

Chapter 3
Employment Support Act

Part 1
Basic Services and Support

35A-3-101 Title.

This chapter is known as the "Employment Support Act."

Amended by Chapter 221, 2015 General Session

35A-3-102 Definitions.

As used in this chapter:

- (1) "Adjudicative proceeding" has the same meaning as defined in Section 63G-4-103.
- (2) "Administrative order" means an order issued by the department that addresses an overpayment of public assistance.
- (3) "Applicant" means a person who requests assistance under this chapter.
- (4) "Approved self-reliance training" means an educational class, training session, or counseling session:
 - (a) approved by the department;
 - (b) described in Section 35A-3-118; and
 - (c) provided at no cost to a client.
- (5) "Assignment of support" means the transfer to the state of a recipient's right to receive support from another person that accrues during the period the recipient receives public assistance, including a right to receive support on behalf of any family member for whom the recipient is applying for or receiving assistance.
- (6) "Average monthly number of families" means the average number of families who received cash assistance on a monthly basis during the previous federal fiscal year.
- (7) "Cash assistance" means the monthly dollar amount a recipient is eligible to receive under the Family Employment Program under Section 35A-3-302.
- (8) "Child care services" means care of a child by a responsible person who is not the child's parent or legal guardian, for a portion of the day that is less than 24 hours in a qualified setting, as defined by rules made by the department in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (9)
 - (a) "Civic organization" means an organization that provides services to its community.
 - (b) "Civic organization" includes a community service club or organization, a charitable health care or service organization, a fraternal organization, a labor union, a minority or ethnic organization, a commercial or industrial organization, a commerce or business club, a private nonprofit organization, a private nonprofit corporation that provides funding to a community service organization, an organization that advocates or provides for the needs of persons with low incomes, a religious organization, and an organization that fosters strong neighborhoods and communities.
- (10) "Core programs" means the following activities as described in 29 U.S.C. Sec. 3102:
 - (a) youth services;
 - (b) adult employment and training services;
 - (c) dislocated worker employment and training services;

- (d) adult education and literacy activities;
 - (e) employment services; and
 - (f) vocational rehabilitation services.
- (11) "Court order" means a judgment or order of a court of this state, another state, or the federal government that addresses an overpayment of public assistance.
- (12) "Date of enrollment" means the date on which the applicant was approved as eligible for cash assistance.
- (13) "Director" means the director of the division assigned by the department to administer a program.
- (14) "Diversion" or "diversion payment" means a one-time cash assistance payment under Section 35A-3-303 to a recipient who is eligible for cash assistance, but does not require extended cash assistance under Part 3, Family Employment Program.
- (15) "Education or training" means education or training in accordance with 29 U.S.C. Sec. 3174 and includes:
- (a) basic remedial education;
 - (b) adult education;
 - (c) high school education;
 - (d) education to obtain the equivalent of a high school diploma;
 - (e) education to learn English as a second language;
 - (f) applied technology training;
 - (g) employment or occupational skills training;
 - (h) on-the-job training;
 - (i) incumbent worker training;
 - (j) programs that combine workplace training with related instruction, which may include cooperative education programs;
 - (k) training programs operated by the private sector;
 - (l) skills upgrading and retraining;
 - (m) entrepreneurial training; or
 - (n) customized training conducted with a commitment by an employer to employ an individual upon successful completion of the training.
- (16) "Full-time education or training" means training on a full-time basis as defined by the educational institution attended by the parent recipient.
- (17) "General assistance" means financial assistance provided to a person under Part 4, General Assistance.
- (18) "Licensed clinical therapist" means an individual licensed by the state under:
- (a) Title 58, Chapter 60, Part 2, Social Worker Licensing Act;
 - (b) Title 58, Chapter 60, Part 3, Marriage and Family Therapist Licensing Act;
 - (c) Title 58, Chapter 60, Part 4, Clinical Mental Health Counselor Licensing Act; or
 - (d) Title 58, Chapter 61, Psychologist Licensing Act.
- (19) "Notice of agency action" means the notice required to commence an adjudicative proceeding as described in Section 63G-4-201.
- (20) "Obligor" means an individual:
- (a) who is liable to the state under Section 35A-3-603 and applicable federal statutes and regulations; or
 - (b) against whom an administrative or judicial order determining overpayment has been obtained.
- (21)

- (a) "Overpayment" means money, public assistance, or another item of value provided under a state or federally funded benefit program to a person that is not entitled to receive it or is not entitled to receive it at the level provided.
- (b) "Overpayment" includes money paid to a provider under this title in connection with public assistance or another publicly funded assistance program to the extent that the provider receives payment:
 - (i) for goods or services not provided; or
 - (ii) in excess of the amount to which the provider is entitled.
- (22) "Parent recipient" means a person who enters into an employment plan with the department to qualify for cash assistance under Part 3, Family Employment Program.
- (23) "Performance goals" means a target level of performance that will be compared to actual performance.
- (24) "Performance indicators" means actual performance information regarding a program or activity.
- (25) "Performance monitoring system" means a process to regularly collect and analyze performance information, including performance indicators and performance goals.
- (26) "Plan" or "state plan" means the state plan submitted to the Secretary of the United States Department of Health and Human Services to receive funding from the United States through the Temporary Assistance for Needy Families Block Grant in accordance with 42 U.S.C. Sec. 602.
- (27) "Recipient" means a person who is qualified to receive, is receiving, or has received assistance under this chapter.
- (28) "Single minor parent" means a person under 18 years of age who is not married and has a minor child in the person's care and custody.
- (29) "Transitional cash assistance" means assistance provided to a recipient to stabilize employment and reduce the future use of cash assistance provided under Part 3, Family Employment Program.

Amended by Chapter 105, 2016 General Session

Amended by Chapter 296, 2016 General Session

Amended by Chapter 297, 2016 General Session

35A-3-103 Department responsibilities.

The department shall:

- (1) administer public assistance programs assigned by the Legislature and the governor;
- (2) determine eligibility for public assistance programs in accordance with the requirements of this chapter;
- (3) cooperate with the federal government in the administration of public assistance programs;
- (4) administer state employment services;
- (5) provide for the compilation of necessary or desirable information, statistics, and reports;
- (6) perform other duties and functions required by law;
- (7) monitor the application of eligibility policy;
- (8) develop personnel training programs for effective and efficient operation of the programs administered by the department;
- (9) provide refugee resettlement services in accordance with Section 35A-3-701;
- (10) provide child care assistance for children in accordance with Part 2, Office of Child Care;
- (11) provide services that enable an applicant or recipient to qualify for affordable housing in cooperation with:

- (a) the Utah Housing Corporation;
 - (b) the Housing and Community Development Division; and
 - (c) local housing authorities;
- (12) administer the Medicaid Eligibility Quality Control function in accordance with 42 C.F.R. Sec. 431.812; and
- (13) conduct non-clinical eligibility hearings and issue final decisions in adjudicative proceedings, including expedited appeals as defined in 42 C.F.R. Sec. 431.224, for medical assistance eligibility under:
- (a) Title 26B, Chapter 3, Health Care - Administration and Assistance; or
 - (b) Title 26B, Chapter 3, Part 9, Utah Children's Health Insurance Program.

Amended by Chapter 328, 2023 General Session

35A-3-103.5 Employment and the provision of services for the disabled.

- (1) As used in this section, "recipient" means an individual who:
- (a) has a disability;
 - (b) suffers from a mental illness; or
 - (c) is undergoing treatment for a substance abuse problem.
- (2) Subject to funds made available for this purpose and subject to federal and state law, when providing services to a recipient in the programs provided under this chapter, the department shall give priority to providing services that assist an eligible recipient in obtaining and retaining meaningful and gainful employment that enables the recipient to earn sufficient income to:
- (a) purchase goods and services;
 - (b) establish self-sufficiency; and
 - (c) exercise economic control of the recipient's life.
- (3) The department shall develop a written plan to implement the policy described in Subsection (2) that includes:
- (a) assessing the strengths and needs of a recipient;
 - (b) customizing strength-based approaches to obtaining employment;
 - (c) expecting, encouraging, providing, and rewarding employment:
 - (i) integrated employment in the workplace at competitive wages and benefits; and
 - (ii) self-employment;
 - (d) developing partnerships with potential employers;
 - (e) maximizing appropriate employment training opportunities;
 - (f) coordinating services with other government agencies and community resources;
 - (g) to the extent possible, eliminating practices and policies that interfere with the policy described in Subsection (2); and
 - (h) arranging sub-minimum wage work or volunteer work for an eligible recipient when employment at market rates cannot be obtained.
- (4) The department shall, on an annual basis:
- (a) set goals to implement the policy described in Subsection (2) and the plan described in Subsection (3);
 - (b) determine whether the goals for the previous year have been met; and
 - (c) modify the plan described in Subsection (3) as needed.

Amended by Chapter 221, 2015 General Session

35A-3-104 Contracts for administration and provision of public assistance.

The department may contract with other public or private agencies to assist in the administration and provision of public assistance.

Amended by Chapter 221, 2015 General Session

35A-3-105 Determination of eligibility and responsibility -- Information from State Tax Commission.

- (1) The department may have access to relevant information contained in the income tax returns of an applicant, a recipient, or a person who has a duty to support an applicant or recipient, in determining:
 - (a) eligibility for public assistance;
 - (b) payment responsibilities for institutional care; or
 - (c) any other administrative purpose consistent with this chapter.
- (2) The information requested by the department shall be:
 - (a) provided by the State Tax Commission on forms furnished by the department; and
 - (b) treated by the department as a private record under Title 63G, Chapter 2, Government Records Access and Management Act.

Amended by Chapter 221, 2015 General Session

35A-3-106 Residency requirements.

- (1) An applicant is only eligible for public assistance under this chapter if the applicant is living in Utah voluntarily with the intention of making the state the applicant's place of residence.
- (2) An applicant is not eligible for public assistance under this chapter if the applicant is living in Utah for a temporary purpose.

Amended by Chapter 221, 2015 General Session

35A-3-108 Assignment of support.

- (1)
 - (a) An applicant shall provide an assignment of support to the department regardless of whether the payment is court ordered.
 - (b) Upon the receipt of public assistance, any right of the recipient to receive support from another person passes to the state, including a right to support on behalf of any family member for whom the recipient is applying for or receiving assistance, even if the recipient has not executed and delivered an assignment of support to the department as required by Subsection (1)(a).
- (2) An assignment of support, or a right to receive support passed to the state, includes payments ordered, decreed, or adjudged by a court within this state, another state, or a territory of the United States and is not in lieu of, and does not supersede or alter, any other court order, decree, or judgment.
- (3) When an assignment of support is executed or the right to support passes to the state under this section, the recipient is eligible to regular monthly assistance and the support paid to the state is a refund.
- (4) All money refunded under this section shall be deposited into the General Fund, except any amount which is required to be credited to the federal government.

- (5) On and after the date a recipient stops receiving cash assistance, an assignment of support under this section does not apply to support that accrued before the recipient received the cash assistance if:
 - (a) the state has not collected the support by the date the recipient stops receiving cash assistance; and
 - (b) the assignment was executed on or after October 1, 1998.
- (6) The state shall distribute arrearages to a recipient in accordance with the requirements of the Social Security Act, 42 U.S.C. Sec. 657.
- (7) When an assignment of support includes child support, the total amount of child support assigned to the state and collected under this section may not exceed the total amount of cash assistance received by the recipient.

Amended by Chapter 221, 2015 General Session

35A-3-109 Assistance provided to guardian or other caretaker -- Periodic review.

- (1) At the discretion of the department, the department may pay the public assistance to the legal guardian of a recipient.
- (2) The department may only provide cash assistance on behalf of an eligible recipient under Part 3, Family Employment Program, to another individual interested in or concerned with the welfare of the recipient if:
 - (a) by reason of the recipient's physical or mental condition, the recipient is unable to manage funds;
 - (b) the provision of cash assistance directly to the recipient would be contrary to the recipient's welfare; or
 - (c) the department is acting according to federal requirements.
- (3) The department shall:
 - (a) undertake or contract with other state agencies to make special efforts to protect the welfare of a recipient and improve the recipient's capacity for self-care; and
 - (b) periodically review a recipient's condition to determine whether, in the best interest of the recipient:
 - (i) cash assistance that is provided to an individual other than the recipient should be discontinued; or
 - (ii) a legal guardian should be appointed.

Amended by Chapter 221, 2015 General Session

35A-3-110 Third party obligation -- Interest.

- (1) If the department expends public assistance on behalf of a recipient for services or supplies, for which another person is obligated to reimburse the department, the department shall notify the person of the obligation to make the reimbursement.
- (2) Upon receiving notification under Subsection (1), the notified person shall make the reimbursement within 60 days.
- (3) After the time period established under Subsection (2), the department shall charge interest on any unpaid balance at the rate of 8% per annum unless an extension is granted by the department.

Amended by Chapter 221, 2015 General Session

35A-3-111 Collection of overpayments.

- (1) The department shall recover overpayments as described in Section 35A-3-603.
- (2) An excess property lien that is required by a department program, but is not transferred to the federal government, remains a condition of eligibility in public assistance programs.
- (3) A recipient may appeal an initial department determination that there has been an overpayment under rules made by the department in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Amended by Chapter 221, 2015 General Session

35A-3-112 Assistance not assignable -- Exemption from execution, garnishment, bankruptcy, or insolvency proceedings.

- (1) Public assistance provided under this chapter is not assignable at law or in equity.
- (2) None of the money paid or payable under this chapter is subject to:
 - (a) execution, levy, attachment, garnishment, or other legal process; or
 - (b) the operation of bankruptcy or insolvency law.

Amended by Chapter 221, 2015 General Session

35A-3-113 Prohibition of charges or fees for representing applicants or recipients.

Except for criminal proceedings, a person may not charge or receive a fee for representing an applicant or recipient in a proceeding under this chapter, or with respect to an application, in an amount greater than the amount determined by the court or body before whom an applicant or recipient has been represented regardless of who pays the charge or fee.

Amended by Chapter 221, 2015 General Session

35A-3-118 Self-reliance training.

- (1) If the department determines that it is not prohibited under federal law or regulation, a client who is at least 21 years old, but who is younger than 65 years old, and who is receiving public assistance under this chapter, shall complete at least two hours of approved self-reliance training within 90 days of the first day of receiving public assistance.
- (2) If the department determines that federal law or regulation regarding a specific service or benefit under this chapter prohibits requiring a client to complete at least two hours of self-reliance training within 90 days of first receiving public assistance, the department shall:
 - (a) seek a waiver from the appropriate federal agency to allow requiring the training; and
 - (b) inform the client about the option of completing self-reliance training.
- (3) The department shall ensure that approved self-reliance training:
 - (a) is designed to help clients learn to become financially stable and less dependent on government assistance;
 - (b) teaches skills and knowledge that will assist clients in becoming self-reliant;
 - (c) is available at sufficient times and places to enable clients to reasonably complete the training;
 - (d) is offered at no cost to clients;
 - (e) includes an option for online training; and
 - (f) is provided and taught in a manner that is sensitive to the specific needs and challenges of clients, including:
 - (i) employment situations and work schedules;

- (ii) health or disability related employment issues;
 - (iii) family care responsibilities and schedules; and
 - (iv) transportation issues.
- (4) Approved self-reliance training may be offered by the department or any of the following if approved by the department:
- (a) a civic organization as defined in Section 35A-3-102;
 - (b) a for-profit entity;
 - (c) an educational institution; or
 - (d) any state or local entity.
- (5) The director may contract with a civic organization to provide approved self-reliance training, if the director follows the procedures for contracting with a civic organization for the provision of social capital as described in Section 35A-3-507.
- (6) As part of the annual written report described in Section 35A-1-109, the department shall:
- (a) describe what entities are providing approved self-reliance training;
 - (b) provide the number of clients who have completed at least two hours of approved self-reliance training;
 - (c) describe any services or benefits under this chapter that may not be conditioned on the completion of self-reliance training because of federal law or regulation; and
 - (d) describe the response to any waiver request described in Subsection (2)(a).
- (7) A client's completion of the approved self-reliance training described in Subsection (1) is not a condition of the client continuing to receive public assistance.

Enacted by Chapter 297, 2016 General Session

Part 2 Office of Child Care

35A-3-201 Definitions.

As used in this part:

- (1) "Child care" means the child care services defined in Section 35A-3-102 for:
 - (a) children age 12 or younger; and
 - (b) children with disabilities age 18 or younger.
- (2) "Child care provider association" means an association:
 - (a) that has functioned as a child care provider association in the state for at least three years; and
 - (b) is affiliated with a national child care provider association.
- (3) "Committee" means the Child Care Advisory Committee created in Section 35A-3-205.
- (4) "Director" means the director of the Office of Child Care.
- (5)
 - (a) "Income" means gross income, whether earned or unearned, as defined by rule made in accordance with Section 35A-3-203.
 - (b) "Income" does not include:
 - (i) income from means-tested programs, including:
 - (A) Temporary Assistance to Needy Families;
 - (B) the Social Security Act; and
 - (C) the Supplemental Nutrition Assistance Program;

- (ii) in-kind income;
 - (iii) scholarship, grant, or bona fide loan money;
 - (iv) a federal or state income tax credit; or
 - (v) a nonrecurring lump sum benefit.
- (6) "Income-eligible child" means a child whose:
- (a) family income does not exceed 85% of state median income for a family of the same size; and
 - (b) family assets do not exceed the limit established by the office through rule created in accordance with Section 35A-3-203.
- (7) "Office" means the Office of Child Care created in Section 35A-3-202.

Amended by Chapter 168, 2021 General Session

35A-3-202 Creation.

- (1) There is created within the Department of Workforce Services an Office of Child Care.
- (2) The office shall be administered by a director who shall be appointed by the executive director and who may be removed from that position at the will of the executive director.

Amended by Chapter 221, 2015 General Session

35A-3-203 Functions and duties of office -- Annual report.

The office shall:

- (1) assess critical child care needs throughout the state on an ongoing basis and focus its activities on helping to meet the most critical needs;
- (2) provide child care subsidy services for income-eligible children through age 12 and for income-eligible children with disabilities through age 18;
- (3) provide information:
 - (a) to employers for the development of options for child care in the work place; and
 - (b) for educating the public in obtaining quality child care;
- (4) coordinate services for quality:
 - (a) child care training;
 - (b) child care resource and referral core services; and
 - (c) training and education regarding child behavioral health interventions and competencies;
- (5) apply for, accept, or expend gifts or donations from public or private sources;
- (6) provide administrative support services to the committee;
- (7) work collaboratively with the following for the delivery of quality child care, early childhood programs, and school age programs throughout the state:
 - (a) the State Board of Education;
 - (b) the Department of Health; and
 - (c) the Division of Substance Abuse and Mental Health within the Department of Human Services;
- (8) research child care programs and public policy to improve the quality and accessibility of child care, early childhood programs, and school age programs in the state;
- (9) provide planning and technical assistance for the development and implementation of programs in communities that lack child care, early childhood programs, and school age programs;
- (10) provide organizational support for the establishment of nonprofit organizations approved by the Child Care Advisory Committee, created in Section 35A-3-205;

- (11) coordinate with the department to include in the annual written report described in Section 35A-1-109 information regarding the status of child care in Utah; and
- (12) make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and consistent with state and federal law:
 - (a) establishing the eligibility requirements for a child care provider to receive a grant or subsidy, including for the following:
 - (i) providing child care for an income-eligible child who is 12 years old or younger; and
 - (ii) providing child care for an income-eligible child with disabilities who is 18 years old or younger; and
 - (b) prioritizing awards of child care grants or subsidies for income-eligible children within available funds.

Amended by Chapter 168, 2021 General Session

Amended by Chapter 278, 2021 General Session

35A-3-204 Duties of director.

The director shall:

- (1) enforce rules made by the department regulating the use of services provided by the office;
- (2) supervise office staff and prepare an annual work plan; and
- (3) apply for, accept, and expend donations from public or private sources to assist the office in fulfilling its statutory obligations.

Amended by Chapter 221, 2015 General Session

35A-3-205 Creation of committee.

- (1) There is created a Child Care Advisory Committee.
- (2) The committee shall counsel and advise the office in fulfilling its statutory obligations, including:
 - (a) reviewing and providing recommendations on the office's annual budget;
 - (b) providing recommendations on how the office might best respond to child care needs throughout the state; and
 - (c) providing recommendations on the use of money that is provided to the office for the purpose of addressing child care needs.
- (3) The committee is composed of the following members, with special attention given to insure diversity and representation from both urban and rural groups:
 - (a) one expert in early childhood development;
 - (b) one child care provider who operates a center;
 - (c) one child care provider who operates a family child care business;
 - (d) one parent who is representative of households receiving a child care subsidy from the office;
 - (e) one representative from the public at-large;
 - (f) one representative selected by the State Board of Education;
 - (g) one representative of the Department of Health;
 - (h) one representative of the Department of Human Services;
 - (i) two representatives from the corporate community, one who is a recent "Family Friendly" award winner and who received the award because of efforts related to child care;
 - (j) two representatives from the small business community;
 - (k) one representative from child care advocacy groups;
 - (l) one representative of children with disabilities;
 - (m) one representative from the state Head Start Association appointed by the association;

- (n) one representative from each child care provider association; and
 - (o) one representative of a child care resource and referral center appointed by the organization representing child care resource and referral agencies.
- (4)
- (a) The executive director shall appoint the members designated in Subsections (3)(a) through (e) and (j) through (n).
 - (b) The head of the respective departments shall appoint the members referred to in Subsections (3)(f) through (i).
 - (c) Each child care provider association shall appoint its respective member referred to in Subsection (3)(o).
- (5)
- (a) Except as required by Subsection (5)(b), as terms of current committee members expire, the appointing authority shall appoint each new member or reappointed member to a four-year term.
 - (b) Notwithstanding the requirements of Subsection (5)(a), the appointing authority shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of committee members are staggered so that approximately half of the committee is appointed every two years.
- (6) When a vacancy occurs in the membership for any reason, including missing three consecutive meetings where the member has not been excused by the chair prior to or during the meeting, the replacement shall be appointed for the unexpired term.
- (7) A majority of the members constitutes a quorum for the transaction of business.
- (8)
- (a) The executive director shall select a chair from the committee membership.
 - (b) A chair may serve no more than two one-year terms as chair.
- (9) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses as allowed in:
- (a) Section 63A-3-106;
 - (b) Section 63A-3-107; and
 - (c) rules made by the Division of Finance according to Sections 63A-3-106 and 63A-3-107.

Amended by Chapter 534, 2023 General Session

35A-3-207 Community-based prevention programs.

- (1) As used in this section:
- (a) "political subdivision" means a town, city, county, or school district;
 - (b) "qualified sponsor" means a:
 - (i) political subdivision;
 - (ii) community nonprofit, religious, or charitable organization;
 - (iii) regional or statewide nonprofit organization; or
 - (iv) private for profit or nonprofit child care organization with experience and expertise in operating community-based prevention programs described in Subsection (2) and that are licensed under Title 26B, Chapter 2, Part 1, Human Services Programs and Facilities.
- (2) Within appropriations from the Legislature, the department may provide grants to qualified sponsors for community-based prevention programs that:
- (a) support parents in their primary care giving role to children;
 - (b) provide positive alternatives to idleness for school-aged children when school is not in session; and

- (c) support other community-based prevention programs.
- (3) In awarding a grant under this section, the department shall:
 - (a) request proposals for funding from potential qualified sponsors; and
 - (b) ensure that each dollar of funds from political subdivisions or private funds is matched for each dollar received from the department.
- (4) In meeting the matching requirements under Subsection (3), the department may consider the value of in-kind contributions, including materials, supplies, paid labor, volunteer labor, and the incremental increase in building maintenance and operation expenses incurred attributable to the prevention program.
- (5) In awarding a grant under this section, the department shall consider:
 - (a) the cash portion of the proposed match in relation to the financial resources of the qualified sponsor; and
 - (b) the extent to which the qualified sponsor has:
 - (i) consulted and collaborated with parents of children who are likely to participate, local parent-teacher organizations, and other parent organizations;
 - (ii) identified at-risk factors that will be addressed through the proposed prevention program;
 - (iii) identified protective factors and developmental assets that will be supported and strengthened through the proposed prevention program; and
 - (iv) encouraged the financial support of parents and the organizations described in Subsection (5)(b)(i).
- (6) The department shall award at least 50% of the grants under this section to organizations described in Subsection (1)(b)(iv).
- (7) The department may not allow the use of federal funds as matching funds under this act.

Amended by Chapter 328, 2023 General Session

35A-3-209 Award of child care subsidy services.

- (1)
 - (a) On or before June 30, 2023, the office shall award a full child care subsidy or grant for an income-eligible child.
 - (b) The office shall make the award described in Subsection (1)(a):
 - (i) in accordance with applicable federal law and regulation; and
 - (ii) subject to available funds.
- (2) Beginning on July 1, 2023, the office may award:
 - (a) a full child care subsidy or grant for an income-eligible child whose family income is equal to or below 75% of state median income; and
 - (b) a progressively lower child care subsidy or grant for each tenth of a percentage point by which the income-eligible child's family income exceeds 75% of state median income up to 85% of state median income.
- (3)
 - (a) On or before June 30, 2023, and subject to Subsection (3)(b), the office shall determine the amount of a child care subsidy or grant based on the income-eligible child's enrollment in child care.
 - (b) To qualify for a child care subsidy or grant under Subsection (3)(a), an income-eligible child shall be enrolled in child care for a minimum of eight hours per month.
 - (c) On or after July 1, 2023, and subject to Subsection (3)(d), the office shall determine the amount of a child care subsidy or grant based on the income-eligible child's attendance in child care.

- (d) To qualify for a child care subsidy or grant under Subsection (3)(c), an income-eligible child shall attend child care for a minimum of eight hours per month.

Enacted by Chapter 168, 2021 General Session

35A-3-212 Use of COVID-19 relief funds -- Grants to child care providers -- Reporting requirements.

(1) As used in this section:

(a) "COVID-19 relief funds" means federal funds provided to the office under:

- (i) the American Rescue Plan Act, Pub. L. No. 117-2;
- (ii) the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136; or
- (iii) the Coronavirus Response and Relief Supplemental Appropriations Act, Pub. L. No. 116-260.

(b) "Eligible child care provider" means:

- (i) a child care provider that enters into a contract with an employer to provide child care for the employer's employees, either on-site or off-site of the employer's place of business; or
- (ii) a regulated residential child care provider.

(c)

(i) "Employer" means:

- (A) a public employer;
- (B) a private employer; or
- (C) a cooperative organized for the purpose of providing child care for members' employees.

(ii) "Employer" includes a local education agency, as defined in Section 53E-1-102.

(d) "Regulated residential child care provider" means a person who holds a license or certificate from the Department of Health and Human Services to provide residential child care in accordance with Title 26B, Chapter 2, Part 4, Child Care Licensing.

(2)

(a) Subject to availability of funds and requirements under applicable federal law, the office shall use COVID-19 relief funds to provide grants to eligible child care providers to assist in paying start-up costs associated with the provision of child care.

(b) The office shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish criteria and procedures for applying for and awarding grants under this Subsection (2).

(3) In fiscal years 2022 through 2024, the office shall submit to the department, for inclusion in the department's annual written report described in Section 35A-1-109, an annual report that provides:

(a) a complete accounting of the COVID-19 relief funds expended by the office during the previous fiscal year;

(b) a description of the services, projects, and programs funded by the office with COVID-19 relief funds during the previous fiscal year, including the amount of COVID-19 relief funds allocated to each service, project, or program; and

(c) information regarding the outcomes and effectiveness of the services, projects, and programs funded by the office with COVID-19 relief funds during the previous fiscal year.

Amended by Chapter 328, 2023 General Session

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, to prevent families with children from becoming homeless, 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 407, 2017 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 53G-6-202 and 53G-6-203; or
 - (b) exempt from school attendance under Section 53G-6-204.
- (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 415, 2018 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 26B, Chapter 7, Part 1, Health Promotion and Risk Reduction;
 - (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 26B, Chapter 3, Health Care - Administration and Assistance, 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 328, 2023 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

Part 4 General Assistance

35A-3-401 General Assistance.

- (1)
 - (a) The department may provide General Assistance to individuals who are:
 - (i) not receiving cash assistance under Part 3, Family Employment Program, or Supplemental Security Income; and
 - (ii) unemployable according to standards established by the department.
 - (b)
 - (i) General Assistance described in Subsection (1)(a) may include payment in cash or in kind.
 - (ii) The department may provide General Assistance up to an amount that is no more than the existing payment level for an otherwise similarly situated recipient receiving cash assistance under Part 3, Family Employment Program.
 - (iii) Funding for General Assistance is nonlapsing.
 - (c) The department shall establish asset limitations for a General Assistance applicant.
 - (d)
 - (i) General Assistance may be granted to meet special nonrecurrent needs of an applicant for the federal Supplemental Security Income for the Aged, Blind, and Disabled program provided under 20 C.F.R. Sec. 416, if the applicant agrees to reimburse the department for assistance advanced to the applicant while awaiting the determination of eligibility by the Social Security Administration.
 - (ii)
 - (A) Reimbursements to the department described in Subsection (1)(d)(i) up to and including \$250,000 collected in a fiscal year shall be used by the department to administer the General Assistance program and provide General Assistance to eligible applicants.
 - (B) Reimbursements to the department described in Subsection (1)(d)(i) over \$250,000 collected in a fiscal year shall be deposited into the General Fund.
 - (iii) General Assistance payments may not be made to a recipient currently receiving:
 - (A) cash assistance; or
 - (B) Supplemental Security Income for the Aged, Blind, and Disabled.
 - (e)
 - (i) General Assistance may be used for the reasonable cost of burial for a recipient if heirs or relatives are not financially able to assume this expense.
 - (ii) Notwithstanding Subsection (1)(e)(i), if the body of a person is unclaimed, Section 26B-8-225 applies.
 - (iii) The department shall fix the cost of a reasonable burial and conditions under which burial expenditures may be made.
- (2) The department may cooperate with any governmental unit or agency, or any private nonprofit agency, in establishing work projects to provide employment for employable persons.

Amended by Chapter 328, 2023 General Session

35A-3-402 Calculation of General Assistance grants.

The department shall provide grants for General Assistance under Section 35A-3-401 on an ongoing basis for individuals who are unemployable:

- (1) within amounts appropriated by the Legislature; and
- (2) calculated in a manner substantially similar to cash assistance as provided in Section 35A-3-302.

Amended by Chapter 221, 2015 General Session

Part 5

Social Capital Formation Act

35A-3-501 Title.

This part is known as the "Social Capital Formation Act."

Renumbered and Amended by Chapter 174, 1997 General Session

35A-3-502 Definitions of social capital.

- (1) As used in this part, "social capital" means the value provided to the state by a civic organization, including values, cooperation, strength to families and neighborhoods, and ensuring livable communities and nurturing environments.
- (2) Social capital links society together by:
 - (a) creating opportunities for service and giving;
 - (b) facilitating trust and cooperation; and
 - (c) enhancing investments in physical and human capital.

Amended by Chapter 221, 2015 General Session

35A-3-503 Purpose -- Limitations.

- (1) Using social capital, an applicant for services under this chapter may receive a wide array of services that cannot be provided by state government alone.
- (2) The Legislature recognizes:
 - (a) the constitutional limits of state government to sustain civic institutions that provide social capital;
 - (b) that the state does not create nor can it replace civic institutions; and
 - (c) that state government should respect, recognize, and, wherever possible, constitutionally encourage strong civic institutions that sustain a sense of community.

Amended by Chapter 221, 2015 General Session

35A-3-504 Relationship of civic and state services.

- (1)
 - (a) Services and supports provided by a civic organization under this part are in addition to, and not in lieu of, any service provided by the department to a recipient.
 - (b) Receipt of services from a civic organization may not diminish a recipient's eligibility for services from the department.
- (2) An applicant or recipient is under no obligation to receive services from a civic organization.

- (3) A civic organization is under no obligation to provide services to a person, except as provided in a contract between the organization and the department under Section 35A-3-507.

Amended by Chapter 221, 2015 General Session

35A-3-505 Application -- Referral to civic organizations.

- (1) The department:
- (a) shall assess whether an applicant is receptive to and would benefit from a service provided by a civic organization; and
 - (b) may inform the applicant of the availability of services provided by civic organizations.
- (2)
- (a) If an applicant chooses to receive services from a civic organization, the department shall facilitate the applicant's referral to one or more appropriate civic organizations.
 - (b) If an applicant chooses not to receive the services of a civic organization or requests services available under this chapter in addition to the services of a civic organization, the department shall process the application as provided under this chapter.

Amended by Chapter 221, 2015 General Session

35A-3-506 Diversion payment -- Referral to civic organizations.

If a recipient receives a diversion payment under Section 35A-3-303, the department:

- (1) shall assess whether the recipient is receptive to and would benefit from services from a civic organization; and
- (2) may inform the recipient of the services that civic organizations provide.

Amended by Chapter 221, 2015 General Session

35A-3-507 Request for proposals from civic organizations -- Contract requirements.

- (1)
- (a) The director or the director's designee may issue a request for proposals to civic organizations for the purpose of contracting with the department for the provision of social capital.
 - (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall establish by rule:
 - (i) specifications for proposals;
 - (ii) deadlines for submissions;
 - (iii) contents of proposals;
 - (iv) the criteria upon which proposals will be accepted; and
 - (v) the amount of available funding.
- (2) Within appropriations from the Legislature, the director may enter into a contract with a civic organization, which shall include:
- (a) the funding, if any, to be provided to the civic organization by the department;
 - (b) the geographical boundary within which the civic organization is to provide services to individuals referred by the department;
 - (c) a description of the services to be provided by the civic organization to an applicant or recipient;
 - (d) the performance monitoring system to be used by the civic organization to evaluate the effectiveness of the services that it provides; and

- (e) other provisions that the department and civic organization consider appropriate.
- (3)
- (a) A contract between the department and a civic organization under this section is for a defined period of time and a fixed funding amount.
 - (b) If a contract provides public funds, the civic organization is required to comply with all applicable state and federal law with respect to those funds, including any audit, recordkeeping, and financial accounting requirements.
- (4) The services provided by civic organizations under this section do not include eligibility determinations, cash assistance, SNAP benefits, or quality assurance related to these functions.

Amended by Chapter 221, 2015 General Session

35A-3-508 Inventory of civic organizations.

- (1) The department, in cooperation with the coalition described in Section 35A-3-510, shall complete a statewide inventory of interested civic organizations, which inventory shall include for each participating civic organization:
- (a) a description of the services provided;
 - (b) the geographical locations served;
 - (c) methods of accessing services; and
 - (d) eligibility requirements for services.
- (2) The inventory shall be maintained, updated annually, and made available in a usable form as a resource directory for employment counselors in the department.

Amended by Chapter 221, 2015 General Session

35A-3-510 Coalition of civic and other organizations.

- (1) The director shall convene a coalition of civic organizations, representatives of the department, representatives of state and local agencies, advocacy organizations, public officials, community leaders, members of the Legislature, and other persons and organizations as determined by the executive director.
- (2) The coalition shall offer advice to the director on issues relevant to this part.

Amended by Chapter 221, 2015 General Session

Part 6
Administrative Determination of Overpayment Act

35A-3-601 Title.

This part is known as the "Administrative Determination of Overpayments Act."

Amended by Chapter 221, 2015 General Session

35A-3-603 Civil liability for overpayment.

- (1) A provider, recipient, or other person who receives an overpayment shall, regardless of fault, return the overpayment or repay its value to the department immediately:

- (a) upon receiving written notice of the overpayment from the department; or
 - (b) upon discovering the overpayment, if that occurs before receiving notice.
- (2)
- (a) Except as provided under Subsection (2)(b), interest on the unreturned balance of the overpayment shall accrue at the rate of 1% a month.
 - (b) If the overpayment was not the fault of the person receiving it, that person is not liable for interest on the unreturned balance.
 - (c) In accordance with federal law and rules made by the department in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, an overpayment may be recovered through deductions from cash assistance, General Assistance, SNAP benefits, other cash-related assistance provided to a recipient under this chapter, or other means provided by federal law.
- (3) A person who knowingly assists a recipient, provider, or other person in obtaining an overpayment is jointly and severally liable for the overpayment.
- (4)
- (a) In proving civil liability for overpayment under this section, or Section 35A-3-605, when fault is alleged, the department shall prove by clear and convincing evidence that the overpayment was obtained intentionally, knowingly, recklessly as "intentionally, knowingly, and recklessly" are defined in Section 76-2-103, by false statement, misrepresentation, impersonation, or other fraudulent means, including committing any of the acts or omissions described in Sections 76-8-1203, 76-8-1204, or 76-8-1205.
 - (b) If fault is established under Subsection (4)(a), Section 35A-3-605, or Title 76, Chapter 8, Part 12, Public Assistance Fraud, a person who obtained or helped another obtain an overpayment is subject to:
 - (i) a civil penalty of 10% of the amount of the overpayment, except for overpayments related to assistance for child care services;
 - (ii) a civil penalty of 50% of the amount of the overpayment for overpayments related to assistance for child care services;
 - (iii) disqualification from receiving cash assistance from the Family Employment Program created in Section 35A-3-302 and the General Assistance program under Section 35A-3-401, if the overpayment was obtained from either of those programs, for the period described in Subsection (4)(c); and
 - (iv) disqualification from SNAP, if the overpayment was received from SNAP, for the period described in Subsection (4)(c).
 - (c) Unless otherwise provided by federal law, the period of a disqualification under Subsections (4)(b)(iii) and (iv) is for:
 - (i) 12 months for a first offense;
 - (ii) 24 months for a second offense; and
 - (iii) permanently for a third offense.
- (5)
- (a) Except as provided under Subsection (5)(b), if an action is filed, the department may recover, in addition to the principal sum plus interest, reasonable attorney fees and costs.
 - (b) If the repayment obligation arose from an administrative error by the department, the department may not recover attorney fees and costs.
- (6) If a court finds that funds or benefits were secured, in whole or part, by fraud by the person from whom repayment is sought, the court shall assess an additional sum as considered appropriate as punitive damages up to the amount of repayment being sought.

- (7) A criminal action for public assistance fraud is governed by Title 76, Chapter 8, Part 12, Public Assistance Fraud.
- (8) Jurisdiction over benefits is continuous.
- (9) This chapter does not preclude the Department of Health and Human Services from carrying out its responsibilities under Title 26B, Chapter 3, Part 10, Medical Benefits Recovery, and Title 26B, Chapter 3, Part 11, Utah False Claims Act.

Amended by Chapter 328, 2023 General Session

35A-3-604 Obligor presumed to have notice of department's rights -- Authority to administer oaths, issue subpoenas, and compel witnesses and production of documents -- Recovery of attorney fees, costs, and interest -- Rulemaking authority -- Administrative procedures.

- (1) An obligor is presumed to have received notice of the rights of the department under this part upon engaging in this state in any of the acts described in Subsections 35A-3-603(3) and (4) or Section 76-8-1203, 76-8-1204, or 76-8-1205.
- (2) For the purposes of this part, the department may administer oaths and certify official acts, issue subpoenas, and compel witnesses and the production of business records, documents, and evidence.
- (3)
 - (a) Except when an overpayment results from administrative error, the department may recover from the obligor:
 - (i) reasonable attorneys' fees;
 - (ii) costs incurred in pursuing administrative remedies under this part; and
 - (iii) interest at the rate of 1% a month accruing from the date an administrative or judicial order is issued determining the amount due under this part.
 - (b) The department may recover interest, attorney fees, and costs, if notice of the assessment has been included in a notice of agency action issued in compliance with Title 63G, Chapter 4, Administrative Procedures Act.
- (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department may make, amend, and enforce rules to carry out the provisions of this part.
- (5) Service of all notices and orders under this part shall comply with:
 - (a) Title 63G, Chapter 4, Administrative Procedures Act;
 - (b) Utah Rules of Civil Procedure; or
 - (c) rules made by the department under this part in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that meet standards required by due process.

Amended by Chapter 221, 2015 General Session

35A-3-605 Issuance or modification of administrative order -- Voluntary acknowledgment of overpayment -- Court orders supersede administrative orders -- Notification requirement.

- (1)
 - (a) Through an adjudicative proceeding, the department may issue or modify an administrative order that:
 - (i) determines whether an overpayment was made, the amount of the overpayment, and whether benefits were obtained by an intentional program violation;
 - (ii) reduces the overpayment determined by an administrative judgment; or
 - (iii) renews an administrative judgment.

- (b) The department shall commence an adjudicative proceeding to renew a judgment by serving notice of agency action on the obligor before the judgment is barred by the applicable statute of limitations.
- (2) The department may accept voluntary acknowledgment of an overpayment obligation and enter into stipulated agreements to issue orders and judgments.
- (3)
 - (a) A provision of an administrative order is enforceable against an obligor, unless it is in direct conflict with or is superseded by a provision of a court order.
 - (b) To the extent of any conflict, the court order governs.
- (4) After being properly served with a notice of agency action under this part, an obligor shall notify the department of any subsequent change of address or employment.

Amended by Chapter 221, 2015 General Session

35A-3-606 Docketing abstract of final administrative order -- Real property and personal property liens -- Effect of order -- Execution.

- (1)
 - (a) An abstract of a final administrative order may be docketed in the district court of any county in the state.
 - (b) The time of receipt of the abstract shall be noted by the clerk on the abstract and entered in the docket.
- (2)
 - (a) From the time the abstract is docketed in the judgment docket of a district court, any administrative judgment included in the order abstracted constitutes a lien upon the real property of the obligor situated in that county.
 - (b) Unless satisfied, the lien is for a period of eight years from the date the order is entered.
- (3) The final administrative order fixing the liability of the obligor shall have the same effect as any other money judgment entered in a district court.
- (4)
 - (a) Except as provided under Subsection (4)(b), an attachment, garnishment, or execution on a judgment included in or accruing under an administrative order filed and docketed under this section shall be in the same manner and with the same effect as an attachment, garnishment, or execution on a judgment of a district court.
 - (b) A writ of garnishment on earnings shall continue to operate and require the garnishee to withhold the nonexempt portion of the earnings at each succeeding earnings disbursement interval until released in writing by the department or by court order.
- (5) The lien and enforcement remedies provided by this section are in addition to any other lien or remedy provided by law.

Amended by Chapter 221, 2015 General Session

35A-3-607 Property subject to execution or lien -- Restriction on transfer or conveyance -- Release of excess amount above liability to obligor.

- (1)
 - (a) Unless released under Subsection (1)(b), after receiving notice that an abstract has been docketed and a lien established under this part, a person in possession of property that may be subject to execution or lien may not pay over, release, sell, transfer, encumber, or convey that property to a person other than the department.

- (b) The restrictions under Subsection (1)(a) do not apply if the person in possession first receives a release or waiver from the department, or a court order releasing the lien or stating that the liability does not exist or has been satisfied.
- (2) If a person has in his possession earnings, deposits, accounts, or balances owed to the obligor in excess of \$100 over the amount of the liability claimed by the department, the person may, without liability under this part, release the excess to the obligor.

Amended by Chapter 221, 2015 General Session

35A-3-608 Schedule of payments to be paid upon liability -- Establishment -- Cancellation.

- (1) The department may at any time:
 - (a) consistent with the income, earning capacity, and resources of the obligor, set or reset the level and schedule of payments to be paid upon the liability; and
 - (b) cancel the schedule of payments and demand immediate payment in full.
- (2) The department may recover an overpayment through deductions from cash assistance or SNAP benefits under Section 35A-3-603.

Amended by Chapter 221, 2015 General Session

35A-3-609 Statute of limitation -- Enforcement of lien or order.

The department may not take action for the enforcement of an order or lien issued under this part unless the action is commenced within eight years of the date of the order.

Amended by Chapter 221, 2015 General Session

35A-3-610 Legal representation at hearings.

- (1) A party may be represented by legal counsel at a hearing held under this part.
- (2) At the request of the department, the attorney general or the county attorney shall represent the department in a proceeding commenced under this part.

Amended by Chapter 221, 2015 General Session

Part 7 Refugee Services

35A-3-701 Refugee services fund -- Use of money -- Committee and director duties -- Restrictions.

- (1) There is created an expendable special revenue fund, known as the "Refugee Services Fund."
- (2) The director shall administer the fund with input from the department and any advisory committee involved with the provision of refugee services within the department.
- (3)
 - (a) Money shall be deposited into the fund from legislative appropriations, federal grants, private foundations, and individual donors.
 - (b) The director shall encourage a refugee who receives services funded under Subsection (8) to be a donor to the fund when the refugee's financial situation improves sufficiently to make a donation.

- (4) Except for money restricted to a specific use under federal law or by a donor, the director may not spend money from the fund without the input described in Subsection (2).
- (5) The state treasurer shall invest the money in the fund under Title 51, Chapter 7, State Money Management Act, and all interest or other earnings derived from the fund money shall be deposited in the fund.
- (6) Money in the fund may not be used by the director for administrative expenses.
- (7) If the department establishes a refugee services advisory committee referenced in Subsection (2), the committee may:
 - (a) advise the director on refugee services needs in the state and on relevant operational aspects of any grant or revenue collection program established under this part;
 - (b) recommend specific refugee projects to the director;
 - (c) recommend policies and procedures for administering the fund;
 - (d) make recommendations on grants made from the fund for refugee services activities authorized under this section;
 - (e) advise the director on the criteria by which grants from the fund shall be made;
 - (f) recommend the order approved projects should be funded;
 - (g) make recommendations regarding the distribution of money from the fund in accordance with federal or donor restrictions; and
 - (h) have joint responsibility to solicit public and private funding for the fund.
- (8) The director may use fund money to:
 - (a) train an existing refugee organization to develop its capacity to operate professionally and effectively and to become an independent, viable organization; or
 - (b) provide grants to refugee organizations and other entities identified in Subsection (9) to assist them:
 - (i) with case management;
 - (ii) in meeting emergency housing needs for refugees;
 - (iii) in providing English language services;
 - (iv) in providing interpretive services;
 - (v) in finding and maintaining employment for refugees;
 - (vi) in collaborating with the state's public education system to improve the involvement of refugee parents in assimilating their children into public schools;
 - (vii) in meeting the health and mental health needs of refugees;
 - (viii) in providing or arranging for child care services; or
 - (ix) in administering refugee services.
- (9) The director, with the input described in Subsection (2), may grant fund money for refugee services outlined in Subsection (8) through a request for proposal process to:
 - (a) local governments;
 - (b) nonprofit community, charitable, or neighborhood-based organizations or private for-profit organizations involved with providing or arranging for the provision of refugee services; or
 - (c) regional or statewide nonprofit organizations.
- (10)
 - (a) The director shall enter into a written agreement with each entity that successfully applies for a grant.
 - (b) The agreement shall include specific terms for each grant consistent with the provisions of this section, including the structure, amount, and nature of the grant.
- (11) The director shall monitor the activities of the recipients of grants issued from the fund on an annual basis to ensure compliance with the terms and conditions imposed on the recipient by the fund.

- (12) The director shall require an entity that receives a grant under this section to provide periodic accounting of how the money was used.
- (13) As part of the annual written report described in Section 35A-1-109, the director shall report the status of the fund, including programs and services funded by the fund.

Renumbered and Amended by Chapter 221, 2015 General Session

35A-3-702 Continuation of refugee services.

- (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department may make rules to provide for the administration and coordination of services to refugees beyond the time period refugee assistance is provided or funded by the federal government, including the provision of:
 - (a) services to address emergency needs;
 - (b) English language training; and
 - (c) services for victims of domestic violence.
- (2) The director shall administer and coordinate services under this section:
 - (a) with input from the department and any office or advisory committee involved with the provision of refugee services within the department; and
 - (b) in accordance with any state and federal requirements related to the provision of services to refugees.

Renumbered and Amended by Chapter 221, 2015 General Session