

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 48\*

Short Title: Public Assistance Responsibility.

(Public)

Sponsors: Senators Allran, Clark, Cochrane, Foxx; Ballantine, Blackmon, Carpenter, Carrington, Davis, East, Forrester, Hartsell, Kincaid, Ledbetter, Little, McDaniel, McKoy, Shaw, Smith, and Albertson.

Referred to: Children and Human Resources.

January 26, 1995

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE PUBLIC ASSISTANCE PERSONAL AND FAMILY RESPONSIBILITY ACT OF 1995.

The General Assembly of North Carolina enacts:

Section 1. This act shall be known and cited as "The Public Assistance Personal and Family Responsibility Act of 1995".

Sec. 2. Part 1 of Article 2 of Chapter 108A is amended by adding the following new sections to read:

**"§ 108A-26.5. Personal responsibility of recipients; education.**

(a) The General Assembly finds that the rapidly increasing number of out-of-wedlock births to recipients is one major cause of the public assistance system's failure to move families from welfare dependency to permanent self-sufficiency and that the safety and well-being of society as a whole is greatly threatened by this failure.

(b) The Department of Human Resources shall ensure that no recipient parent of any age who gives birth on or after the effective date of this section to an out-of-wedlock child receives any AFDC or Food Stamp benefits for the parent or child, unless:

(1) The birth was a result of rape or incest;

(2) The recipient subsequently marries an individual who acknowledges paternity or assumes financial responsibility for the child; or

1           (3) The child is subsequently adopted and remains otherwise eligible for  
2           benefits, in which case these benefits shall be provided for the child.

3 The recipient parent denied AFDC and Food Stamp benefits pursuant to this subsection  
4 remains eligible for WIC and is eligible for Medicaid for parent and child.

5       (c) The Department of Human Resources shall ensure that all savings generated  
6 from the benefits denial required by subsection (b) of this section shall be passed on to  
7 the 100 counties in block grants and used by the counties solely for services to parents  
8 and children whose benefits have been denied by subsection (b) of this section. No funds  
9 from these block grants shall be used for cash assistance for these recipients or their  
10 children. Services funded pursuant to this subsection shall include:

11           (1) Adoption services;

12           (2) Children's homes;

13           (3) Residential homes for unwed mothers;

14           (4) Child day care;

15           (5) Nutrition and health services; and

16           (6) Any other programs or services that the county considers appropriate to  
17 assist mothers and their children.

18       The Department of Human Resources shall allocate the share of the block grant to  
19 each county based on the percentage of the State total of all recipient children born out-  
20 of-wedlock to recipients who resided in the county in the basis year 1993.

21       (d) Any custodial parent of an out-of-wedlock dependent child who has not  
22 obtained a high school diploma shall complete the requirements for a high school  
23 diploma either by continuing school attendance and graduating or by attending and  
24 completing an adult basic education program, unless the director of the local social  
25 services department waives this requirement. Unless a custodial parent required to  
26 receive education by this subsection is actively completing this education, the parent shall  
27 not be eligible for the services provided by the parent's county and shall receive only  
28 WIC and Medicaid.

29 **"§ 108A-26.6. Paternity establishment; parental duties.**

30       (a) The General Assembly finds that it is essential to restore the responsibility of  
31 public assistance parents, both mothers and fathers, for their families.

32       (b) The Department of Human Resources shall ensure that G.S. 110-131 and all  
33 other laws and procedures for the establishment of paternity of children whose custodial  
34 parent applies for public assistance provided by the State or provided by the county  
35 pursuant to G.S. 108A-26.5(c) are enforced, unless the Department of Human Resources  
36 determines that:

37           (1) The child was born as a result of rape or incest; and

38           (2) Efforts to establish paternity would result in physical danger to the  
39 parent or the child.

40       Notwithstanding any law to the contrary, the Department of Human Resources shall  
41 ensure that any parent who refuses to cooperate with paternity establishment shall receive  
42 only Medicaid and WIC benefits for parent and child. A custodial parent who identifies

1 the other parent of their child shall be eligible for all noncash benefits to which the  
2 custodial parent is eligible pursuant to G.S. 108A-26.5.

3 (c) The Department of Human Resources and the Administrative Office of the  
4 Courts shall ensure that the local agencies affected make every attempt to have  
5 noncustodial parents pay child support within a reasonable time on a reasonable schedule.  
6 The Department of Human Resources and the Administrative Office of the Courts shall  
7 ensure that all affected local agencies document all attempts at collecting child support as  
8 part of their annual reports.

9 The Department shall ensure that, if a noncustodial parent is in high school and  
10 employed, that parent's wages are subject to child support withholding.

11 (d) The Department of Human Resources shall ensure that, pursuant to G.S.  
12 110-135.1, any court order that requires child support of a noncustodial parent may be  
13 modified upon a finding that the noncustodial parent cannot pay child support because  
14 that parent is unemployed. The modified order shall require that the unemployed  
15 noncustodial parent shall perform public community service. If such a parent is both  
16 unemployed and a high school student, the modified order shall also specify that this  
17 parent shall perform public community service and that these services takes precedence  
18 over all nonacademic extracurricular activities. The modified court order shall specify  
19 the number of hours an unemployed noncustodial parent shall work, which number shall  
20 be based on the monthly amount of child support owed by the parent divided by the  
21 State's minimum wage.

22 The Department of Human Resources shall cooperate with the Administrative Office  
23 of the Courts in adopting rules necessary to implement this subsection.

24 Noncustodial parents who fail to perform the court-ordered number of hours of public  
25 community service as prescribed in subsection (d) of this section or who otherwise  
26 fail to fulfill their financial responsibilities for court-ordered child support shall lose any  
27 privileges granted by any State licensing privilege, defined as the authority to engage in  
28 an activity as evidenced by the following licenses: regular and commercial drivers  
29 licenses, occupational licenses, hunting licenses and permits, and fishing licenses and  
30 permits.

31 Upon a local social services agency's determination that a noncustodial parent has  
32 failed to fulfill the required duty for child support or to perform the required work in lieu  
33 of making child support payments, it shall promptly notify the clerk of superior court to  
34 begin the process prescribed by G.S. 110-135.1 that shall lead to the noncustodial parent's  
35 forfeiture of all licensing privileges if the court finds that the noncustodial parent has  
36 failed in these court-ordered duties. The noncustodial parent's rights to contest any such  
37 finding and the procedure of notifying licensing agencies as defined in G.S. 15A-1331 to  
38 revoke all licensing privileges are as set out in G.S. 110-135.1.

39 **§ 108A-26.7. Family responsibility of recipients; Learnfare; required**  
40 **immunizations.**

41 (a) The Department of Human Resources shall ensure that increases in assistance  
42 other than general increases provided to all recipients are not provided to a recipient

1 family for any additional dependent child born on or after the effective date of this  
2 section while the family is receiving assistance.

3 (b) The Department of Human Resources shall ensure that recipient families do  
4 not avoid the limitation on assistance required by subsection (a) of this section by  
5 temporarily leaving the assistance program during the time they give birth and then  
6 reapplying.

7 (c) The Department of Human Resources shall ensure that a family receiving  
8 assistance pursuant to this Part acts responsibly in raising its children by seeing that its  
9 children attend school, if required by the Compulsory Attendance Law, for at least eighty  
10 percent (80%) of the time and that its children receive all the immunizations and other  
11 health services that are required of and provided for them by State and federal law, unless  
12 the family qualifies for an Immunization Law exemption.

13 If a dependent child does not attend school for at least eighty percent (80%) of the  
14 time, if required by the Compulsory Attendance Law, the Department shall reduce the  
15 family's assistance by fifty dollars (\$50.00) each month each child's attendance does not  
16 meet this requirement.

17 If a family does not provide a dependent child with the age-appropriate  
18 immunizations and other health services, including preventive health services, that are  
19 required of and provided for the family, the Department shall reduce the family's  
20 assistance by fifty dollars (\$50.00) for each month the appropriate services are not  
21 provided to each child, unless the family qualifies for an Immunization Law exemption.

22 If a family fails to ensure a dependent child's proper school attendance, if required by  
23 the Compulsory Attendance Law, and fails as well to provide the appropriate health  
24 services unless exempted, the Department shall reduce the family's assistance by a total  
25 of one hundred dollars (\$100.00) per month per child for so long as the family continues  
26 to fail to ensure the child's school attendance and fails to provide the appropriate health  
27 services.

28 The Department, in cooperation with the State Board of Education, the Department of  
29 Environment, Health, and Natural Resources, the Social Services Commission, the Office  
30 of Nonpublic Education in the Office of the Governor, and the Commission for Health  
31 Services, shall ensure that actual notice of pending failure to meet Compulsory  
32 Attendance Law requirements and of due dates for immunizations and other available  
33 health services are received by families receiving assistance pursuant to this Part.

34 The Department, in cooperation with these agencies, shall also ensure:

35 (1) That clear and equitable rules are applied:

36 a. To the monitoring of families' failures to act responsibly pursuant  
37 to this section; and

38 b. To the restoring of full unreduced assistance as soon as possible;

39 (2) That these rules are made clear to the families; and

40 (3) That local departments of social services work with their families:

41 a. To help them keep their children in school;

42 b. To keep them provided with the appropriate health services; and

1 c. If possible, to keep them from having to have their assistance  
2 reduced.

3 **"§ 108A-26.8. Notification of eligibility restrictions.**

4 (a) The Department of Human Resources shall ensure that all applicants for  
5 assistance are informed at the time of application of the eligibility restrictions and  
6 requirements contained in G.S. 108A-26.5, 108A-26.6, and 108A-26.7.

7 (b) Effective upon ratification of these sections, the Department of Human  
8 Resources shall develop a comprehensive program of public service announcements and  
9 printed materials and shall work to publicize these eligibility restrictions and  
10 requirements. This notification shall begin immediately following ratification of these  
11 sections to encourage all affected citizens, both men and women, to accept personal and  
12 family responsibility."

13 Sec. 3. G.S. 110-131 reads as rewritten:

14 **"§ 110-131. Compelling disclosure of information respecting the nonsupporting**  
15 **responsible parent of a child receiving public assistance.**

16 (a) If a parent of any dependent child receiving public assistance fails or refuses to  
17 cooperate with the county in locating and securing support from a nonsupporting  
18 responsible parent, this parent may be cited to appear before any judge of the district  
19 court and compelled to disclose such information under oath and/or may oath. This parent  
20 shall be declared ineligible for public assistance—all noncash benefits this parent is  
21 otherwise eligible for under G.S. 108A-26.5 by the county department of social services  
22 for as long as he—the parent fails to cooperate—cooperate, unless the department determines  
23 that the dependent child was born as a result of rape or incest and that efforts to establish  
24 paternity would result in physical danger to the parent or the child. Parents who refuse to  
25 cooperate shall receive only Medicaid and WIC benefits for parent and child. Parents  
26 who identify the other parent of their child, who cooperate in locating and securing  
27 support from the other parent, or who are excused from cooperation as prescribed in this  
28 subsection shall be eligible for all noncash benefits to which they are eligible under G.S.  
29 108A-26.5.

30 (b) Any parent who, having been cited to appear before a judge of the district court  
31 pursuant to subsection (a), fails or refuses to appear or fails or refuses to provide the  
32 information requested may be found to be in contempt of said court and may be fined not  
33 more than one hundred dollars (\$100.00) or imprisoned not more than six months or both.

34 (c) Any parent who is declared ineligible for public assistance by the county  
35 department of social services shall have his—this parent's needs excluded from  
36 consideration in determining the amount of the grant, and the needs of the remaining  
37 family members shall be met in the form of a protective payment in accordance with G.S.  
38 108-50. G.S. 108A-38."

39 Sec. 4. Article 9 of Chapter 110 is amended by inserting a new section to read:

40 **"§ 110-135.1. Work/support requirements of noncustodial parent; loss of licenses**  
41 **for failure to comply.**

1       (a) This section applies only to those IV-D cases requiring child support from  
2 noncustodial fathers of dependent children as defined in G.S. 108A-24. The term  
3 'noncustodial parent' is used in lieu of 'responsible parent'.

4       (b) Notwithstanding any law to the contrary, the Department of Human Resources  
5 shall ensure that any court order that requires child support of a noncustodial parent may  
6 be modified upon a finding that the noncustodial parent cannot pay child support because  
7 that parent is unemployed. The modified order shall require that the unemployed  
8 noncustodial parent shall perform public community service. If such a parent is both  
9 unemployed and a high school student, the modified order shall also specify that this  
10 parent shall perform public community service and that these services takes precedence  
11 over all nonacademic extracurricular activities. The number of hours per month that this  
12 parent shall work is based on the monthly amount of child support owed by the parent  
13 divided by the State's minimum wage.

14       The Department of Human Resources and the Administrative Office of the Courts  
15 shall adopt rules necessary to implement this subsection.

16       Noncustodial parents who fail to perform the court-ordered number of public  
17 community service as prescribed in subsection (a) of this section or who otherwise  
18 fail to fulfill their financial responsibilities for court-ordered child support shall lose any  
19 privileges granted by any State licenses as defined in G.S. 15A-1331A.

20       Upon the local department of social service's determination that a noncustodial parent  
21 has failed to fulfill the required duty for child support or to perform the required work in  
22 lieu of making child support payments, it shall promptly notify the clerk of superior court  
23 to find that the noncustodial parent has failed in these court-ordered duties and to order  
24 that all licensing privileges as defined in G.S. 15A-1331A are revoked by the appropriate  
25 licensing agencies as defined in G.S. 15A-1331A."

26       Sec. 5. This act becomes effective July 1, 1996, and applies to benefits  
27 provided on or after that date, provided that, if a waiver is required by the federal  
28 government, the Department of Human Resources shall diligently pursue a waiver from  
29 the date of ratification, in which case the act shall become effective on the first day of the  
30 second calendar month after the waiver is accepted and applies to benefits provided made  
31 on or after that date.