

HOUSE No. 85

By Mr. Cabral of New Bedford, petition of Antonio F. D. Cabral and others relative to welfare reform. Children, Families and Persons with Disabilities.

The Commonwealth of Massachusetts

PETITION OF:

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In the Year Two Thousand and Seven.

AN ACT RELATIVE TO WELFARE REFORM.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. The fifth paragraph of section 16 of chapter 18
2 of the General Laws, as appearing in the 2004 Official Edition, is
3 hereby amended by striking out the first sentence and inserting in
4 place thereof the following sentence:— When a timely request for

5 a hearing is made because of a termination or reduction of assis-
6 tance, or because of a determination that a recipient should no
7 longer be treated as exempt pursuant to section 2F of chapter 118,
8 involving an issue of fact, or of judgment relating to an individual
9 case, between the agency and the appellant, assistance shall be
10 continued on the same terms during the period of the appeal.

1 SECTION 2. Section 1 of chapter 118 of the General Laws, as
2 so appearing, is hereby amended by inserting before the definition
3 of “Dependent child” the following three definitions:—

4 “Assistance”, cash grants, special need assistance, and other
5 benefits which are available from the program.

6 “Child of record”, the youngest child of a recipient on July 1,
7 1995 or at the time a family first applies for assistance after July
8 1, 1995; provided, however, that a child born to a woman who was
9 pregnant on July 1, 1995 or at the time of first applying for assis-
10 tance shall be the child of record; provided, further, that the com-
11 missioner shall establish exemptions to allow a later-born child to
12 be the child of record if such child was born as a result of rape,
13 incest, sexual assault, or other extraordinary circumstances as
14 determined by the commissioner which may include, at the com-
15 missioner’s discretion, renewed eligibility for assistance after a
16 36-month period of ineligibility. Unless the commissioner grants
17 an exemption, the designation of child of record shall not change,
18 even if said child no longer lives in the household, or subsequent
19 children are born to the parent, unless the original child of record
20 has died.

21 “Commissioner”, the commissioner of the department.

1 SECTION 3. Said section 1 of said chapter 118, as so
2 appearing, is hereby further amended by striking out the definition
3 of “Dependent child” and inserting in place thereof the following
4 two definitions:—

5 “Dependent child”, “dependent children”, “child” or “children”,
6 the children of recipients eligible to receive assistance from the
7 program who are under the age of eighteen or who are eighteen
8 and a full-time student in a secondary school or in the equivalent
9 level of vocational or technical training and who may reasonably

10 be expected to complete such program before reaching age nine-
11 teen.

12 “Family”, the household unit consisting of dependent children
13 and a recipient or recipients determined eligible for assistance
14 from said program.

1 SECTION 4. Said section 1 of chapter 118, as so appearing, is
2 hereby further amended by inserting after the definition of
3 “Parent” the following two definitions:—

4 “Program”, the program of transitional aid to families with
5 dependent children established by this chapter, including state-
6 funded transitional aid to families with dependent children and
7 any initial assessment program established pursuant to section 3F
8 (c).

9 “Recipient”, parents or other relatives receiving or otherwise
10 eligible to receive assistance from said program who are respon-
11 sible for the care of dependent children.

1 SECTION 5. Section 2 of said chapter 118, as so appearing, is
2 hereby amended by striking out, in line 1, the word “The” and
3 inserting in place thereof the following word:— (a) The.

1 SECTION 6. The first paragraph of said section 2 of said
2 chapter 118, as so appearing, is hereby amended by striking out
3 the third and fourth sentences and inserting in place thereof the
4 following sentence:— A family shall be eligible for assistance
5 provided its maximum allowable countable resources do not
6 exceed \$2,500 and upon meeting all other eligibility criteria; pro-
7 vided, however, that the value of a licensed motor vehicle shall be
8 determined based on its fair market value and that the department
9 shall disregard at least the first \$10,000 of fair market value of
10 any such vehicle.

1 SECTION 7. Said section 2 of said chapter 118, as so
2 appearing, is hereby amended by striking out the second, third,
3 and fourth paragraphs and inserting in place thereof the following
4 four subsections:—

5 (b) The aid furnished shall be sufficient to enable such parent to
6 bring up such child or children properly in his or her own home

7 and shall be in an amount to be determined in accordance with
8 budgetary standards of the department. Effective July first of
9 every year, and subject to appropriation, the department shall
10 increase the total budget of each eligible recipient, before taking
11 into consideration any available income and resources, by a per-
12 centage amount equal to the percentage rise in the United States
13 Consumer Price Index for January first of that year over the level
14 of said index for January first of the previous year plus such addi-
15 tional percentage amount as is recommended annually by the
16 department and appropriated by the general court. The department
17 shall establish levels of assistance subject to the provisions of this
18 section and the general appropriations act and families of compa-
19 rable size and financial circumstances shall be awarded the same
20 level of assistance.

21 (c) Assistance shall be granted from the date on which the
22 applicant is determined to be eligible or thirty days from the
23 receipt of a signed and completed application form, whichever is
24 earlier. Such assistance shall be paid by cash or in check and shall
25 be paid semimonthly in advance unless the applicant prefers less
26 frequent payments.

27 (d) A recipient or an applicant for transitional aid to families
28 with dependent children benefits, whether or not exempt pursuant
29 to section 2F, shall be eligible to have \$30 and one-half of the
30 remaining gross earned income, after work-related expenses but
31 before dependent care deductions, disregarded for the entire
32 period that any such recipient is eligible for assistance. In deter-
33 mining the amount of the cash payment to a recipient living with
34 his parents, the department shall disregard income of the house-
35 hold up to 200 per cent of the poverty level for a family of compa-
36 rable size unless such income is earned by the parent living with
37 his parent. In cases involving a child born after the child of
38 record, the parent need not assign the rights to such payment to
39 the commonwealth. A monthly amount of said child support
40 received on behalf of such after-born child equal to the standard
41 increment of assistance shall not count as income to the family in
42 determining the amount of assistance to the family.

43 (e) The department shall not provide any increment in assis-
44 tance because of the addition to a family of any child born after

45 the “child of record”. A caretaker or guardian who is not eligible
46 for assistance but is caring for dependent children shall not be so
47 affected by the limit on additional assistance imposed by this sub-
48 section, until said caretaker or guardian gives birth to a child that
49 makes said caretaker or guardian initially eligible for assistance.

50 (f) Payment for funeral expenses of any such parent or depen-
51 dent child in his or her custody may be paid directly to the person
52 furnishing such services. Payment for other services rendered to
53 such parent or dependent child in his or her custody may be paid
54 directly to the person furnishing such services only when such
55 payment is effected to meet an expense which remained unpaid at
56 the time of the death of the parent or his commitment to an institu-
57 tion as a mentally ill person or in a case where such payment is
58 necessary to discharge an obligation incurred by the department in
59 securing such services for such parent or dependent child. Nothing
60 in this chapter shall be construed as authorizing any public offi-
61 cial, agent or representative, in carrying out any provision of this
62 chapter, to take charge of any child over the objection of the father
63 or the mother of such child, or of the person standing in loco par-
64 entis to such child, except pursuant to a proper court order. The
65 department may pay a sum not exceeding eleven hundred dollars
66 for the funeral and burial of a recipient provided that cost does not
67 exceed fifteen hundred dollars and there are insufficient resources
68 to pay for the cost of such funeral and burial. Any resources of the
69 recipient shall be deducted from the maximum cost of the funeral
70 and burial allowable hereunder and the difference, subject to the
71 limitation set forth in this paragraph, shall be paid by the depart-
72 ment.

73 (g) Notwithstanding any general or special law or any rule or
74 regulation to the contrary, persons collecting public assistance
75 from programs administered by the department of transitional
76 assistance who inherit any sum of money or receive a damage
77 award or whose net winnings or payoff of any lottery or contest
78 exceed \$600 in cash or other monetary value, shall report said
79 inheritance, winnings or damage award to the department within
80 10 days of collecting said excess amount or lump sum income, so-
81 called. Upon any said person’s collection of any such value or
82 amount in excess of \$600, the department shall reduce the assis-
83 tance granted to any such person by said amount in excess of

84 \$600. If at any time said excess amount exceeds said person's
85 monthly public assistance benefit, said assistance shall be sus-
86 pended and no such public assistance shall be paid to said person
87 until such time as the value of said monthly transitional assistance
88 supplement equals the value of said excess amount. Notwith-
89 standing the preceding 2 sentences, up to \$5,000 of such lump
90 sum income shall be disregarded as income and excluded as an
91 asset if within 30 days of its receipt, or within 30 days of being
92 informed by the department of the terms of this section,
93 whichever is later, it is deposited in a separate identifiable account
94 at a financial institution, community development corporation or
95 other nonprofit agency approved by the department to establish
96 and administer such financial accounts. Withdrawals from such an
97 account during any period of assistance shall be counted as an
98 asset unless the withdrawal is for one of the following purposes:

- 99 (i) Expenses for education or job training to attend an accred-
100 ited or approved education or training institution;
101 (ii) The purchase or repair of a home that is the applicant or
102 recipient's principal residence or of basic household necessities,
103 such as beds, tables, chairs, appliances and cooking or eating
104 utensils;
105 (iii) The purchase or repair of a vehicle used for transportation
106 to work, to attend an education or training program, or to transport
107 a disabled family member;
108 (iv) Capital to start a small business for any family member 18
109 years of age or older;
110 (v) Health care costs not covered by public or private insur-
111 ance; or
112 (vi) Obtaining or retaining housing by a family that is homeless
113 or at imminent risk of homelessness.

1 SECTION 8. Said chapter 118 is hereby further amended by
2 inserting after section 2B the following six sections:—

3 Section 2C. (a) The department shall not provide benefits to a
4 family headed by a parent under the age of 20, unless such parent
5 has graduated from or is enrolled in a program for a high school
6 diploma or a general education development certificate.

7 (b) In situations where no abuse, neglect or addiction is present,
8 the department shall not provide benefits to a family headed by a

9 recipient under the age of 20, unless such recipient resides with a
10 parent, grandparent, uncle, aunt, adult sibling, spouse, other
11 family member as determined by regulations or guardian or lives
12 in structured housing; provided, however, that the department may
13 determine that a teen recipient who achieved necessary educa-
14 tional and vocational goals and acquired sufficient independent
15 living skills and parenting skills may live on her own. In situa-
16 tions where a pregnant or parenting teen recipient asserts that she
17 cannot stay at home because abuse, neglect or addiction is present,
18 or because of other extraordinary circumstance which the commis-
19 sioner determines should exempt the teen from this requirement,
20 the home shall be evaluated by a professional experienced in the
21 field of adolescent development and young parenting within the
22 department of social services; provided, however, that such pro-
23 fessional shall not replace or be assigned in addition to a social
24 worker who has already been working with the pregnant or par-
25 enting teen and her family for more than one month. The depart-
26 ment shall establish standards and procedures to govern
27 determinations of abuse, neglect and addiction as required by this
28 subsection. Wherever it is determined by the department that
29 abuse, neglect or addiction is present or such other extraordinary
30 circumstance requires, the teen shall reside in a structured setting
31 pursuant to the provisions of section 3E. In order to receive bene-
32 fits from the department. If a structured setting is not available at
33 the time such determination is made, such individual shall be
34 exempt from the provisions requiring the teen recipient to live at
35 home pursuant to this subsection until such time as a placement in
36 a structured setting shall be made available.

37 Section 2D. (a) No aid shall be paid under the program to, or on
38 behalf of, any child under the age of 16 whose school attendance
39 does not meet the requirements of this section, with respect to that
40 period during which the child does not meet these requirements,
41 unless the recipient, parent or guardian can establish that reason-
42 able efforts were made by the recipient to ensure said school
43 attendance requirements were met.

44 (b) Each non-disabled recipient, as defined and determined by
45 the department, shall provide documentation to the department,
46 not less than quarterly, that any school age child under the age of

47 16 receiving assistance has missed not more than 8 school days
48 during the previous quarter; provided, that absences due to the
49 following reasons shall be considered excused absences:—

50 (i) illness, as certified by a physician or by other proof that the
51 department determines is adequate, including, but not limited to, a
52 note written by a parent or guardian

53 (ii) hospitalization;

54 (iii) disability, as defined by the department;

55 (iv) death of a family member;

56 (v) crisis situations as defined by the commissioner.

57 (vi) other circumstances recognized by the school.

58 (c) A non-disabled recipient who does not, without good cause,
59 provide the documentation required by this section within the rea-
60 sonable time frame established by the department, or the docu-
61 mentation so provided indicates that the child has had more than 8
62 unexcused absences from school during the prior quarter, the
63 recipient shall be placed on a probationary status, during which
64 time the recipient shall be required to provide monthly documen-
65 tation of the child's attendance. The recipient shall remain on pro-
66 bationary status until such time as the number of unexcused
67 absences during the 6 preceding school months does not exceed
68 10 school days.

69 (d) If a child under the age of 16 has more than 3 unexcused
70 absences during any month in the probationary status, no aid shall
71 be paid to, or on behalf of, that child until the recipient provides
72 documentation that the child's school attendance meets the
73 requirements of this section.

74 (e) Notwithstanding the provisions of section 27C of chapter
75 29, and without regard to any acceptance or appropriation by a
76 city, town, or regional school district, and without regard to any
77 appropriation by the general court, any school attended by a child
78 to which this section applies shall provide the documentation
79 required by this section upon the request of the recipient.

80 Section 2E. No recipient shall be eligible to receive the recipi-
81 ent's portion of assistance payable under the program without pre-
82 senting a certificate of immunization for each child to the
83 department of transitional assistance; provided, that said certifi-
84 cate shall state that said child has been immunized for diseases

85 outlined by section 15 of chapter 76. A recipient shall not be
86 denied said assistance until having been provided with 60 days to
87 meet the requirements established by this section. The department,
88 in consultation with the division of medical assistance, shall
89 inform each such recipient about health care providers available in
90 the recipient's community who are capable of assisting with such
91 immunizations.

92 Section 2F. (a) Recipients meeting the following eligibility cri-
93 teria shall be exempt from the provisions of sections 2G, 2H and 3
94 until such time as their eligibility status has been determined by
95 the department to have changed and they no longer conform to the
96 criteria that define the following exempt categories of assistance:

97 (1) recipients who are disabled, as defined by regulations of the
98 department, in that they have a physical or mental defect, illness
99 or impairment which substantially reduces or eliminates their
100 ability to support themselves or their children provided that in
101 families with 2 parents, both parents must be disabled and that, to
102 the extent permitted by federal law, the word "disabled" shall not
103 include recipients who are alcohol-or drug-dependent or whose
104 disability is based in whole or in part on previous dependency.

105 (2) recipients who must care for a disabled child, spouse or
106 other immediate relative; provided, that the need for such care is
107 supported by medical documentation;

108 (3) recipients in their third trimester of pregnancy; provided,
109 however, that a recipient in the third trimester of pregnancy who,
110 within 30 days of application or after applying, voluntarily termi-
111 nates a paying job for reasons unrelated to the health or safety of
112 the recipient or her unborn child, as determined by the recipient's
113 medical provider, or without other good cause reasons, shall not
114 be eligible for the exemption based on pregnancy. It shall be pre-
115 sumed that a recipient did not voluntarily terminate her employ-
116 ment, and, if the department determines that she did, the
117 department shall carry the burden of proving that no good cause
118 reason existed for such voluntary termination;

119 (4) recipients with a child of record under the age of 1 year or
120 any child other than the child of record who is under the age of 3
121 months;

122 (5) parents or other relatives who receive assistance for a child
123 in their care but not for themselves; provided, that said exemption

124 shall apply only to relatives who have no legal obligation to sup-
125 port the child in their care, minor parents who are not a head-of-
126 household or a spouse of a head-of-household, aliens who are
127 ineligible to receive assistance due to their immigration status,
128 recipients of supplemental security income and other parents or
129 relatives who are not work-eligible as defined by federal law; pro-
130 vided further, that, in the case of a recipient of supplemental secu-
131 rity income who engages in work activities that meet the
132 requirements of federal law, the department shall include such
133 families in the numerator and denominator of the work participa-
134 tion rate, to the extent doing so assists the state in meeting said
135 rate.

136 (b) Recipients meeting the following eligibility criteria shall be
137 exempt from the provisions of section 2G, but subject to the provi-
138 sions of sections 2H and 3 until such time as their eligibility status
139 has been determined by the department to have changed and they
140 no longer conform to the criteria that define the following exempt
141 categories of assistance:

142 (1) recipients with a child of record between the ages of 1 and 2
143 years; and

144 (2) recipients under the age of 20 attending high school full
145 time under section 2C.

146 Section 2G. (a) A family in which the recipient does not qualify
147 for the exempt categories of assistance established by section 2F
148 shall receive assistance for not more than a maximum and cumula-
149 tive 24 months during a continuous 60 month period, unless an
150 extension is granted by the commissioner, according to regula-
151 tions which shall be promulgated by the department. Said contin-
152 uous period of 60 months shall commence from the date a
153 recipient first becomes eligible for assistance as a parent or on
154 July 1, 1995, whichever is later.

155 (b) In the event a recipient's eligibility status changes to an
156 exempt category of assistance while receiving benefits, the calcu-
157 lation of the maximum assistance period of 24 months within said
158 60 month period, shall be suspended and not resume until such
159 time as the recipient is no longer eligible for said exempt status, at
160 which time the calculation shall resume.

161 (c) The calculation of said 24 month period of eligibility for
162 assistance, shall be suspended when a recipient or a family unen-

163 rolls from said program. The calculation of said 24 month period,
164 shall resume when said recipient or family is determined upon
165 reapplication to be eligible for assistance. Reapplication for assis-
166 tance within said continuous 60 month period shall not be consid-
167 ered a new case for purposes of calculating the periods of
168 eligibility and ineligibility for assistance under this section. Deter-
169 minations of a recipient's exempt category status pursuant to this
170 section shall be subject to fair hearings; provided, however, that
171 the time during which any appeal is pending shall be calculated
172 toward the period of maximum assistance eligibility.

173 (d) The commissioner shall establish a procedure by which a
174 recipient may request an extension of benefits. The commissioner
175 shall establish criteria to be considered in making a determination
176 that a recipient's benefits should be extended. Such criteria shall
177 include, but not be limited to: (i) whether the recipient has
178 received and or rejected offers of employment, has quit a job
179 without good cause or has been fired for cause; (ii) the degree to
180 which the recipient has cooperated, and is cooperating, with the
181 agency in work-related activities. In making said determination,
182 the commissioner shall, further, consider whether appropriate job
183 opportunities actually exist locally at a given point in time for
184 recipients. The commissioner may review and revise such deter-
185 minations as he deems appropriate.

186 (e) A recipient who, in order to remain eligible for benefits,
187 changes eligibility status, and said change in status is proven in a
188 court of competent jurisdiction to be the result of fraud or deceit,
189 shall not be eligible for any program of assistance provided by the
190 commonwealth including, but not limited to, programs of assis-
191 tance administered by said department, including programs
192 administered jointly with the federal government or solely on the
193 part of the commonwealth, or administered by the division of
194 medical assistance, the department of public health, the depart-
195 ment of early education and care or the department of social serv-
196 ices, and shall be required to pay full restitution and any fine
197 levied and shall not be eligible to receive assistance until such
198 amounts have been so paid. Any recipient who participates in or
199 assists in procuring payments from the department by falsely
200 depicting himself as exempt as defined herein, shall be punished
201 by a fine of not less than \$200 nor more than \$5,000 or by impris-

202 onment for not less than 1 year nor more than five years and in all
203 cases repayment shall be ordered of the amount of any such pay-
204 ments procured in addition to and not in lieu of any penalties
205 imposed pursuant to this section.

206 Section 2H. (a) The department shall administer a program, to
207 be known as the work program, for families who are not exempt
208 under section 2F and have received assistance from the program
209 for a total of 60 days during which they were not exempt pursuant
210 to said section 2F.

211 (b) Absent good cause pursuant to subsection (e), recipients
212 subject to said work program requirement shall be required to
213 engage in work activities, pursuant to subsection (c), for up to the
214 number of hours per week required by federal law. Prior to refer-
215 ring an applicant or recipient to any work activity under this sub-
216 section, the department shall comply with the requirements of
217 section 3 related to development of an employment development
218 plan.

219 (c) The work activity requirement may be met by engaging, for
220 up to the number of hours per week required to be countable
221 under federal law, in any of the following activities, as defined
222 by federal law or this chapter; provided, that such activities shall
223 count toward said work activity requirement only to the extent
224 such activities are countable under federal law or the department
225 determines that participation in such activities will enable a recip-
226 ient to overcome barriers to employment or will otherwise assist
227 the state in satisfying work participation rates or is appropriate to
228 accommodate the special needs of persons with disabilities:
229 unsubsidized employment; subsidized public sector employment
230 or subsidized private sector employment, which may be fulfilled
231 by working full time in the full employment program established
232 by section 3D; work experience if sufficient private sector
233 employment is not available; on-the-job training; job search and
234 job readiness activities; community service programs established
235 under section 3C; vocational educational training,; job skills
236 training directly related to employment,; education directly related
237 to employment, in the case of a recipient who has not received a
238 high school diploma or a certificate of high school equivalency;
239 satisfactory attendance at secondary school or in a course of study
240 leading to a certificate of general equivalence, in the case of a

241 recipient who has not completed secondary school or received
242 such a certificate; providing child care services to an individual
243 who is participating in a community service program; participa-
244 tion in any other activities that meet the requirements of the fed-
245 eral Personal Responsibility and Work Opportunity Reconciliation
246 Act of 1996, or any successor act; participation in other activities
247 that the department determines would enable a recipient to over-
248 come barriers to employment or will otherwise assist the state in
249 satisfying work participation rates or are appropriate to accommo-
250 date the special needs of persons with disabilities; or by partici-
251 pating in a combination of any of these activities. Recipients
252 under the age of 20 attending high school full time under section
253 2C shall be deemed to have satisfied the requirements of this
254 section through satisfactory attendance at secondary school. Par-
255 ticipation in work activities shall be verified in the manner and at
256 the frequency required by federal law.

257 (d) The commissioner may provide that recipients subject to the
258 work requirement who, without good cause and after having been
259 required to perform community service pursuant to subsection (f),
260 do not satisfy said work requirement shall not receive assistance
261 until they meet the requirement for 2 weeks. The sanction for not
262 satisfying the work requirement shall not include termination of
263 assistance to the children or other family members of the recip-
264 ient.

265 (e) The department shall determine that good cause exists when
266 a recipient is not in compliance with the work program or the
267 terms of an employment development plan and the noncompliance
268 is due to lack of appropriate and available child care, lack of
269 affordable and reliable transportation, housing search, lack of an
270 available and appropriate community service site identified by the
271 department, illness or disability or other reasons established by
272 the department. For purposes of this subsection, a determination
273 as to whether an available child care slot is appropriate shall take
274 into consideration factors that the department of early education
275 and care recommends be considered or that a reasonable and
276 responsible parent would consider in deciding whether a child
277 care slot is appropriate, including the time required to travel to
278 and from the provider and the recipient's home, work or other
279 activities. Before determining that a recipient has not complied

280 with the work program or the terms of an employment develop-
281 ment plan without good cause, the department shall review all
282 good cause criteria with the recipient to determine if good cause
283 exists.

284 (f) If a recipient in the work program has not obtained employ-
285 ment or is otherwise not participating in countable work activities
286 for the required number of hours per week, the recipient shall be
287 required to participate for the required hours per week in the com-
288 munity service program established by section 3C during the
289 school hours of her or his child in return for the applicable pay-
290 ment standard otherwise payable to the family; provided that the
291 department shall refer the recipient to an available and appropriate
292 community service site and that the recipient may at any time
293 thereafter choose to comply with said work requirement through
294 other countable activities and the department shall inform each
295 recipient of this option at the time the recipient is mandated to do
296 community service. In the case of a recipient who has obtained
297 employment or is engaged in countable work activities for less
298 than the required hours per week, the community service require-
299 ment shall be the difference between the required hours per week
300 and the amount of time such recipient is employed each week.

301 (g) In no case shall a recipient be required to seek or accept
302 employment as a condition of eligibility when a mental or phys-
303 ical disability of a dependent child requires presence at home. No
304 individual shall be considered ineligible for aid or assistance
305 because of failure to comply with the provisions of this chapter if
306 such failure is due to illness or disability. A recipient shall not be
307 compelled by the department to be trained or to be employed in
308 domestic service, nor required to accept such employment if such
309 employment would require work between the hours from six
310 o'clock postmeridian of one day, and six o'clock antemeridian of
311 the following day.

1 SECTION 9. Section 3 of said chapter 118, as appearing in the
2 2004 Official Edition is hereby amended by striking out, in line 1,
3 the word "Except" and inserting in place thereof the following
4 word:— (a) Except.

1 SECTION 10. Said section 3 of chapter 118, as so appearing, is
2 hereby further amended by striking out, in line 23, the word “The”
3 and inserting in place thereof the following word:— (b) The.

1 SECTION 11. Said section 3 of said chapter 118, as so
2 appearing, is hereby further amended by striking out the third,
3 fourth and fifth paragraphs and inserting in place thereof the
4 following 8 subsections:—

5 (c) Prior to a recipient becoming subject to the work require-
6 ment pursuant to section 2H and prior to development of an
7 employment development plan or a family well-being plan pur-
8 suant to this section, the department shall explain the earnings dis-
9 regards and other work supports, such as child care, transportation
10 subsidies, and the state and federal earned income credits, to the
11 recipient and shall provide sample calculations showing the effect
12 of various levels of earned income, including earned income
13 credits, on cash assistance and other benefits.

14 (d) Subject to appropriation, the department shall develop for
15 each recipient who is subject to the work requirement pursuant to
16 section 2H, an employment development plan designed to enable
17 said recipient to attain economic self-sufficiency. Said plans shall
18 be prepared by the case manager with involvement of the recip-
19 ient. The plan shall be developed after an in-depth assessment of
20 the recipient’s current employability, including barriers to employ-
21 ment and education, training and supportive services needs, and
22 after development of a strategy to enable such parent to attain eco-
23 nomic self-sufficiency. In developing the plan, the department
24 shall consider all available programs qualifying under subsec-
25 tion (f) and section 2H, whether or not department funded, and the
26 supportive services needed by the parent to participate, including
27 child care and transportation. With respect to department-funded
28 programs, the department shall determine the number of available
29 slots, after considering the appropriations for said programs. Vol-
30 unteers shall be given first priority for participation in all such
31 department-funded programs. No parent shall be allowed to enroll
32 in a department-funded program if the number of participants
33 already in such program meets or exceeds the number of available
34 slots. Available department-funded program slots shall be filled
35 on a first-come, first-serve basis.

36 (e) Said plans shall include the activities in which the recipient
37 will participate in order to satisfy the work requirement pursuant
38 to section 2H, any other activities in which the recipient volun-
39 teers to participate, and the support services that the recipient
40 needs in order successfully to participate in such activities. With
41 respect to recipients not qualifying as exempt pursuant to the pro-
42 visions of section 2F, the employment development plan shall be
43 used to satisfy any universal or full engagement or family self-
44 sufficiency plan requirement, so-called, imposed by federal law,
45 including any federal requirement to assess the skills, work expe-
46 rience, employability, and barriers to employment of each adult or
47 teen-parent recipient.

48 (f) All recipients may participate in the following activities sub-
49 ject to the availability of program slots and funding; provided,
50 however, that those subject to the provisions of section 2H shall
51 fulfill the requirements of said section:

52 (i) the full employment program established pursuant to
53 section 3D;

54 (ii) a recognized job training program;

55 (iii) a recognized educational program; or

56 (iv) any other employment services activity approved by the
57 department.

58 (g) (1) With respect to recipients who are exempt pursuant to
59 the provisions of section 2F the department or an agency as speci-
60 fied in clause (2) is authorized to develop, with the involvement
61 of the recipient and after an in-depth assessment of the recipient's
62 skills, work experience, employability, and barriers to employ-
63 ment, a family well-being plan to assist the members of the family
64 in accessing services to improve the well-being of the family and
65 to assist the recipient in taking steps to address barriers to
66 employment, including lack of education or job skills, and in
67 preparing for employment. In developing the plan the department
68 shall consider the supportive services needed by the recipient to
69 participate, including child care and transportation. To the extent
70 the family desires, such plans shall set forth how the case manager
71 will assist the family in performing any other activities required or
72 recommended for members of the family by the department of
73 transitional assistance or other entities, including but not limited
74 to medical providers, schools, public housing authorities, emer-

75 gency shelter or housing search providers, the courts, employers
76 and the department of social services. In no event shall the plan or
77 the process of its development interfere with the family's perfor-
78 mance of, or make it more difficult for a family to perform, such
79 other activities. With respect to exempt recipients who receive
80 benefits from the federally funded program, such plan shall be
81 used to satisfy any universal or full engagement or family self-
82 sufficiency plan requirement, so-called, imposed by federal law.

83 (2) With respect to recipients determined exempt by reason of a
84 recipient's disability, the department shall link the recipient to
85 another state agency with experience in serving the needs of per-
86 sons with such disabilities whose employees, subject to appropria-
87 tion and with the involvement of the recipient, may develop any
88 family well-being plan, provide case management, and conduct
89 any reassessment. In the case of recipients determined to be
90 exempt by reason of mental health diagnoses, outreach to the
91 recipients and creation of any such plans for them will be done by
92 human services coordinators of the department of mental health;
93 in the case of recipients determined exempt by reason of mental
94 retardation or low cognitive function, outreach to and creation of
95 any such plans for them will be done by human services coordina-
96 tors of the department of mental retardation; and in the case of
97 recipients determined exempt by reason of other disabilities, out-
98 reach to and creation of such plans for them shall be done by qual-
99 ified employees of the department of public health or the
100 Massachusetts rehabilitation commission. In order to cover the
101 costs of the assessments, plan development, case management,
102 and costs of services related to these plans, the department of tran-
103 sitional assistance shall transfer to these other agencies funds
104 appropriated for the employment services program.

105 (h) Recipients who do not comply with the terms of their
106 employment development or family well-being plan, without good
107 cause, may be required to participate in a reassessment, through
108 which the plan may be modified, and recipients who are subject to
109 but not satisfying the work requirement without good cause may
110 lose assistance pursuant to section 2H.

111 (i) In developing such an employment development or family
112 well-being plan with an individual applicant or recipient, the
113 department or the other responsible agency pursuant to

114 subsection (g) shall identify and explain all opportunities, whether
115 or not department-funded, for education, training, job search and
116 other employment services and for child care, transportation and
117 other support services and allow the individual to determine
118 which activities or services are appropriate for her or him and her
119 or his children and, therefore, should be included in the plan; pro-
120 vided that employment development plans for nonexempt appli-
121 cants and recipients must include activities that satisfy the work
122 requirement pursuant to section 2H. The department or the other
123 responsible agency shall also take into account the availability or
124 lack thereof of affordable and reliable transportation, appropriate
125 child care and appropriate health care or other services to which
126 the department or other responsible agency proposes to refer the
127 applicant or recipient. The department shall ensure that any
128 activity or service to which it or another responsible agency refers
129 an applicant or recipient who is a person with a disability or
130 whose family includes a person with a disability provides equal
131 access and reasonable modifications and accommodations as nec-
132 essary to comply with all applicable state and federal laws against
133 discrimination against persons with disabilities. The department
134 shall also ensure that any activity or service to which it refers an
135 applicant or recipient who is a person of limited English profi-
136 ciency provides equal access and necessary bilingual services in
137 compliance with all applicable state and federal civil rights laws.

138 (j) Subject to appropriation, recipients who are exempt pursuant
139 to section 2F shall be afforded an opportunity to participate in all
140 activities listed in subsection (f), and shall be informed by the
141 department of said opportunities. Subject to appropriation, the
142 department shall develop and fund programs specifically designed
143 to meet the special needs of parents with disabilities so as to pro-
144 vide equal opportunities to such parents to benefit from the
145 employment services program, so-called, whether or not they are
146 exempt pursuant to section 2F. Providers of such services will be
147 reimbursed in accordance with criteria that primarily reward edu-
148 cational and skills advancement, as opposed to immediate job
149 placement, retention or advancement.

1 SECTION 12. Said chapter 118 is hereby further amended by
2 inserting after section 3A the following 9 sections:—

3 Section 3B. The department shall make payments or shall
4 assure that payments are made for child care services to families
5 in which a parent or parents or other relative receiving assistance
6 for a dependent child needs child care services in order to work or
7 to participate in any of the education, training, community service
8 or other employment services or family well-being plan activities
9 approved pursuant to section 2H or 3. Any former recipient,
10 whether or not he has received assistance for the 24 month period
11 allowed by section 2G, who is employed and who meets the finan-
12 cial eligibility requirements established by the department in regu-
13 lations, shall be eligible to receive transitional child care services
14 for a period of 1 year following termination of benefits pursuant
15 to said section 2G.

16 Section 3C. (a) The department shall administer a community
17 service program in which recipients subject to the work require-
18 ment under Section 2H shall be offered the opportunity to partici-
19 pate for some or all of the required work hours per week and in
20 which recipients subject to said work requirement who are not
21 participating in countable activities for the required hours per
22 week are required to participate pursuant to the provisions of
23 section 2H. Community service programs shall not be used to dis-
24 place regular employees nor to fill unfilled positions previously
25 established.

26 (b) For the purpose of this section, “community service”, shall
27 mean a program designed for recipients of public assistance under
28 which a public entity or private nonprofit organization undertakes
29 to provide work or training experience to applicants or recipients
30 of public assistance who have chosen or have been required to
31 participate without compensation in such program, and to provide
32 supervision over such work or training experience.

33 Section 3D. (a) The full employment program is hereby estab-
34 lished as a program in which recipients, subject to criteria and eli-
35 gibility rules established by the department, in lieu of receiving
36 benefits under the food stamp program and cash payments under
37 the program of transitional aid to families with dependent chil-
38 dren, shall be provided with employment in a manner which pro-
39 motes self-sufficiency and which shall provide work experience to
40 improve the recipient’s competitive position in the work force.

41 (b)(1) An eligible individual who participates in the program
42 shall work full-time in a program job, as available, and shall be
43 paid not less than the applicable minimum wage. In the event that
44 the net monthly full-time wage paid to a participant, which for
45 purposes of this subsection shall be the gross wage minus manda-
46 tory payroll deductions, would be less than the level of income
47 from transitional aid to families with dependent children and the
48 food stamp benefit amount equivalent that the participant would
49 otherwise receive, the department shall determine and pay a sup-
50 plemental payment as necessary to provide the participant with
51 such level of net income. The department shall, by regulation,
52 adopt an equivalence scale to be adjusted for household size and
53 other factors. The purpose of the equivalence scale shall be to
54 insure that participants are not economically disadvantaged, in
55 terms of net income, by accepting a job under the program. The
56 department shall determine and pay, in advance, supplemental
57 payments to participants on a monthly basis as necessary to insure
58 equivalent net program wages. The employer shall compensate
59 participants for hours worked.

60 (2) In addition to the participant wage, as defined in
61 paragraph (1), the employer shall pay one dollar for each partici-
62 pant hour worked into a qualified Individual Asset Account, here-
63 inafter called the "IAA", as defined in regulations promulgated by
64 the executive office of health and human services. The IAA shall
65 be owned by the participant and access shall be restricted until
66 such time as the participant leaves the program for a job of at least
67 30 hours per week for which compensation is paid or after 12
68 months in said program, whichever is sooner. The IAA is estab-
69 lished in order to improve the position of program participants by
70 increasing their asset base. The amount in the IAA shall not be
71 counted as an asset for the purpose of determining financial eligi-
72 bility for benefits authorized by this chapter.

73 (3) Upon the acceptance of a program job in compliance with
74 the participant's employment development plan as set forth herein,
75 transitional aid to families with dependent children and food
76 stamp benefits shall no longer be paid as a grant to the program
77 participant. Transitional aid to families with dependent children
78 and food stamp benefits shall be suspended at the end of the cal-
79 endar month in which an employer makes the first wage payment

80 to a participant who is a custodial parent in a family that receives
81 transitional aid to families with dependent children and food
82 stamp benefits.

83 (4) Program participants who are eligible for federally and state
84 funded medical assistance at the time they enter the program shall
85 remain eligible for as long as they shall continue to participate in
86 said program.

87 (c)(1) The department shall adopt rules and regulations to
88 determine which employers within the commonwealth shall have
89 the opportunity to accept program participants. No employer shall
90 be required to participate in the program. In the event that there
91 are unassigned participants whom no employer has accepted, such
92 unassigned participants shall be reassessed, with focus on the
93 employment development plan, and may be assigned to other
94 available programs.

95 (2) The maximum number of program participants that an
96 employer shall be authorized to accept at any one time shall not
97 exceed 10 per cent of the total number of the employer's
98 employees, provided, however, that an employer may receive 1
99 participant. The commissioner of the department may waive the
100 limit in special circumstances; provided, however, that said com-
101 missioner may grant or not grant said waiver at his sole discretion
102 and his decision shall not be subject to review.

103 (3) The department shall insure that jobs made available to pro-
104 gram participants by said employers shall not: (i) require work in
105 excess of 40 hours per week; or (ii) be used to displace regular
106 employees nor to fill unfilled positions previously established.

107 (4) In consultation with the participant, the department shall
108 attempt to match the profile of a participant with the needs of an
109 employer when assigning a participant to work with such
110 employer.

111 (5) The commonwealth shall pay to employers up to the
112 following amounts as partial reimbursement for wages paid to
113 program participants: (i) for the first 9 months that the program
114 participant is employed by such employer, $\frac{3}{4}$ of the participant's
115 wage per hour; (ii) for the next 3 months that the program partici-
116 pant is employed by such employer, 50 per cent of the partici-
117 pant's wage per hour.

- 118 (d) Program employers shall:
- 119 (1) pay all participants a wage rate of not less than the applic-
120 able minimum wage;
- 121 (2) provide sick leave, holiday and vacation absences in a
122 manner which shall conform to the individual employer's rules for
123 new employees;
- 124 (3) provide workers' compensation coverage for each program
125 participant;
- 126 (4) consider all persons participating in the program to be
127 employees of the individual employer providing the employment
128 who shall therefore be entitled to all benefits required by state and
129 federal law;
- 130 (5) endeavor to make program placements positive learning and
131 training experiences;
- 132 (6) maintain health, safety and working conditions at or above
133 levels generally acceptable in the industry and no less than that of
134 comparable jobs of the employer;
- 135 (7) provide on-the-job training to the degree necessary for the
136 participant to perform such duties;
- 137 (8) provide on-the-job mentors from among regular employees
138 to assist the participants in becoming oriented to work and to the
139 work place; and
- 140 (9) sign an agreement for each placement outlining the specific
141 job offered to the participant and agreeing to abide by all require-
142 ments of the program, including the requirement that the program
143 not supplant existing jobs and to repay reimbursement in the event
144 the employer violates program rules. The department shall have
145 the authority to enforce these conditions and shall establish regu-
146 lations to govern such enforcement.
- 147 (e) (1)The department shall establish rules and regulations to:
- 148 (i) develop criteria and fair procedures for excluding certain
149 employers from participation for failure to abide by program
150 requirements or other demonstrated unwillingness to comply with
151 the stated intent of said program; and (ii) provide that employers
152 that have shown a pattern of terminating participants prior to the
153 completion of training or of not offering unsubsidized employ-
154 ment to participants who have successfully completed training
155 with that employer shall be ineligible to receive additional partici-
156 pants.

157 (2) If the department finds that an employer has violated any of
158 the rules or regulations of the program, the department: (i) shall
159 withhold any wage reimbursement amounts due to the employer;
160 and (ii) may seek repayment of any wage reimbursement amounts
161 paid to such employer.

162 (f) (1) If, after 9 months in a placement, a participant has not
163 been hired for an unsubsidized position, the employment develop-
164 ment plan of the participant shall be reassessed. If, after 12
165 months in a placement, a participant has not been hired for an
166 unsubsidized position, the subsidy to the employer shall be dis-
167 continued, the employment development plan of the participant
168 shall be reassessed and the participant may be assigned to another
169 program.

170 (2) Program participants who have failed to carry out success-
171 fully a program job after a minimum of 3 attempts shall be
172 reassessed and may be assigned to mandatory placement in the
173 community service program. Rules governing sanctions, hearings
174 or conciliations for participants in the program shall be the same
175 as those for the transitional aid to families with dependent chil-
176 dren and food stamp programs.

177 (g) Either the employer or the participant may terminate the
178 assignment by contacting the appropriate department office. In
179 such event, the case worker shall reassess the needs of the partici-
180 pant and may assign the participant to another placement or
181 another program component and, at the employer's request, the
182 case worker may provide the employer with another participant.
183 The department shall endeavor to keep such terminations to a
184 minimum.

185 (h) For the purposes of determining eligibility for the 1 year
186 transitional child care and MassHealth provided to certain former
187 recipients of assistance who have left the program for employ-
188 ment, the transitional year, so-called, shall commence on the day
189 said participant is hired into and commences non-subsidized
190 employment.

191 (i) The department shall submit to the house and senate chairs
192 of the joint committee on children and families, the chairs of the
193 house and senate ways and means committees, and the secretary
194 of administration and finance an annual report outlining the
195 number of slots available in the full employment program and
196 how many of those slots have been filled.

197 Section 3E. (a) For teen recipients who require a structured set-
198 ting pursuant to the provisions of subsection (b) of section 2C, the
199 department shall, subject to appropriation, establish such settings,
200 and shall, at minimum:

201 (i) enter into an inter-agency agreement with the department of
202 social services to develop resources for structured residential
203 living arrangements that will meet the long-term needs of teenage
204 recipients and their children;

205 (ii) identify and train teen specialist case managers to coordi-
206 nate available services and assist in the process of determining
207 appropriate living arrangements.

208 (iii) require teen recipients to enroll and make acceptable
209 progress in a program for a high school diploma or a general edu-
210 cation development certificate;

211 (iv) require teenage recipients to participate in basic parenting
212 classes, basic life skills classes and pregnancy prevention classes;

213 (v) provide necessary rules and regulations to promote stability;

214 (vi) collaborate closely with the department of early education
215 and care to provide appropriate and continuous education and care
216 to the child and parenting assistance and education to the teen
217 recipient; and

218 (vii) provide regular counseling sessions to enhance the indi-
219 viduals self-esteem.

220 (b) Pregnant and parenting teens residing in structured residen-
221 tial settings may be required to pay a portion of their grant as
222 determined by their residential program for rent.

223 (c) Transitional housing programs serving teenage parents 16
224 years of age or older shall not be considered to fall within the def-
225 inition of “group care facility” as set forth in section 9 of
226 chapter 28A, or any successor statute.

227 (d) The department of early education and care shall promul-
228 gate rules and regulations concerning the licensing of transitional
229 housing programs serving teenage parents 16 years of age or older
230 and residential programs serving teenage parents under 16 years
231 of age.

232 Section 3F. (a) Notwithstanding any general or special law to
233 contrary, in order to avoid federal penalties or reduction of the
234 federal Transitional Assistance for Needy Families block grant
235 associated with failure to meet the required federal work partici-

236 pation rate, the department may fund benefits paid to certain
237 recipients of transitional aid to families with dependent children
238 through a separate solely state funded program that is funded only
239 with state dollars and which shall be known as state-funded transi-
240 tional aid to families with dependent children. Expenditures on
241 state-funded transitional aid to families with dependent children
242 shall not be counted towards the state's TANF maintenance of
243 effort obligation to the extent that doing so would cause the state
244 not to be able to satisfy federal work participation rates. Families
245 who shall receive state-funded benefits in the separate state pro-
246 gram shall include, to the extent necessary to meet federal work
247 participation rates, those who are eligible for assistance under
248 state law and would count towards the denominator but would not
249 count towards the numerator in the state's federal work partici-
250 pation rate or would otherwise place the state at risk of not meeting
251 federal requirements if they received benefits in a program funded
252 in whole or in part with federal funds from the TANF block grant
253 or state funds counted towards TANF maintenance of effort.

254 (b) The comptroller, the executive office of health and human
255 services, the department of transitional assistance and any other
256 responsible state agencies are hereby authorized and directed to
257 allocate state and federal dollars in a manner to accomplish this
258 policy.

259 (c) Notwithstanding the foregoing, to the extent that doing so
260 aids the commonwealth in meeting federal work participation
261 rates and increases flexibility in allocating state and federal funds,
262 the first two months of receipt of cash assistance from what other-
263 wise would be transitional aid to families with dependent children
264 or state-funded transitional aid to families with dependent chil-
265 dren shall be designated an initial assessment program, in which
266 benefits equal to transitional aid to families with dependent chil-
267 dren benefits shall be paid with federal TANF block grant funds.

268 Section 3G. (a) The department may obtain certain data avail-
269 able to and provided by the department of revenue including, but
270 not limited to, 14 day labor reporting information, and to garnish
271 wages of persons deemed to have fraudulently obtained assis-
272 tance.

273 (b) The department shall establish administrative penalties for
274 the first conviction of welfare fraud or in cases in which persons

275 are receiving benefits under more than 1 application, which shall
276 include permanent disqualification for future benefits and repay-
277 ment in an amount equal to the grant received from the date of the
278 incidence of fraud for which said person has been convicted.

279 (c) The department shall establish a toll free telephone number
280 for the reporting of welfare fraud or violations of any regulations
281 of the department. Information received through such program
282 shall be referred to the bureau of special investigations.

283 Any person found guilty of committing a fraud upon the depart-
284 ment shall be ineligible to receive benefits under any assistance
285 program provided by said department until such time as any fine
286 has been paid and any sentence has been served that was imposed
287 as a result if a conviction of a violation of section 5B, 5F or 15 of
288 chapter 18 of the General Laws.

289 d) The department shall promulgate regulations to provide that
290 employees of the department who participate in or assist in fraud-
291 ulently procuring payments from the department shall be termi-
292 nated from such employment. Any such employee shall be
293 punished by a fine of not less than \$2,000 nor more than \$5,000,
294 or by imprisonment for not more than 5 years in prison, or not less
295 than 1 year and not more than 2½ years in a house of correction.
296 In addition to any other punishment repayment shall be ordered of
297 the amount of said payments procured which shall be in addition
298 to and not in lieu of any penalties imposed pursuant to this
299 section; provided, however, that the retirement contributions of
300 such employees shall be made available for the purpose of satis-
301 fying said ordered repayment and such fines levied hereunder.

302 (e) Any agency or entity that receives state funds shall not pub-
303 lish or cause to be published any information intended to instruct,
304 encourage or aid a person to commit fraud upon the common-
305 wealth or to circumvent regulations by spending financial wind-
306 falls from lottery winnings, inheritances or court settlements in
307 order to ensure continued eligibility for the transitional aid to fam-
308 ilies with dependent children program or other state funded pro-
309 grams. Violation of the provisions of this section shall result in
310 sanctions to an employee of any such agency and the imposition
311 of a fine to such agency of up to \$10,000; provided, however that
312 nothing in this section shall be construed to require an attorney to
313 behave in a manner inconsistent with the code of professional
314 responsibility.

315 Section 3H. Except to the extent prohibited by any federal or
316 state law, the department of youth services and the department of
317 correction shall on a monthly basis transmit to the department of
318 transitional assistance a current roster of all persons incarcerated
319 in or committed to each the houses of correction, boot camps,
320 prisons, and other correctional facilities run by said departments
321 housing inmates who have been incarcerated since the last
322 monthly report. The information shall be provided in a format that
323 is compatible with the department's file layout of its automated
324 data processing system to ensure the immediate identification of
325 inmates who may be receiving welfare benefits. The information
326 provided shall include name, social security number, date of birth,
327 date of incarceration, and expected release date. The department
328 shall examine and verify said information and shall identify any
329 case in which a person so incarcerated or so committed, said per-
330 son's family member or said dependent, is receiving benefits from
331 said public assistance programs for which he, said family mem-
332 bers or said dependent is not eligible and shall take appropriate
333 action which shall include, but not be limited to, a review and re-
334 verification by the department that the information is accurate and
335 applicable as required by department regulations. The department
336 shall provide this information to the Social Security Administra-
337 tion and the department of revenue. No information obtained pur-
338 suant to this section shall be released or utilized for any purpose
339 other than those set forth in this section.

340 Section 3I. (a) The department shall identify and track its
341 expenditures and those of other state agencies, city and town gov-
342 ernments and private entities that may be claimed as TANF main-
343 tenance of effort expenditures to satisfy the commonwealth's
344 obligations under 42 U.S.C. § 609 so that benefits to those recipi-
345 ents who would reduce the commonwealth's work participation
346 rate may be paid solely with state funds that are not used to meet
347 the commonwealth's TANF maintenance of effort obligations. All
348 state agencies shall cooperate in the identification, tracking and
349 reporting of such expenditures.

350 (b) The department shall provide to the chairs of the house and
351 senate committees on ways and means and the chairs of the joint
352 committee on children and families, a draft of the quarterly
353 reports to the federal government on TANF and maintenance of
354 effort spending 30 days prior to filing such report.

355 (c) On January 15th of each year the department shall file a
356 report with the chairs of the house and senate committees on ways
357 and means and the chairs of the joint committee on children and
358 families setting forth the work participation rate among families
359 who are subject to the work requirement, efforts that have been
360 made to increase that work participation rate and any barriers to
361 improving the work participation rate among those who are work-
362 required and efforts to assist persons with disabilities in engaging
363 in work activities. Said report shall also recommend additional
364 employment services which will increase the commonwealth's
365 work participation rates among parents who are subject to the
366 work requirement under the program of Transitional Aid to Fami-
367 lies with Dependent Children, including but not limited to
368 enhanced assessments of barriers to employment and strategies to
369 address those barriers, additional transportation services including
370 transportation assistance for all parents who are subject to the
371 work requirement, additional education and training activities; and
372 other activities that will assist the commonwealth in meeting work
373 participation rates.

1 SECTION 13 Said chapter 118 is hereby further amended by
2 adding the following section:—

3 Section 12. (a) A taxpayer required to file a return under the
4 provisions of chapter 62 shall be allowed a credit against the
5 excise due under said chapter for employing persons that had been
6 employed by such taxpayer through the full employment program
7 defined in this chapter. Such credit shall be calculated by multi-
8 plying the number of full months after cessation of state subsidies
9 a qualifying program participant was employed by the taxpayer by
10 \$100. The maximum credit allowed for all years for the employ-
11 ment of each qualifying program participant shall be \$1,200. A
12 taxpayer entitled to a credit under this subsection for a taxable
13 year may carry over and apply to its excise for any 1 or more of
14 the next succeeding 5 taxable years, the portion, reduced from
15 year to year, of its credit which exceeds its excise for the taxable
16 year.

17 (b) The department shall report to the department of revenue
18 and to the employer the program participant's name and social
19 security number, the employer's name and identification number

20 and the number of complete months of eligible employment for
21 each participant of the program for whom an employer would be
22 eligible to claim the credit provided by subsection (a) within 31
23 days of the end of each calendar year. The department of revenue
24 shall consult with the house and senate committees on ways and
25 means and the house and senate chairs of the joint committee on
26 children and families to determine non-confidential data which
27 shall annually be published to determine the effectiveness of the
28 credit provided by this subsection. Said department of revenue
29 shall promulgate rules and regulations necessary to implement the
30 provisions of this subsection.

31 (c) A taxpayer required to file a return under the provisions of
32 chapter 63 shall be allowed a credit against the excise due under
33 said chapter for employing persons that had been employed by the
34 taxpayer through the full employment program defined in this
35 section. Such credit shall be calculated by multiplying the number
36 of full months after cessation of state subsidies a qualifying pro-
37 gram participant was employed by the taxpayer by \$100. The
38 maximum credit allowed for all years for the employment of each
39 qualifying program participant shall be \$1,200. A taxpayer enti-
40 tled to a credit under this section for a taxable year may carry over
41 and apply to its excise for any 1 or more of the next succeeding 5
42 taxable years, the portion, reduced from year to year, of its credit
43 which exceeds its excise for the taxable year.

44 (d) The department shall report to the department of revenue
45 and to the employer the program participant's name and social
46 security number, the employer's name and identification number
47 and the number of complete months of eligible employment for
48 each participant of the program for whom an employer would be
49 eligible to claim the credit provided by subsection (c) of this
50 section within 31 days of the end of each calendar year. The
51 department of revenue shall consult with the house and senate
52 committees on ways and means and the house and senate chairs of
53 the joint committee on children and families to determine non-
54 confidential data which shall annually be published to determine
55 the effectiveness of the credit provided by this subsection. The
56 department of revenue shall also promulgate rules and regulations
57 to implement the provisions of this subsection.

1 SECTION 14. Sections 110 to 114, inclusive of chapter 5 of
2 the acts of 1995 are hereby repealed.

1 SECTION 15. Sections 117 to 119, inclusive, of said chapter 5
2 are hereby repealed.

1 SECTION 16. Sections 121 to 123, inclusive, of said chapter 5
2 are hereby repealed.

1 SECTION 17. Section 132 of said chapter 5 is hereby repealed.

1 SECTION 18. Sections 140 to 142, inclusive, of said chapter 5
2 are hereby repealed.

1 SECTION 19. As of the effective date of this act, the depart-
2 ment of transitional assistance and its sister agencies referenced in
3 clause (11) of subsection (g) of section 3 of chapter 118 of the
4 General Laws shall begin to develop a pilot project implementing
5 a system of family well-being plans in no fewer than two transi-
6 tional assistance offices to include or be selected from among the
7 offices in Boston New Market Square, Revere, Hyannis, New
8 Bedford, Plymouth and Springfield Liberty street. In developing
9 and administering these pilots, these agencies shall consult an
10 advisory board comprised of representatives of at least 2 organiza-
11 tions representing persons with disabilities, representatives of the
12 employees' unions of the involved agencies, representatives of
13 Massachusetts legal services programs serving the offices covered
14 by the pilot and the Massachusetts Law Reform Institute. Such
15 pilot programs shall be in place no later than April 1, 2007. The
16 department, the other referenced agencies and the advisory board
17 shall file an initial written report on or before October 31, 2007
18 and a final written report on or before January 15, 2008 with the
19 joint committee on children and families and the house and senate
20 committees on ways and means describing the services offered
21 and delivered through the pilot, the costs associated with the pilot,
22 the success rate in engaging families in meaningful activities, the
23 success of those services in positively impacting recipients' lives,
24 any obstacles to the success of the pilots and any legislative rec-
25 ommendations for improving the system of family well-being

26 plans. The reports shall include the results of responses to con-
27 sumer satisfaction surveys from recipients participating in the
28 pilot program.

1 SECTION 20. Notwithstanding any general or special law to
2 the contrary, in preparing and submitting any report to the federal
3 government with regard to maintenance of effort expenditures
4 pursuant to 42 U.S.C. §609(a)(7) for federal fiscal year 2007 or
5 any succeeding fiscal year, the executive office of health and
6 human services or any other responsible state agency or employee
7 shall claim a sufficient amount of state and other qualified
8 spending to satisfy the commonwealth's maintenance of effort
9 requirement while also fulfilling the purposes of section 3F of
10 said chapter 118 of the General Laws, as inserted by this act, by
11 paying benefits with state dollars that are not counted toward said
12 maintenance of effort requirement for those who would otherwise
13 undermine the commonwealth's ability to satisfy federal work
14 participation rates. If, after such report is filed, the federal govern-
15 ment disallows any of the expenditures so claimed, the respon-
16 sible state agencies and employees will, to the maximum extent
17 feasible, file a revised report claiming other state expenditures
18 toward said maintenance of effort obligation. If, due to disal-
19 lowances by the federal government, the responsible state agen-
20 cies and employees conclude that there is not sufficient state and
21 other qualified spending available to satisfy the commonwealth's
22 maintenance of effort requirement and to allow the common-
23 wealth to pay benefits with state dollars that are not countable
24 toward said maintenance of effort obligation to all those who
25 would otherwise be so funded pursuant to said section 3F, the
26 department of transitional assistance shall submit to the chairs of
27 the house and senate committees on ways and means and the
28 chairs of the joint committee on children and families a report
29 including all relevant communications between the common-
30 wealth and the federal government with respect to maintenance of
31 effort spending and a detailed analysis of whether and how
32 extending the work requirement pursuant to section 2H of said
33 chapter 118 to (i) recipients who must care for a disabled family
34 member as referred to in subsection (a)(2) of said Section 2F but
35 whose caretaking responsibilities do not substantially reduce or

36 eliminate their ability to meet the requirements of the work pro-
37 gram established in section 2H or to engage in work activities that
38 meet the requirements of federal law for the number of hours
39 required by federal law; (ii) to recipients who are in their last
40 trimester of pregnancy as referred to in subsection (a)(3) of said
41 section 2F and whose participation in work activities would not
42 threaten the health or safety of the parent or the unborn child;
43 would enable the commonwealth to satisfy its maintenance of
44 effort obligation and applicable work participation rates. If, within
45 60 days after receipt of such report, the general court has not
46 directed the administration to take an alternative approach to
47 addressing the risk of not meeting federal requirements and has
48 not repealed this section, the department may, notwithstanding the
49 provisions of section 2F of said chapter 118, extend the work
50 requirement to some or all of such categories of recipients if doing
51 so would enable the commonwealth to meet federal maintenance
52 of effort and work participation requirements; provided that, said
53 work requirement may be extended only to the categories of recip-
54 ients in subsections (a)(2) and (3) of said section 2F.

1 SECTION 21. The department of transitional assistance shall
2 report annually, with the first report filed on November 1, 2007, to
3 the house and senate committees on ways and means and the joint
4 committee on children and families the number of recipients, in
5 each department of transitional assistance region, who are not able
6 to fulfill requirements of their work requirement, employment
7 development plan or family well-being plan because of lack of
8 transportation. Said report shall cover not only recipients who
9 have been granted good cause by department of transitional assis-
10 tance due to lack of transportation, but also responses to surveys
11 concerning transportation needs that department of transitional
12 assistance shall regularly make available at each local department
13 of transitional assistance office and shall administer with recipi-
14 ents at each eligibility review or transition review. The department
15 of transportation, in consultation with the department of transi-
16 tional assistance, shall develop a plan to address the transportation
17 needs of recipients who are identified by these means or others as
18 having transportation barriers and shall include an analysis of the
19 cost of providing transportation to allow recipients to fulfill the

20 requirements of the employment development and family well-
21 being plans. The department of transportation shall provide a
22 report on the plan to the joint committee on children and families
23 and the house and senate committees on ways and means by June
24 1, 2008.

1 SECTION 22. Section 3F of chapter 118 of the General Laws,
2 inserted by section 12 shall take effect on October 1, 2006.