption from licensed child placement agencies and licensed attorneys; and
 - (c) offer the applicant the adoption information packet described in Subsection (3).
- (3) The department shall publish an adoption information packet that:
 - (a) is easy to understand;
 - (b) contains geographically indexed materials on the public and private organizations that provide adoption assistance;
 - (c) lists the names, addresses, and telephone numbers of licensed child placement agencies and licensed attorneys who place children for adoption;
 - (d) explains that private adoption is legal and that the law permits adoptive parents to reimburse the costs of prenatal care, childbirth, neonatal care, and other expenses related to pregnancy; and
 - (e) describes the services available to the applicant under this section.
- (4)
 - (a) A recipient remains eligible for assistance under this section, even though the recipient relinquishes a child for adoption, if the adoption is in accordance with Sections 78B-6-120 through 78B-6-122.
 - (b) The assistance provided under this section may include:
 - (i) reimbursement for expenses associated with care and confinement during pregnancy as provided in Subsection (5); and
 - (ii) for a maximum of 12 months from the date of relinquishment, coordination of services to assist the recipient in:
 - (A) receiving appropriate educational and occupational assessment and planning;
 - (B) enrolling in appropriate education or training programs, including high school completion and adult education programs;
 - (C) enrolling in programs that provide assistance with job readiness, employment counseling, finding employment, and work skills;
 - (D) finding suitable housing;
 - (E) receiving medical assistance, under Title 26, Chapter 18, Medical Assistance Act, if the recipient is otherwise eligible; and
 - (F) receiving counseling and other mental health services.
- (5)

- (a) Except as provided in Subsection (5)(b), a recipient under this section is eligible to receive an amount equal to the maximum monthly amount of cash assistance paid under this part to one person for up to 12 consecutive months from the date of relinquishment.
 - (b) If a recipient is otherwise eligible to receive cash assistance under this part, the recipient is eligible to receive an amount equal to the increase in cash assistance the recipient would have received but for the relinquishment for up to 12 consecutive months from the date of relinquishment.
- (6)
- (a) To remain eligible for assistance under this section, a recipient shall:
 - (i) with the cooperation of the department, develop and implement an employment plan that includes goals for achieving self-sufficiency and that describes the action the recipient will take concerning education and training to achieve full-time employment;
 - (ii) if the recipient does not have a high school diploma, enroll in high school or an alternative to high school and demonstrate progress toward graduation; and
 - (iii) make a good faith effort to meet the goals of the employment plan as described in Section 35A-3-304.
 - (b) Cash assistance provided to a recipient before the recipient relinquishes a child for adoption is part of the state plan.
 - (c) Assistance provided under Subsection (5):
 - (i) shall be provided for with state funds; and
 - (ii) may not be counted when determining subsequent eligibility for cash assistance under this chapter.
 - (d) The time limit provisions of Section 35A-3-306 apply to cash assistance provided under the state plan.
 - (e) The department shall monitor a recipient's compliance with this section.
 - (f) Except for Subsection (6)(b), Subsections (2) through (6) are excluded from the state plan.

Amended by Chapter 221, 2015 General Session

35A-3-309 Information regarding home ownership.

- (1) The department shall provide information and service coordination to assist an applicant in obtaining affordable housing.
- (2) The information and services may include:
 - (a) information from the Utah Housing Corporation and the Housing and Community Development Division regarding special housing programs, including programs for first-time home buyers and individuals with low and moderate incomes and the eligibility requirements for those programs;
 - (b) referrals to programs operated by volunteers from the real estate industry that assist applicants in obtaining affordable housing, including information on home ownership, down payments, closing costs, and credit requirements; and
 - (c) referrals to housing programs operated by municipalities, counties, local housing authorities, and nonprofit housing organizations that assist individuals in obtaining affordable housing, including first-time home ownership.

Amended by Chapter 221, 2015 General Session

35A-3-310 Child care services -- Rules.

- (1) An applicant may receive assistance for child care under this part for a minor child in the care and custody of the parent recipient, unless the other parent in a two-parent family:
 - (a) is capable of caring for the family's child;
 - (b) is not employed; and
 - (c) has not entered into an employment plan with the department.
- (2) The department shall encourage a parent recipient to obtain child care at no cost from a parent, sibling, relative, or other suitable provider.
- (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department may make rules governing eligibility for child care services for a minor child in the care and custody of a parent who does not receive cash assistance under this part.

Amended by Chapter 221, 2015 General Session

35A-3-310.5 Child care providers -- Criminal background checks -- Payment of costs -- Prohibitions -- Department rules.

- (1) This section applies to a child care provider who:
 - (a)
 - (i) is selected by a recipient of a child care assistance payment; or
 - (ii) is a recipient of a child care assistance payment;
 - (b) is not required to undergo a criminal background check with the Department of Health, Bureau of Child Care Licensing;
 - (c) is not a license exempt child care center or program; and
 - (d) is an eligible child care provider in accordance with department rules made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (2)
 - (a) A child care provider identified under Subsection (1) shall submit to the department the name and other identifying information, including a set of fingerprints, of:
 - (i) existing, new, and proposed individuals who provide or may provide child care; and
 - (ii) individuals who are at least 18 years of age and reside in the premises where the child care is provided.
 - (b) The Criminal Investigation and Technical Services Division created within the Department of Public Safety under Section 53-10-103 shall:
 - (i) process and conduct background checks on all individuals as requested by the department; and
 - (ii) submit required fingerprints to the U.S. Federal Bureau of Investigation for a national criminal history background check of the individual.
 - (c) The child care provider shall pay the cost of the history background check provided under Subsection (2)(b).
- (3)
 - (a) A child care provider identified under Subsection (1) shall submit to the department the name and other identifying information of an individual, age 12 through 17, who resides in the premises where the child care is provided.
 - (b) The department or its representative shall access juvenile court records to determine whether an individual described in Subsection (2) or (3)(a) has been adjudicated in juvenile court of committing an act which, if committed by an adult, would be a felony or misdemeanor if:
 - (i) the individual described in Subsection (2) is under the age of 28; or
 - (ii) the individual described in Subsection (2):
 - (A) is age 28 or older; and

- (B) has been convicted of, has pleaded no contest to, or is currently subject to a plea in abeyance or diversion agreement for a felony or misdemeanor.
- (4) Except as provided in Subsection (5), a child care provider under this section may not permit an individual described under Subsection (3)(b) to:
- (a) provide subsidized child care; or
 - (b) reside at the premises where subsidized child care is provided.
- (5)
- (a) The department may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to exempt the following from the restrictions of Subsection (4):
 - (i) a specific misdemeanor;
 - (ii) a specific act adjudicated in juvenile court, which if committed by an adult would be a misdemeanor; and
 - (iii) background checks of individuals other than the provider who are residing at the premises where subsidized child care is provided if that child care is provided in the child's home.
 - (b) In accordance with criteria established by department rules made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the executive director or the director's designee may consider and exempt individual cases, not otherwise exempt under Subsection (5)(a), from the restrictions of Subsection (4).
- (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules to determine:
- (a) whether a child care subsidy payment should be made prior to the completion of a background check, particularly in the case of a delay in making or completing the background check; and
 - (b) if, and how often, a child care provider shall resubmit the information required under Subsections (2) and (3).

Amended by Chapter 296, 2016 General Session

35A-3-311 Cash assistance to noncitizen legal residents and drug dependent persons.

- (1) If barred from using federal funds under federal law, the department may provide cash assistance to a legal resident who is not a citizen of the United States using funds appropriated from the General Fund.
- (2)
- (a) The State exercises the opt out provision in Section 115 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193.
 - (b) Consistent with Subsection (2)(a), the department may provide cash assistance and SNAP benefits to a person who has been convicted of a felony involving a controlled substance, as defined in Section 58-37-2.
 - (c) As a condition for receiving cash assistance under this part, a drug dependant person, as defined in Section 58-37-2, shall:
 - (i) receive available treatment for the dependency; and
 - (ii) make progress toward overcoming the dependency.
 - (d) The department may only refer a recipient who is a drug dependent person to a treatment provider for treating drug dependency if the provider has achieved an objective level of success, as defined by department rules made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Amended by Chapter 221, 2015 General Session

35A-3-312 Individual development accounts.

- (1) As used in this section:
 - (a) "Individual development account" means a trust account funded through periodic contributions by a recipient and matched by or through a not-for-profit organization organized under Section 501(c)(3), Internal Revenue Code.
 - (b) "Qualified acquisition costs" means the costs of acquiring, constructing, or reconstructing a residence, including settlement and closing costs.
 - (c) "Qualified businesses capitalization expenses" means expenditures for capital, plant, equipment, working capital, and inventory.
- (2) An individual development account may be established by or on behalf of a recipient to enable the recipient to accumulate funds for the following purposes:
 - (a) postsecondary educational expenses, including tuition, fees, books, supplies, and transportation costs, if:
 - (i) the recipient has terminated cash assistance under this chapter; and
 - (ii) the expenses are paid from the individual development account directly to an educational institution that the recipient is attending as part of an employment plan;
 - (b) qualified acquisition costs associated with a first-time home purchase if paid from the individual development account directly to a person to whom the amount is due;
 - (c) amounts paid from an individual development account directly to a business capitalization account that is established in a federally insured financial institution and used solely for qualified business capitalization expenses; or
 - (d) the purchase of assistive technologies, vehicle modifications, or home improvements to allow a recipient with a disability to participate in work-related activities.
- (3) A recipient may only deposit earned income and funds received from a not-for-profit organization into an individual development account.

Amended by Chapter 221, 2015 General Session

35A-3-313 Performance goals.

- (1) The department shall establish a performance monitoring system for cash assistance provided under this part.
- (2) The department shall establish the performance indicators and performance goals that will be used in the performance monitoring system for cash assistance under this part.
- (3)
 - (a) The department shall include in the annual written report described in Section 35A-1-109, a description of the difference between actual performance and performance goals for the second, third, and fourth quarters of the prior fiscal year and the first quarter of the current fiscal year.
 - (b)
 - (i) The legislative fiscal analyst or the analyst's designee shall convey the information described in Subsection (3)(a) to the appropriation subcommittee that has oversight responsibilities for the Department of Workforce Services during the general session of the Legislature that follows the submission of the report.
 - (ii) The subcommittee may consider the information in its deliberations regarding the budget for services under this chapter.

Amended by Chapter 221, 2015 General Session

