

**FAMILY EMPLOYMENT PROGRAM AMENDMENTS**

1999 GENERAL SESSION

STATE OF UTAH

**Sponsor: Pete Suazo**

AN ACT RELATING TO WORKFORCE SERVICES; DEFINING TERMS; PERMITTING THE FIRST PART OF A CAR PAYMENT AND A CAR INSURANCE PAYMENT TO BE DISREGARDED WHEN DETERMINING ELIGIBILITY FOR CASH ASSISTANCE; AND PROVIDING AN EFFECTIVE DATE.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

**35A-3-102**, as enacted by Chapter 174, Laws of Utah 1997

**35A-3-302**, as enacted by Chapter 174, Laws of Utah 1997

*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **35A-3-102** is amended to read:

**35A-3-102. Definitions.**

As used in this chapter:

- (1) "Applicant" means a person who requests assistance under this chapter.
- (2) "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, starting from October 1, 1998 to September 30, 1999, and continuing each year thereafter.
- (3) "Cash assistance" means a monthly dollar amount of cash a client is eligible to receive under Section 35A-3-302.
- (4) "Child care services" means care of a child for a portion of the day that is less than 24 hours in a qualified setting, as defined by rule, by a responsible person who is not the child's parent or legal guardian.
- (5) "Date of enrollment" means the date on which the applicant was approved as eligible for cash assistance.
- (6) "Director" means the director of the division.

(7) "Diversion" means a single payment of cash assistance under Section 35A-3-303 to a client who is eligible for but does not require extended cash assistance under Part 3, Family Employment Program.

(8) "Division" means the Division of Employment Development.

(9) "Education or training" means:

(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 skills training; or

(h) on-the-job training.

(10) "Full-time education or training" means training on a full-time basis as defined by the educational institution attended by the parent client.

(11) "General assistance" means financial assistance provided to a person who is not otherwise eligible for cash assistance under Part 3, Family Employment Program, because that person does not live in a family with a related dependent child.

(12) "Office of Recovery Services" means the state's Title IV-D child support enforcement agency organized within the Department of Human Services.

(13) (a) "Passenger vehicle" means a self-propelled, two-axle vehicle intended primarily for operation on highways and used by an applicant or client to meet basic transportation needs.

(b) "Passenger vehicle" does not include:

(i) a commercial vehicle, as defined in Section 41-1a-102;

(ii) an off-highway vehicle, as defined in Section 41-1a-102; or

(iii) a motor home, as defined in Section 13-14-102.

~~[(13)]~~ (14) "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.

~~[(14)]~~ (15) "Parent client" means a person who enters into an employment plan with the division to qualify for cash assistance under Part 3, Family Employment Program.

~~[(15)]~~ (16) "Single minor parent" means a person under 18 years of age who is not married and has a minor child in his care and custody.

Section 2. Section **35A-3-302** is amended to read:

**35A-3-302. Eligibility requirements.**

(1) The program of cash assistance provided under this part is known as the Family Employment Program.

(2) (a) The division shall submit a state plan to the Secretary of the United States Department of Health and Human Services to obtain federal funding under the Temporary Assistance for Needy Families Block Grant.

(b) The provisions of the state plan submitted under Subsection (2)(a) shall be consistent with this part and federal law.

(c) If a discrepancy arises between a provision of the state plan and this part, this part supersedes the provision in the state plan.

(3) The services and supports 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) (a) In an appropriations act, the Legislature shall determine annually the maximum monthly dollar amount of cash assistance for families based on family size.

(b) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the department shall establish rules for eligibility and the amount of cash assistance a family is eligible to receive under this part, which shall be based on:

(i) family size;

(ii) family income;

(iii) the maximum monthly income established under Subsection (5)(a); and

(iv) other relevant factors.

(6) (a) When determining the dollar amount of cash assistance to be provided under this chapter, the division shall disregard from earned income:

~~[(a)]~~ (i) \$100; ~~[and]~~

(ii) a monthly insurance payment of up to \$50 for a passenger vehicle owned or leased by the applicant;

(iii) a monthly lease or purchase payment of up to \$100 for a passenger vehicle owned or leased by the applicant if that passenger vehicle is the only such vehicle reasonably available to the applicant to meet basic transportation needs; and

~~[(b)]~~ (iv) 50% of the remaining monthly income.

(b) Subsections (6)(a)(ii) and (iii) may only be considered in determining the dollar amount of cash assistance:

(i) for cash assistance-only cases; and

(ii) for other public assistance cases if:

(A) Subsections (6)(a)(ii) and (iii) can be implemented within the state's existing public assistance-related waivers as of January 1, 1999;

(B) the federal government extends a waiver that permits the implementation of Subsections (6)(a)(ii) and (iii); or

(C) the federal government determines that the state's waivers that permit dual eligibility determinations for cash assistance and Medicaid are no longer valid.

(7) Once eligibility has been established, the division shall disregard money on deposit in an Individual Development Account established under Section 35A-3-312 when determining subsequent eligibility.

(8) The department shall provide for an appeal of a determination of eligibility in accordance with Title 63, Chapter 46b, Administrative Procedures Act.

Section 3. **Effective date.**

This act takes effect on July 1, 1999.