

SPONSOR: Sen. Walsh & Rep. Bolden
Sens. Delcollo, Hansen, Pettyjohn, Sokola; Reps. Baumbach, Carson, Dukes, Spiegelman, Viola

DELAWARE STATE SENATE
149th GENERAL ASSEMBLY

SENATE BILL NO. 244
AS AMENDED BY
SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 31 OF THE DELAWARE CODE RELATING TO WELFARE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 1, Title 31 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 114 Recovery of public assistance overpayments.

(a) Any assistance paid to or in behalf of any person under Temporary Assistance for Needy Families ~~the Aid to Families with Dependent Children~~, General Assistance, Food Benefits ~~Stamps~~ and Medicaid programs in excess of that to which the person is entitled under the program or programs shall be recoverable by the Department of Health and Social Services (the Department) for the State in a civil action against such person or the person's estate in any court of competent jurisdiction.

(d) Any judgment entered in any court of competent jurisdiction for the Department pursuant to a confession of judgment regarding any assistance paid to or in behalf of any person under the Temporary Assistance For Needy Families ~~Aid to Families with Dependent Children~~, General Assistance, Food Benefits ~~Stamps~~ and Medicaid programs in excess of that to which the person is entitled under the program or programs or regarding any amount of money due under an agreement relating to any assistance paid to or in behalf of any person under the Temporary Assistance For Needy Families ~~Aid to Families with Dependent Children~~, General Assistance, Food Benefits ~~Stamps~~ and Medicaid programs in excess of that to which the person is entitled under the program or programs shall include an award for the court costs of such judgment. That portion of such judgment that constitutes the court costs of such judgment shall be remitted by the Department to the State Treasurer.

Section 2. Amend Chapter 5, Title 31 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 503 Eligibility for assistance; amount; method of payment.

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(d) Temporary Assistance For Needy Families ~~Aid to Families With Dependent Children~~ — Eligibility for and the amount of assistance granted to families under Temporary Assistance For Needy Families ~~Aid to Families with Dependent Children~~ shall be determined in accordance with rules and regulations made by the Department with due regard to the resources, income and necessary expenditures of Delaware families the limit of funds appropriated therefor, and the legislative intent expressed in § 501 of this title.

(f) Form of payment — Such monetary assistance, as shall be granted under this chapter, shall be paid to such needy person ~~only~~ in the form of ~~a check drawn upon this State, which check shall be sent to the recipient by United States first class mail or by~~ any ~~other~~ method meeting the requirements of good accounting control and federal regulations and having the approval of the Secretary of the Finance Department ~~Finance~~. However, when monetary assistance is paid personally to a recipient, the recipient must have an identification card bearing the recipient's picture. The identification card shall be provided by the State through its appropriate agency upon the request of any recipient at a cost not to exceed $2.00, except that any recipient who is 65 years of age or older, or has blindness or a disability shall not be required to pay any fee for an identification card.

§ 505 Categories of assistance [Effective until Jan. 1, 2020]

Assistance may be granted, in accordance with rules and regulations established by the Department of Health and Social Services pursuant to § 503 of this title, in the following categories:

(1) Temporary Assistance For Needy Families ~~Aid to Families with Dependent Children~~; assistance with respect to needy families with children. Temporary Assistance For Needy Families ~~Aid to families with dependent children~~ means aid granted to a family, as that term is defined pursuant to Department of Health and Social Service Regulations, with respect to a child or children under the age of 18 who has or have been deprived of parental support or care by reason of death, continued absence from the home, physical or mental incapacity, unemployment, or underemployment.

If found feasible by and in accordance with regulations prescribed by the Department, the term Temporary Assistance For Needy Families ~~Aid to Families with Dependent Children~~ shall also include aid granted with respect to children who are removed from their home and placed in foster care as a result of a judicial determination initiated during the month in or for which such a family was receiving such aid or initiated during the month in or for which such a family would have received the aid if application for aid had been made, or if such children, who within 6 months prior to the month court proceedings were initiated, had been living with a specified relative and would have been eligible for assistance in or for such month except for failure to meet the "living with" requirements, that continuation in the parent's or relative's home would be contrary to the child's welfare.

§ 505 Consumer Protection Fund [Effective Jan. 1, 2020]

Assistance may be granted, in accordance with rules and regulations established by the Department of Health and Social Services pursuant to § 503 of this title, in the following categories:

(1) Temporary Assistance For Needy Families ~~Aid to Families with Dependent Children~~; assistance with respect to needy families with children. Temporary Assistance For Needy Families ~~Aid to families with dependent children~~ means aid granted to a family, as that term is defined pursuant to Department of Health and Social Service Regulations, with respect to a child or children under the age of 18 who has or have been deprived of parental support or care by reason of death, continued absence from the home, physical or mental incapacity, unemployment, or underemployment.

If found feasible by and in accordance with regulations prescribed by the Department, the term Temporary Assistance For Needy Families ~~Aid to Families with Dependent Children~~ shall also include aid granted with respect to children who are removed from their home and placed in foster care as a result of a judicial determination initiated during the month in or for which such a family was receiving such aid or initiated during the month in or for which such a family would have received the aid if application for aid had been made, or if such children, who within 6 months prior to the month court proceedings were initiated, had been living with a specified relative and would have been eligible for assistance in or for such month except for failure to meet the "living with" requirements, that continuation in the parent's or relative's home would be contrary to the child's welfare.

§ 512 Administration.

~~(9) The Social Services Advisory Council, which is appointed by the Governor, will review rules and regulations established by the Department to implement major changes in assistance programs.~~

~~(10) As part of welfare reform implementation, the Department will conduct an evaluation of the impact of changes with input and guidance from Social Services Advisory Council.~~

§ 518 Failure to comply with job placement, education, training, work eligibility, parenting or personal responsibility requirements.

The Department of Health and Social Services may issue and implement rules and regulations establishing sanctions for families receiving Temporary Assistance For Needy Families ~~Aid to Families with Dependent Children~~ who fail to comply with work, education, training, work eligibility, parenting or personal responsibility requirements established by the Department pursuant to § 512(1) of this title. Such sanctions may, among other things, reduce assistance to such a family and may include, for a family who has failed to comply with job placement, education, training or work eligibility requirements ~~on 3 or more occasions, a permanent prohibition on further assistance~~ under the Temporary Assistance For Needy Families ~~Aid to Families with Dependent Children~~ program. The Department shall afford recipients due process as provided under applicable rules and regulations prior to the implementation of any such sanctions."

§ 519 Payment of assistance grants by the Department of Welfare.

Notwithstanding any other provision of law, the Department of Public Welfare may make payment of assistance grants under the Temporary Assistance For Needy Families ~~aid to families with dependent children~~ program on behalf of certain eligible cases or families directly to the Employment Security Commission, Department of Labor, of this State, with the understanding that such assistance payments so made shall be used to compensate the eligible case or family for employment services rendered through placement of the employable adult or person 16 years of age or older and not in school with a public or private nonprofit agency for the purpose of performing specific duties.

Section 3. Amend Chapter 9, Title 31 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 901 Purpose.

The purpose of this chapter is to provide a time-limited opportunity for employable adults of families who receive Temporary Assistance For Needy Families ~~Aid to Families with Dependent Children~~ to earn their public assistance during the time they are receiving such assistance, obtain job skills, develop strong work ethics, and establish work histories so as to better enable them to obtain private sector employment and become self-sufficient.

§ 902 Work requirements as to employable recipients of public ssistance.

Employable persons receiving assistance from the Department of Public Welfare in the categories of general assistance or Temporary Assistance For Needy Families ~~aid to families with dependent children~~ shall be required in accordance with this chapter to perform such work as shall be assigned to them by the Department of Public Welfare and/or shall be required to attend and participate in any training project designed to improve employability to which they may be assigned by said Department.

§ 911 Job training and placement by nonprofit corporations.

(a) The Department of Labor ~~(WIN)~~ is authorized: (1) To refer welfare recipients to nonprofit corporations for training designed to improve employability and for job placement or job referral; and (2) to pay the sum of $500 to nonprofit corporations, which have an approved proposal by August 1 of the current fiscal year, for each welfare recipient placed in an unsubsidized job.

(b) "Placed" or "placement" as used in this section shall mean placement of a ~~WIN~~ referral in an unsubsidized substantially full-time job of not less than 100 hours per month for a minimum of 30 days.

Section 4. Amend Chapter 11, Title 31 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1101 Confidential character of public assistance records; penalties for violations.

(b) It shall be unlawful for any person to solicit, receive or make use of, disclose, or authorize, knowingly permit, or participate in the use of any information relating to any person who has applied for or who receives Temporary Assistance For Needy Families ~~aid to families with dependent children~~, general assistance, food stamps, aid to the blind or medical assistance where such information is derived directly or indirectly from the communications or records of the agency administering such aid or assistance or is acquired in the course of the performance of official duties; provided, however, that such conduct shall not be unlawful:

Section 5. Amend Chapter 15, Title 31 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1502 Establishment of program.

(a) The Delaware Welfare Employment Program (the "Program") is created within the Department of Health and Social Services (the "Department") as a critical component of the State's welfare-to-work strategy; provided, however, that the Program shall, as with the State's other welfare-to-work strategies, be administered by the Department in cooperation with the Department of Labor (“DOL”), ~~the Division of Small Business, Development and Tourism~~ and the Delaware Workforce Development Board (“WDB”). To the extent necessary to enable the Department to make use of the Program for appropriate cases, the Department shall amend the State plans for the Temporary Assistance For Needy Families (“TANF”) ~~Aid to Families with Dependent Children ("AFDC")~~ program ~~and the jobs and basic skills ("JOBS") program~~ and shall seek federal approval for plan amendments and any waivers from federal law. The Department shall implement the Program with maximum federal financial participation.

(b) In lieu of receiving cash payments from the TANF ~~AFDC~~ program during a placement, participants in the Program shall be provided with productive jobs and paid in a way that promotes self-sufficiency and the opportunity for advancement in the workforce.

§ 1503 Individual participation in the program.

(1) Adult and caretaker relatives of children who are receiving TANF ~~AFDC~~ program benefits; and

(2) Unemployed non-caretaker parents of children who are receiving TANF ~~AFDC~~ program benefits.

(d) Any person enrolled full-time in an accredited post-secondary degree program who demonstrates adequate progress toward completion of such program shall be exempt from participation in the Program for a period not to exceed 2 years and may be permitted an extension to continue person's studies for an additional 2 years; provided, that such person works sufficient hours to earn such person's TANF ~~AFDC~~ program grant during such period.

(e) Notwithstanding subsection (a) of this section, any TANF ~~AFDC~~ recipient working full time in a job not subsidized under the Program shall be exempt from participation in the Program.

§ 1504 Financing.

Within the limit of its appropriations, the Department may expend such portion of the moneys appropriated to it for expenditure by or apportioned to the State for operation of ~~the~~ TANF ~~AFDC and the JOBS programs~~ as the Department deems necessary to make maximum advantage of the Program. The Department may also expend such moneys as are received from grants and contributions from individuals, corporations, trusts, foundations and the federal government for growth of the Program.

Not less than once a year, the Department shall review the cost-effectiveness of the Program and shall take necessary action to modify or suspend the Program to ensure the Program is a cost-effective use of the appropriations available to it for the TANF ~~AFDC and JOBS~~ programs.

§ 1505 Participating employers.

(b) As part of the State's overall effort to place employable recipients in unsubsidized private sector jobs, the Department, ~~and the~~ DOL, and the WDB ~~Cooperating Agencies~~, in cooperation with the Committee on Employment and Social Services ~~Welfare Employment Committee~~, shall recruit participating employers from among those employers subject to the unemployment insurance tax, through public invitation and through cooperative efforts with business associations, chambers of commerce, local governments and other such organizations.

(k) If after 6 months in a placement a participant has not been hired for an unsubsidized position, the placement shall be terminated and the employer shall file a statement with the Department explaining its reason for not hiring the participant in an unsubsidized position. At that time, the Department, ~~or one of the~~ DOL, or the WDB ~~Cooperating Agencies~~ as the case may be, shall reassess the participant's employability and determine an appropriate course of action such as whether to place the participant in another private sector job, a workfare job, or a job training or educational program, another Program placement, or to sanction the participant pursuant to its authority under § 1508 of this chapter and §§ 512 and 518 of this title.

(*l*) The Department, ~~and the~~ DOL, or the WDB ~~Cooperating Agencies~~ may provide the following types of services: Job readiness, job development, job training and placement, job support, program evaluation, and other services incident to the operation of the Program, and to that end, shall, to the extent such services may be provided more cost-effectively in such manner, subcontract for such services with qualified public and private organizations.

§ 1506 Participant compensation and benefits.

(a) Participants shall receive the following benefits so long as they satisfactorily participate in the Program:

(2) The EITC, with ~~advancible~~ any advanced portions paid as a part of the wage payment;

(5) Job training and job search counseling as otherwise available under the TANF ~~JOBS~~ program;

(b) TANF ~~AFDC~~ benefits shall be suspended for the duration of the placement at the end of the first calendar month in which an employer makes the first wage payment to a participant who is a custodial parent in a family that receives TANF ~~AFDC~~ program benefits.

(c) The Department shall also make supplemental payments to families for which the participant's wages, together with the EITC, represent less spendable income than the value of the TANF ~~AFDC~~ program benefits that the family would otherwise receive. The supplemental payments shall be in amounts which when added to the amount of participant wages together with the EITC will be equal to the value of the TANF ~~AFDC~~ program benefits that the family would otherwise receive. The Department shall determine and pay in advance supplemental payments to participants on a monthly basis as necessary to ensure equivalent net program wages. Such supplemental payments shall not be subject to federal income taxes and social security contributions.

~~§ 1509 Welfare Employment Committee.~~

~~(a) The Welfare Employment Committee (the "Committee") is established to assist the Department and the Cooperating Agencies in placing AFDC recipients in unsubsidized private sector jobs, and to advise them on the policy, direction and implementation of all of Delaware's welfare-to-work efforts, including the Program. The Committee shall operate in close cooperation with the Delaware Workforce Investment Board (the "Board") and shall provide the Board with its advice with respect to the allocation of job training and placement funds for implementation of the State's welfare-to-work efforts.~~

~~(b) The Committee shall have 7 members appointed by the Governor, who shall designate one member to serve as Chairperson at the Governor's pleasure. At least 5 of those members shall be representatives of employers, 2 of the members shall be at large. No more than 4 members may belong to the same political party.~~

~~(c) The initial appointees to the Committee shall serve until February 1, 1997. Three of the appointees who begin service after February 1, 1997, shall have terms of 3 years, 2 shall have terms of 2 years, and 2 shall have terms of 1 year, as designated by the Governor at the time of their appointment. Vacancies shall be filled for the duration of the unexpired term. Committee members shall be eligible for reappointment.~~

~~(d) The Committee shall recruit employers for AFDC recipients. For that purpose and to assist the State in placing AFDC recipients in private sector jobs, the Committee may hold public meetings and meet periodically with employers, AFDC recipients, and relevant State agencies to remove barriers to the placement of public assistance recipients in private sector jobs and to adapt State policies, including the Program, so as to better accomplish such placements.~~

~~(e) The Board shall include a section in its annual report prepared by the Committee regarding the status and implementation of the State's efforts to place AFDC recipients in private sector jobs, including the Committee's recommendations for improvements in such efforts.~~

§ 1509 Committee on Employment and Social Services.

a. Duties and Responsibilities:

(1)The Committee on Employment and Social Services (the "Committee") is established to assist the Department, DOL, and the WDB to place TANF recipients in unsubsidized private sector jobs, and to advise them on the policy, direction and implementation of all of Delaware's welfare-to-work efforts, including the Program. The Committee shall operate in close cooperation with the Delaware Workforce Development Board and shall provide the Board with its advice with respect to the allocation of job training and placement funds for implementation of the State's welfare-to-work efforts.

(2)The Committee shall serve in an advisory capacity and consider matters related to child support and social services as referred by the Governor, Secretaries of the Department and DOL. The Committee may study and research matters effecting employment and program service delivery efforts of the Divisions' of Child Support and Social Services as deemed appropriate.

b. Appointments, Term, Vacancy, and Removal:

(a) The Committee shall consist of 9 members appointed by the Governor which shall include no less than 3 employers and reflect diversity.

(b) Members shall be appointed for a term of up to 3 years in order to continue on a staggered basis so that no more than 3 member's terms expire in a year.

(c) A Chair and Vice Chair will be elected annually by the Committee.

(d) Members who fail to attend 3 consecutive meetings may be assumed to have resigned and the Governor may accept their resignation.

(e) The Division Directors of the Division of Social Services and Division of Child Support Services or their designees will attend the meetings and staffing will be provided by the Division of Social Services.

(f) The Committee must recruit employers for the purpose of assisting the State in the hiring and placement of TANF recipients in private sector jobs. The Committee may hold public meetings to explore ways to remove barriers that would prevent TANF recipients from finding sustainable employment opportunities.

~~§ 1510 Annual report.~~

~~The Department shall submit an annual written report to the Governor and the General Assembly containing a full and complete analysis of the operation of the Program, recommendations for the improvement of the Program, and an analysis of the cost projections of the Program. If the analysis concludes that the Program is not likely to achieve or maintain long-~~

~~term budget neutrality, allowing for expected price inflation, the Department shall present a plan for the modification or termination of the Program.~~

§ 1510 Annual report

The Committee shall complete an annual report outlining activities, status and implementation of the State's efforts to place TANF recipients in private sector jobs, including the Committee's recommendations for improvements in such efforts. The annual report will also include recommended areas to improve the efficiencies of service delivery efforts and suggest ways to reduce fraud and waste at the Divisions of Child Support and Social Services.