

PUBLIC ASSISTANCE BENEFITS AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Angela Romero

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions of the Family Employment Program.

Highlighted Provisions:

This bill:

► removes certain requirements for an applicant to receive cash assistance under the state's Family Employment Program, including:

- the completion of a written questionnaire designed to determine the likelihood of the applicant having a substance use disorder; and

- a drug test if the written questionnaire indicates the applicant likely has a substance use disorder.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

35A-3-302, as last amended by Laws of Utah 2015, Chapter 221

35A-3-304, as last amended by Laws of Utah 2015, Chapters 143 and 221

REPEALS:

35A-3-304.5, as last amended by Laws of Utah 2015, Chapter 221



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

Section 1. Section **35A-3-302** is amended to read:

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]~~ Section 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.

59 (8) (a) The department shall make a report to either the Legislature's Executive
60 Appropriations Committee or the Social Services Appropriations Subcommittee on any
61 proposed rule change made under Subsection (5) that would modify the:

- 62 (i) eligibility requirements for cash assistance; or
- 63 (ii) amount of cash assistance a family is eligible to receive.

64 (b) The department shall submit the report under Subsection (8)(a) prior to
65 implementing the proposed rule change.

66 (c) The report under Subsection (8)(a) shall include:

- 67 (i) a description of the department's current practice or policy that it is proposing to
68 change;
- 69 (ii) an explanation of why the department is proposing the change;
- 70 (iii) the effect of an increase or decrease in cash benefits on families; and
- 71 (iv) the fiscal impact of the proposed change.

72 (d) The department may use the Notice of Proposed Rule Amendment form filed with
73 the Division of Administrative Rules as its report if the notice contains the information
74 required under Subsection (8)(c).

75 (9) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
76 department shall make rules to ensure that:

77 (a) a recipient of assistance from the Family Employment Program:

- 78 (i) has adequate access to the assistance;
- 79 (ii) has the ability to use and withdraw assistance with minimal fees or surcharges,
80 including the opportunity to obtain assistance with no fees or surcharges;
- 81 (iii) is provided information regarding fees and surcharges that may apply to assistance
82 accessed through an electronic fund transaction; and

83 (iv) is provided information explaining the restrictions on accessing assistance
84 described in Subsection (10); and

85 (b) information regarding fees and surcharges that may apply when accessing
86 assistance from the Family Employment Program through an electronic fund transaction is
87 available to the public.

88 (10) An individual receiving assistance under this section may not access the assistance
89 through an electronic benefit transfer, including through an automated teller machine or

90 point-of-sale device, in an establishment in the state that:

91 (a) exclusively or primarily sells intoxicating liquor;

92 (b) allows gambling or gaming; or

93 (c) provides adult-oriented entertainment where performers disrobe or perform

94 unclothed.

95 (11) An establishment described under Subsection (10)(a), (b), or (c) may not allow an

96 individual to access the assistance under this section on the establishment's premises through

97 an electronic benefit transfer, including through an automated teller machine or point-of-sale

98 device.

99 (12) In accordance with federal requirements and in accordance with Title 63G,

100 Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules to prevent

101 individuals from accessing assistance in a manner prohibited by Subsections (10) and (11),

102 which rules may include enforcement provisions that impose sanctions that temporarily or

103 permanently disqualify an individual from receiving assistance.

104 Section 2. Section 35A-3-304 is amended to read:

105 **35A-3-304. Assessment -- Participation requirements and limitations --**

106 **Employment plan -- Mentors.**

107 (1) (a) Within 30 business days of the date of enrollment, the department shall provide

108 that a parent recipient:

109 (i) is assigned an employment counselor; and

110 (ii) completes an assessment provided by the department regarding the parent

111 recipient's:

112 (A) prior work experience;

113 (B) ability to become employable; and

114 (C) skills[~~;~~and].

115 [~~(D) likelihood of a substance use disorder involving the misuse of a controlled~~

116 ~~substance.]~~

117 (b) The assessment provided under Subsection (1)(a)(ii) shall include[~~;~~(i)] a survey to

118 be completed by the parent recipient with the assistance of the department[~~;~~and].

119 [~~(ii) a written questionnaire to be completed by the parent recipient designed to~~

120 ~~accurately determine the likelihood of the parent recipient having a substance use disorder~~

121 involving the misuse of a controlled substance.]

122 [~~(c) In addition to the other requirements of this part, if the results of the written~~
123 ~~questionnaire taken by a parent recipient indicate a reasonable likelihood that the parent~~
124 ~~recipient has a substance use disorder involving the misuse of a controlled substance, the~~
125 ~~parent recipient may only receive cash assistance provided under this part in accordance with~~
126 ~~the additional requirements of Section 35A-3-304.5.]~~

127 (2) (a) Within 15 business days of a parent recipient completing an assessment, the
128 department and the parent recipient shall enter into an employment plan.

129 (b) The employment plan shall have a target date for entry into employment.

130 (c) The department shall provide a copy of the employment plan to the parent recipient.

131 (d) For the parent recipient, the employment plan may include:

132 (i) job searching requirements;

133 (ii) if the parent recipient does not have a high school diploma, participation in an
134 educational program to obtain a high school diploma, or its equivalent;

135 (iii) education or training necessary to obtain employment;

136 (iv) a combination of work and education or training; and

137 (v) assisting the Office of Recovery Services in good faith to:

138 (A) establish the paternity of a minor child; and

139 (B) establish or enforce a child support order.

140 [~~(e) If the parent recipient tests positive for the unlawful use of a controlled substance~~
141 ~~after taking a drug test under Section 35A-3-304.5, the employment plan shall include an~~
142 ~~agreement by the parent recipient to:]~~

143 [~~(i) participate in treatment for a substance use disorder; and]~~

144 [~~(ii) meet the other requirements of Section 35A-3-304.5:]~~

145 [(~~f~~) (e)] (e) The department's responsibilities under the employment plan may include:

146 (i) providing cash and other types of public and employment assistance, including child
147 care;

148 (ii) assisting the parent recipient to obtain education or training necessary for
149 employment;

150 (iii) assisting the parent recipient to set up and follow a household budget; and

151 (iv) assisting the parent recipient to obtain employment.

152 ~~[(g)]~~ (f) The department may amend the employment plan to reflect new information or
153 changed circumstances.

154 ~~[(h)]~~ (g) If immediate employment is an activity in the employment plan, the parent
155 recipient shall:

156 (i) promptly commence a search for employment for a specified number of hours each
157 week; and

158 (ii) regularly submit a report to the department on:

159 (A) how time was spent in search for a job;

160 (B) the number of job applications completed;

161 (C) the interviews attended;

162 (D) the offers of employment extended; and

163 (E) other related information required by the department.

164 ~~[(i)]~~ (h) (i) If full-time education or training to secure employment is an activity in an
165 employment plan, the parent recipient shall promptly undertake a full-time education or
166 training program.

167 (ii) The employment plan may describe courses, education or training goals, and
168 classroom hours.

169 ~~[(j)]~~ (i) (i) The department may only provide cash assistance under this part if the parent
170 recipient agrees in writing to make a good faith effort to comply with the parent recipient's
171 employment plan.

172 (ii) The department shall establish a process to reconcile disputes between a parent
173 recipient and the department as to whether:

174 (A) the parent recipient has made a good faith effort to comply with the employment
175 plan; or

176 (B) the department has complied with the employment plan.

177 (iii) If a parent recipient consistently fails to show good faith in complying with the
178 employment plan, the department may seek to terminate all or part of the cash assistance
179 services provided under this part.

180 (3) The department may only provide cash assistance on behalf of a minor child under
181 this part if the minor child is:

182 (a) enrolled in and attending school in compliance with Sections [53A-11-101.5](#) and

- 183 [53A-11-101.7](#); or
- 184 (b) exempt from school attendance under Section [53A-11-102](#).
- 185 (4) This section does not apply to a person who has received diversion assistance under
- 186 Section [35A-3-303](#).
- 187 (5) (a) The department may recruit and train volunteers to serve as mentors for parent
- 188 recipients.
- 189 (b) A mentor may advocate on behalf of a parent recipient and help a parent recipient:
- 190 (i) develop life skills;
- 191 (ii) implement an employment plan; or
- 192 (iii) obtain services and support from:
- 193 (A) the volunteer mentor;
- 194 (B) the department; or
- 195 (C) civic organizations.
- 196 Section 3. **Repealer.**
- 197 This bill repeals:
- 198 Section [35A-3-304.5](#), **Drug testing requirements.**

Legislative Review Note
Office of Legislative Research and General Counsel