

## Chapter 9 Intergenerational Poverty Mitigation Act

### Part 1 General Provisions

#### **35A-9-101 Title.**

This chapter is known as the "Intergenerational Poverty Mitigation Act."

Enacted by Chapter 185, 2012 General Session

#### **35A-9-102 Definitions.**

As used in this chapter:

- (1) "Cycle of poverty" or "poverty cycle" means the set of factors or events by which the long-term poverty of a person is likely to continue and be experienced by each child of the person when the child becomes an adult unless there is outside intervention.
- (2)
  - (a) "Intergenerational poverty" means poverty in which two or more successive generations of a family continue in the cycle of poverty and government dependance.
  - (b) "Intergenerational poverty" does not include situational poverty.
- (3) "Poverty" means the state of a person who lacks a usual or socially acceptable amount of money or material possessions as demonstrated by the person's income level being at or below the United States poverty level as defined by the most recently revised poverty income guidelines published by the United States Department of Health and Human Services in the Federal Register.
- (4) "Situational poverty" means temporary poverty that:
  - (a) is generally traceable to a specific incident or time period within the lifetime of a person; and
  - (b) is not continued to the next generation.

Enacted by Chapter 185, 2012 General Session

### Part 2 Intergenerational Poverty Tracking System

#### **35A-9-201 Intergenerational poverty tracking system -- Data -- Analysis -- Annual report.**

- (1) The department shall establish and maintain a system to track intergenerational poverty.
- (2) The system shall:
  - (a) identify groups that have a high risk of experiencing intergenerational poverty;
  - (b) identify incidents, patterns, and trends that explain or contribute to intergenerational poverty;
  - (c) assist case workers, social scientists, and government officials in the study and development of effective and efficient plans and programs to help individuals and families in the state to break the cycle of poverty; and
  - (d) gather and track available local, state, and national data on:
    - (i) official poverty rates;
    - (ii) child poverty rates;
    - (iii) years spent by individuals in childhood poverty;

- (iv) years spent by individuals in adult poverty; and
  - (v) related poverty information.
- (3) The department shall:
- (a) use available data in the tracking system, including public assistance data, census data, and other data made available to the department;
  - (b) develop and implement methods to integrate, compare, analyze, and validate the data for the purposes described in Subsection (2);
  - (c) protect the privacy of individuals living in poverty by using and distributing data within the tracking system in compliance with:
    - (i) federal requirements; and
    - (ii) the provisions of Title 63G, Chapter 2, Government Records Access and Management Act; and
  - (d) include in the annual written report described in Section 35A-1-109, a report on the data, findings, and potential uses of the tracking system.

Amended by Chapter 371, 2014 General Session

### **Part 3**

## **Utah Intergenerational Welfare Reform Commission**

### **35A-9-301 Creation of the Utah Intergenerational Welfare Reform Commission.**

There is created the Utah Intergenerational Welfare Reform Commission composed of the following seven members:

- (1) the lieutenant governor;
- (2) the executive director of the Department of Workforce Services or the deputy director if designated by the executive director;
- (3) the executive director of the Department of Health or the deputy director if designated by the executive director;
- (4) the executive director of the Department of Human Services or the deputy director if designated by the executive director;
- (5) the state superintendent of public education or the deputy state superintendent if designated by the superintendent;
- (6) the state juvenile court administrator; and
- (7) the chair of the Intergenerational Poverty Advisory Committee created in Section 35A-9-304.

Amended by Chapter 296, 2016 General Session

### **35A-9-302 Chair of commission -- Meetings -- Quorum -- Staff support.**

- (1) The lieutenant governor shall serve as chair of the commission.
- (2) The executive director of the Department of Workforce Services, or the deputy director of the Department of Workforce Services if designated by the executive director, shall serve as vice chair of the commission.
- (3) The chair:
  - (a) is responsible for the call and conduct of meetings;
  - (b) shall call and hold meetings of the commission at least quarterly;
  - (c) shall call additional meetings upon request by a majority of the commission's members; and

- (d) may delegate duties to the vice chair.
- (4) A majority of the members of the commission constitutes a quorum of the commission at any meeting and the action of the majority of members present is the action of the commission.
- (5) The Department of Workforce Services shall provide staff support to the commission.

Amended by Chapter 296, 2016 General Session

**35A-9-303 Purpose and duties of commission.**

- (1) The commission's purpose is to:
  - (a) collaborate in sharing and analyzing data and information regarding intergenerational poverty in the state with a primary focus on data and information regarding children who are at risk of continuing the cycle of poverty and welfare dependency unless outside intervention is made;
  - (b) examine and analyze shared data and information regarding intergenerational poverty, including the data provided by the intergenerational poverty report described in Section 35A-9-201, to identify and develop effective and efficient plans, programs, and recommendations to help at-risk children in the state escape the cycle of poverty and welfare dependency, which may include avoiding homelessness among children at risk of remaining in poverty;
  - (c) implement data-driven policies and programs addressing poverty, public assistance, education, and other areas as needed to measurably reduce the incidence of children in the state who remain in the cycle of poverty and welfare dependency as they become adults;
  - (d) establish and facilitate improved cooperation between state agencies down to the case worker level in rescuing children from intergenerational poverty and welfare dependency; and
  - (e) encourage participation and input from the Intergenerational Poverty Advisory Committee established in Section 35A-9-304 and other community resources, including academic experts, advocacy groups, nonprofit corporations, local governments, and religious institutions in exploring strategies and solutions to help children in the state who are victims of intergenerational poverty escape the cycle of poverty and welfare dependency.
- (2) The commission shall:
  - (a) fulfill the commission's purposes as listed in Subsection (1);
  - (b) study, evaluate, and report on the status and effectiveness of policies, procedures, and programs that provide services to children in the state affected by intergenerational poverty and welfare dependency;
  - (c) study and evaluate the policies, procedures, and programs implemented by other states and nongovernmental entities that address the needs of children affected by intergenerational poverty and welfare dependency;
  - (d)
    - (i) identify policies, procedures, and programs, including any lack of interagency data sharing, lack of policy coordination, or current federal requirements, that are impeding efforts to help children in the state affected by intergenerational poverty escape the poverty cycle and welfare dependency; and
    - (ii) implement and recommend changes to those policies and procedures;
  - (e) create an ongoing five- and ten-year plan, which is updated annually, containing:
    - (i) measurable goals and benchmarks, including future action needed to attain those goals and benchmarks, for:
      - (A) decreasing the incidence of intergenerational poverty among the state's children, including reducing the incidence of homelessness among children affected by intergenerational poverty; and

- (B) increasing the number of the state's children who escape the poverty cycle and welfare dependency;
  - (ii) implement policy, procedure, and program changes to address the needs of children affected by intergenerational poverty and help those children escape the poverty cycle and welfare dependency, including, as available over time, data to track the effectiveness of each change; and
  - (iii) recommend policy, procedure, and program changes to address the needs of children affected by intergenerational poverty and to help those children escape the poverty cycle and welfare dependency, including the steps that will be required to make the recommended changes and whether further action is required by the Legislature or the federal government;
  - (f) ensure that each change and recommended change to a policy, procedure, or program, which is made by the commission, is supported by verifiable data;
  - (g) protect the privacy of individuals living in poverty by using and distributing the data it collects or examines in compliance with:
    - (i) federal requirements; and
    - (ii) the provisions of Title 63G, Chapter 2, Government Records Access and Management Act; and
  - (h) provide a forum for public comment and participation in efforts to help children in the state escape the cycle of poverty and welfare dependency.
- (3) To accomplish its duties, the commission may:
- (a) request and receive from any state or local governmental agency or institution, information relating to poverty in the state, including:
    - (i) reports;
    - (ii) audits;
    - (iii) data;
    - (iv) projections; and
    - (v) statistics; and
  - (b) appoint special committees, in addition to the advisory committee described in Section 35A-9-304, to advise and assist the commission.
- (4)
- (a) Members of a special committee described in Subsection (3)(b):
    - (i) shall be appointed by the commission;
    - (ii) may be:
      - (A) members of the commission; or
      - (B) individuals from the private or public sector; and
    - (iii) notwithstanding Section 35A-9-305, may not receive reimbursement or pay for work done in relation to the special committee.
  - (b) A special committee described in Subsection (3)(b) shall report to the commission on the progress of the special committee.

Amended by Chapter 407, 2017 General Session

**35A-9-304 Intergenerational Poverty Advisory Committee -- Creation -- Duties.**

- (1) To assist the commission, there is created the Intergenerational Poverty Advisory Committee.
- (2) The advisory committee shall be composed of no more than 11 members.
- (3) Members of the advisory committee shall be appointed by the chair of the commission, with the approval of the commission, and shall include at least one member from each of the following groups:

- (a) advocacy groups that focus on childhood poverty issues;
  - (b) advocacy groups that focus on education issues;
  - (c) academic experts in childhood poverty or education issues;
  - (d) faith-based organizations that address childhood poverty or education issues; and
  - (e) local government representatives that address childhood poverty or education issues.
- (4) Subject to Subsection (5), each member of the advisory committee shall be appointed for a four-year term unless a member is appointed to complete an unexpired term.
- (5) The commission chair may adjust the length of term at the time of appointment or reappointment so that approximately half of the advisory committee is appointed every two years.
- (6) The commission chair may remove an advisory committee member:
- (a) if the member is unable or unwilling to carry out the member's assigned responsibilities; or
  - (b) for good cause.
- (7) If a vacancy occurs in the advisory committee membership for any reason, a replacement may be appointed for the unexpired term.
- (8) The commission chair shall select a chair of the advisory committee on an annual basis.
- (9) A majority of the advisory committee constitutes a quorum of the advisory committee at any meeting and the action of the majority of members present are the action of the advisory committee.
- (10) The advisory committee shall:
- (a) meet at least twice a year at the request of the commission chair or the chair of the advisory committee;
  - (b) make recommendations to the commission on how the commission and the state can effectively address the needs of children affected by intergenerational poverty and achieve the purposes and duties of the commission as described in Section 35A-9-303; and
  - (c) ensure that the advisory committee's recommendations to the commission are supported by verifiable data.
- (11) The Department of Workforce Services shall provide staff support to the advisory committee.

Enacted by Chapter 59, 2013 General Session

**35A-9-305 Annual report by the commission.**

- (1) The commission shall provide a report to the department for inclusion in the department's annual written report described in Section 35A-1-109.
- (2) The report shall:
- (a) include the five and 10-year plans described in Subsection 35A-9-303(2)(e);
  - (b) describe how the commission fulfilled its statutory purposes and duties during the year;
  - (c) describe policies, procedures, and programs that have been implemented or modified to help break the cycle of poverty and end welfare dependency for children in the state affected by intergenerational poverty; and
  - (d) contain recommendations on how the state should act to address issues relating to breaking the cycle of poverty and ending welfare dependency for children in the state affected by intergenerational poverty.

Amended by Chapter 371, 2014 General Session

**35A-9-306 Members serve without pay -- Reimbursement for expenses.**

A member of the commission or the advisory committee may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

- (1) Section 63A-3-106;
- (2) Section 63A-3-107; and
- (3) rules by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Enacted by Chapter 59, 2013 General Session

## **Part 4**

### **Intergenerational Poverty School Readiness Scholarship Eligibility**

#### **35A-9-401 Eligibility determination -- Awarding of scholarship.**

- (1) As used in this section:
  - (a) "Eligible child" means an individual who:
    - (i) is experiencing intergenerational poverty;
    - (ii) will be four years of age on or before September 2 of the school year in which the individual intends to enroll in a school readiness program; and
    - (iii) has not enrolled in kindergarten, as reported by the individual's parent or legal guardian.
  - (b) "Intergenerational poverty" means the same as that term is defined in Section 35A-9-102.
  - (c) "Intergenerational poverty scholarship" or "IGP scholarship" means the same as that term is defined in Section 53F-5-301.
- (2) The department shall determine if an applicant for an IGP scholarship is eligible for the Intergenerational Poverty School Readiness Scholarship Program, created in Section 53F-5-305.
- (3) An individual may apply to the department annually to qualify for a scholarship for an eligible child to attend a high quality school readiness program.
- (4)
  - (a) The department shall create an application form that requires an applicant to provide the information necessary for the department to make the eligibility determination described in Subsection (5).
  - (b) The department may:
    - (i) require an applicant to submit supporting documentation; and
    - (ii) create a deadline for an applicant to apply for an IGP scholarship.
- (5) The department shall determine if:
  - (a) the information contained in an application submitted under Subsection (3) is accurate and complete; and
  - (b) the child for whom the applicant is applying for an IGP scholarship is an eligible child.
- (6)
  - (a) Except as provided in Subsection (6)(b), and subject to legislative appropriations, the department shall:
    - (i) award an IGP scholarship for an individual who is determined to be an eligible child under Subsection (5); and
    - (ii) with input from the State Board of Education, determine the value of an IGP scholarship.

- (b) If the department receives an appropriation for IGP scholarships that is not sufficient to award a scholarship to each eligible child, the department shall prioritize awarding IGP scholarships to eligible children who are at the highest risk as determined by the department.
- (7) The department shall coordinate with the State Board of Education, as necessary, to enroll a recipient of an IGP scholarship in a high quality school readiness program of the recipient's parent's choice, space permitting, as described in Section 53F-5-305.
- (8) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules to administer this section.

Amended by Chapter 415, 2018 General Session

## **Part 5**

### **Intergenerational Poverty Plan Implementation Pilot Program**

#### **35A-9-501 Intergenerational Poverty Plan Implementation Pilot Program.**

- (1) As used in this section:
  - (a) "Commission" means the Utah Intergenerational Welfare Reform Commission created in Section 35A-9-301.
  - (b) "Intergenerational poverty" means the same as that term is defined in Section 35A-9-102.
  - (c) "Program" means the Intergenerational Poverty Plan Implementation Pilot Program created in this section.
- (2) There is created the Intergenerational Poverty Plan Implementation Pilot Program to provide funding for counties to implement local solutions to address intergenerational poverty.
- (3)
  - (a) A county or a group of contiguous counties may submit a proposal to the department to participate in the program.
  - (b) A proposal described in Subsection (3)(a) shall:
    - (i) specify:
      - (A) outcomes that will address intergenerational poverty that the funding would be used to achieve;
      - (B) indicators that would be used to measure progress toward the specified outcomes;
      - (C) baseline measurements for each specified outcome and indicator against which progress will be measured; and
      - (D) the total amount of money needed to achieve the specified outcomes;
    - (ii) align with the goals of the commission's five- and ten-year plan described in Subsection 35A-9-303(2)(e); and
    - (iii) include any other information requested by the department.
- (4) The department may:
  - (a) specify the format for a proposal;
  - (b) set a deadline for a county or group of counties to submit a proposal;
  - (c) define criteria for selecting a county or group of counties to participate in the program, which may include:
    - (i) a significant number of individuals within the county or group of counties experiencing intergenerational poverty;
    - (ii) an established strategic plan to address intergenerational poverty;
    - (iii) evidence of strong engagement and leadership;

- (iv) partnerships with agencies overseeing:
    - (A) human services;
    - (B) early childhood services;
    - (C) public health;
    - (D) public education;
    - (E) workforce development;
    - (F) economic development;
    - (G) higher education;
    - (H) behavioral health; and
    - (I) juvenile justice; and
  - (v) partnerships with organizations representing families experiencing poverty.
- (5) During fiscal year 2019, the department shall:
- (a)
    - (i) except as provided in Subsection (5)(a)(ii), select at least one county of the second class and at least one county or group of counties of the third, fourth, fifth, or sixth class to receive a grant; or
    - (ii) if the department receives an appropriation for the program that is not sufficient to have a significant impact on reducing intergenerational poverty in more than one region, as determined by the department, select one county or group of counties to receive a grant;
  - (b) award grants under this Subsection (5):
    - (i) on a competitive basis;
    - (ii) using criteria described in Subsection (4)(c); and
    - (iii) upon considering recommendations from the commission regarding grant applicants; and
  - (c) subject to legislative appropriations, determine the value of each grant awarded under this Subsection (5).
- (6) During fiscal year 2020, if funding allows, the department may select additional counties to participate in the program.
- (7) A county or group of counties that receives a grant under the program shall:
- (a) provide a cash or in-kind match that is equal to at least 25% of the amount of the grant;
  - (b) use the funds provided by the program and the cash or in-kind match for purposes described in Subsection (3)(b)(i) and approved by the department; and
  - (c) report quarterly to the department on progress regarding the indicators and outcomes described in Subsection (3)(b)(i).
- (8) The department shall include, in the department's annual report described in Section 35A-1-109, a description of the program, including the number and amounts of grants awarded, the recipients of the grants, and an evaluation of the progress grant recipients have made toward the indicators and outcomes described in Subsection (3)(b)(i).
- (9) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department may make rules to administer this section.

Enacted by Chapter 232, 2018 General Session