

SENATE NO. 73

AN ACT RELATIVE TO RESPONSIBLE WELFARE REFORM

Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to ensure compliance with federal laws governing transitional assistance, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*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 of the General Laws, as appearing in
2 the 2004 Official Edition, is hereby amended by striking out the first sentence and inserting in place
3 thereof the following sentence:- When a timely request for a hearing is made because of a termination
4 or reduction of assistance, or because of a determination that a recipient should no longer be treated
5 as exempt pursuant to section 2F of chapter 118, involving an issue of fact, or of judgment relating to
6 an individual case, between the agency and the appellant, assistance shall be continued on the same
7 terms during the period of the appeal.

8 SECTION 2. Section 1 of chapter 118 of the General Laws, as so appearing, is hereby amended by
9 inserting before the definition of "Dependent child" the following three definitions:-

10 "Assistance", cash grants, special need assistance, and other benefits which are available from
11 the program.

12 "Child of record", the youngest child of a recipient on July 1, 1995 or at the time a family first
13 applies for assistance after July 1, 1995; provided, however, that a child born to a woman who was

14 pregnant on July 1, 1995 or at the time of first applying for assistance shall be the child of record;
15 provided, further, that the commissioner shall establish exemptions to allow a later-born child to be
16 the child of record if such child was born as a result of rape, incest, sexual assault, or other
17 extraordinary circumstances as determined by the commissioner which may
18 include, at the commissioner's discretion, renewed eligibility for assistance after a 36-month period
19 of ineligibility. Unless the commissioner grants an exemption, the designation of child of record shall
20 not change, even if said child no longer lives in the household, or subsequent children are born to the
21 parent, unless the original child of record has died.

22 "Commissioner", the commissioner of the department.

23 SECTION 3. Said section 1 of said chapter 118, as so appearing, is hereby further amended by
24 striking out the definition of "Dependent child" and inserting in place thereof the following two
25 definitions:-

26 "Dependent child", "dependent children", "child" or "children", the children of recipients
27 eligible to receive assistance from the program who are under the age of eighteen or who are eighteen
28 and a full-time student in a secondary school or in the equivalent level of vocational or technical
29 training and who may reasonably be expected to complete such program before reaching age
30 nineteen.

31 "Family", the household unit consisting of dependent children and a recipient or recipients
32 determined eligible for assistance from said program.

33 SECTION 4. Said section 1 of chapter 118, as so appearing, is hereby further amended by inserting
34 after the definition of "Parent" the following two definitions:-

35 "Program", the program of transitional aid to families with dependent children established by
36 this chapter, including state-funded transitional aid to families with dependent children and any initial
37 assessment program established pursuant to section 3F (c).

38 "Recipient", parents or other relatives receiving or otherwise eligible to receive assistance
39 from said program who are responsible for the care of dependent children.

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

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

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

51 (b)The aid furnished shall be sufficient to enable such parent to bring up such child or
52 children properly in his or her own home and shall be in an amount to be determined in accordance
53 with budgetary standards of the department. Effective July first of every year, and subject to
54 appropriation, the department shall increase the total budget of each eligible recipient, before taking
55 into consideration any available income and resources, by a percentage amount equal to the
56 percentage rise in the United States Consumer Price Index for January first of that year over the level
57 of said index for January first of the previous year plus such additional percentage amount as is
58 recommended annually by the department and appropriated by the general court. The department
59 shall establish levels of assistance subject to the provisions of this section and the general
60 appropriations act and families of comparable size and financial circumstances shall be awarded the
61 same level of assistance.

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

66 (d) A recipient or an applicant for transitional aid to families with dependent children benefits,
67 whether or not exempt pursuant to section 2F, shall be eligible to have \$30 and one-half of the
68 remaining gross earned income, after work-related expenses but before dependent care deductions,
69 disregarded for the entire period that any such recipient is eligible for assistance. In determining the
70 amount of the cash payment to a recipient living with his parents, the department shall disregard
71 income of the household up to 200 per cent of the poverty level for a family of comparable size
72 unless such income is earned by the parent living with his parent. In cases involving a child born after
73 the child of record, the parent need not assign the rights to such payment to the commonwealth. A
74 monthly amount of said child support received on behalf of such after-born child equal to the
75 standard increment of assistance shall not count as income to the family in determining the amount of
76 assistance to the family.

77 (e) The department shall not provide any increment in assistance because of the addition to a
78 family of any child born after the "child of record". A caretaker or guardian who is not eligible for
79 assistance but is caring for dependent children shall not be so affected by the limit on additional
80 assistance imposed by this subsection, until said caretaker or guardian gives birth to a child that
81 makes said caretaker or guardian initially eligible for assistance

82 (f) Payment for funeral expenses of any such parent or dependent child in his or her custody
83 may be paid directly to the person furnishing such services. Payment for other services rendered to
84 such parent or dependent child in his or her custody may be paid directly to the person furnishing
85 such services only when such payment is effected to meet an expense which remained unpaid at the

86 time of the death of the parent or his commitment to an institution as a mentally ill person or in a case
87 where such payment is necessary to discharge an obligation incurred by the department in securing
88 such services for such parent or dependent child. Nothing in this chapter shall be construed as
89 authorizing any public official, agent or representative, in carrying out any provision of this chapter,
90 to take charge of any child over the objection of the father or the mother of such child, or of the
91 person standing in loco parentis to such child, except pursuant to a proper court order. The
92 department may pay a sum not exceeding eleven hundred dollars for the funeral and burial of a
93 recipient provided that cost does not exceed fifteen hundred dollars and there are insufficient
94 resources to pay for the cost of such funeral and burial. Any resources of the recipient shall be
95 deducted from the maximum cost of the funeral and burial allowable hereunder and the difference,
96 subject to the limitation set forth in this paragraph, shall be paid by the department.

97 (g) Notwithstanding any general or special law or any rule or regulation to the contrary,
98 persons collecting public assistance from programs administered by the department of transitional
99 assistance who inherit any sum of money or receive a damage award or whose net winnings or payoff
100 of any lottery or contest exceed \$600 in cash or other monetary value, shall report said inheritance,
101 winnings or damage award to the department within 10 days of collecting said excess amount or
102 lump sum income, so-called. Upon any said person's collection of any such value or amount in
103 excess of \$600, the department shall reduce the assistance granted to any such person by said amount
104 in excess of \$600. If at any time said excess amount exceeds said person's monthly public assistance
105 benefit, said assistance shall be suspended and no such public assistance shall be paid to said person
106 until such time as the value of said monthly transitional assistance supplement equals the value of
107 said excess amount. Notwithstanding the preceding 2 sentences, up to \$5,000 of such lump sum
108 income shall be disregarded as income and excluded as an asset if within 30 days of its receipt, or
109 within 30 days of being informed by the department of the terms of this section, whichever is later, it

110 is deposited in a separate identifiable account at a financial institution, community development
111 corporation or other nonprofit agency approved by the department to establish and administer such
112 financial accounts. Withdrawals from such an account during any period of assistance shall be
113 counted as an asset unless the withdrawal is for one of the following purposes:

114 (i) Expenses for education or job training to attend an accredited or approved education or
115 training institution;

116 (ii) The purchase or repair of a home that is the applicant or recipient's principal residence or
117 of basic household necessities, such as beds, tables, chairs, appliances and cooking or eating utensils;

118 (iii) The purchase or repair of a vehicle used for transportation to work, to attend an education
119 or training program, or to transport a disabled family member;

120 (iv) Capital to start a small business for any family member 18 years of age or older;

121 (v) Health care costs not covered by public or private insurance; or

122 (vi) Obtaining or retaining housing by a family that is homeless or at imminent risk of
123 homelessness.

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

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

129 (b) In situations where no abuse, neglect or addiction is present, the department shall not
130 provide benefits to a family headed by a recipient under the age of 20, unless such recipient resides
131 with a parent, grandparent, uncle, aunt, adult sibling, spouse, other family member as determined by
132 regulations or guardian or lives in structured housing; provided, however, that the department may
133 determine that a teen recipient who achieved necessary educational and vocational goals and acquired

134 sufficient independent living skills and parenting skills may live on her own. In situations where a
135 pregnant or parenting teen recipient asserts that she cannot stay at home because abuse, neglect or
136 addiction is present, or because of other extraordinary circumstance which the commissioner
137 determines should exempt the teen from this requirement, the home shall be evaluated by a
138 professional experienced in the field of adolescent development and young parenting within the
139 department of social services; provided, however, that such professional shall not replace or be
140 assigned in addition to a social worker who has already been working with the pregnant or parenting
141 teen and her family for more than one month. The department shall establish standards and
142 procedures to govern determinations of abuse, neglect and addiction as required by this subsection.
143 Wherever it is determined by the department that abuse, neglect or addiction is present or such other
144 extraordinary circumstance requires, the teen shall reside in a structured setting pursuant to the
145 provisions of section 3E. In order to receive benefits from the department. If a structured setting is
146 not available at the time such determination is made, such individual shall be exempt from the
147 provisions requiring the teen recipient to live at home pursuant to this subsection until such time as a
148 placement in a structured setting shall be made available.

149 Section 2D. (a) No aid shall be paid under the program to, or on behalf of, any child under the age of
150 16 whose school attendance does not meet the requirements of this section, with respect to that period
151 during which the child does not meet these requirements, unless the recipient, parent or guardian can
152 establish that reasonable efforts were made by the recipient to ensure said school attendance
153 requirements were met.

154 (b) Each non-disabled recipient, as defined and determined by the department, shall provide
155 documentation to the department, not less than quarterly, that any school age child under the age of
156 16 receiving assistance has missed not more than 8 school days during the previous quarter; provided,
157 that absences due to the following reasons shall be considered excused absences:-

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

160 (ii) hospitalization;

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

162 (iv) death of a family member;

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

164 (vi) other circumstances recognized by the school.

165 (c) A non-disabled recipient who does not, without good cause, provide the documentation
166 required by this section within the reasonable time frame established by the department, or the
167 documentation so provided indicates that the child has had more than 8 unexcused absences from
168 school during the prior quarter, the recipient shall be placed on a probationary status, during which
169 time the recipient shall be required to provide monthly documentation of the child's attendance. The
170 recipient shall remain on probationary status until such time as the number of unexcused absences
171 during the 6 preceding school months does not exceed 10 school days.

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

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

179 Section 2E. No recipient shall be eligible to receive the recipient's portion of assistance payable
180 under the program without presenting a certificate of immunization for each child to the department
181 of transitional assistance; provided, that said certificate shall state that said child has been immunized

182 for diseases outlined by section 15 of chapter 76. A recipient shall not be denied said assistance until
183 having been provided with 60 days to meet the requirements established by this section. The
184 department, in consultation with the division of medical assistance, shall inform each such recipient
185 about health care providers available in the recipient's community who are capable of assisting with
186 such immunizations

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

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

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

199 (3) recipients in their third trimester of pregnancy

200 (4) recipients with a child of record under the age of 2 year or any child other than the child of
201 record who is under the age of 3 months;

202 (5) parents or other relatives who receive assistance for a child in their care but not for
203 themselves; provided, that said exemption shall apply only to relatives who have no legal obligation
204 to support the child in their care, minor parents who are not a head-of-household or a spouse of a
205 head-of-household, aliens who are ineligible to receive assistance due to their immigration status,

206 recipients of supplemental security income and other parents or relatives who are not work-eligible
207 as defined by federal law ; provided further, that, in the case of a recipient of supplemental security
208 income who engages in work activities that meet the requirements of federal law, the department
209 shall include such families in the numerator and denominator of the work participation rate, to the
210 extent doing so assists the state in meeting said rate.

211 (b) Recipients meeting the following eligibility criteria shall be exempt from the provisions of
212 section 2G, but subject to the provisions of sections 2H and 3 until such time as their eligibility status
213 has been determined by the department to have changed and they no longer conform to the criteria
214 that define the following exempt categories of assistance:

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

216 Section 2G. (a) A family in which the recipient does not qualify for the exempt categories of
217 assistance established by section 2F shall receive assistance for not more than a maximum and
218 cumulative 24 months during a continuous 60 month period, unless an extension is granted by the
219 commissioner, according to regulations which shall be promulgated by the department. Said
220 continuous period of 60 months shall commence from the date a recipient first becomes eligible for
221 assistance as a parent or on July 1, 1995, whichever is later.

222 (b) In the event a recipient's eligibility status changes to an exempt category of assistance
223 while receiving benefits, the calculation of the maximum assistance period of 24 months within said
224 60 month period, shall be suspended and not resume until such time as the recipient is no longer
225 eligible for said exempt status, at which time the calculation shall resume.

226 (c) The calculation of said 24 month period of eligibility for assistance, shall be suspended
227 when a recipient or a family unenrolls from said program. The calculation of said 24 month period,
228 shall resume when said recipient or family is determined upon reapplication to be eligible for
229 assistance. Reapplication for assistance within said continuous 60 month period shall not be

230 considered a new case for purposes of calculating the periods of eligibility and ineligibility for
231 assistance under this section. Determinations of a recipient's exempt category status pursuant to this
232 section shall be subject to fair hearings; provided, however, that the time during which any appeal is
233 pending shall be calculated toward the period of maximum assistance eligibility.

234 (d) The commissioner shall establish a procedure by which a recipient may request an
235 extension of benefits. The commissioner shall establish criteria to be considered in making a
236 determination that a recipient's benefits should be extended. Such criteria shall include, but not be
237 limited to: (i) whether the recipient has received and or rejected offers of employment, has quit a job
238 without good cause or has been fired for cause; (ii) the degree to which the recipient has cooperated,
239 and is cooperating, with the agency in work-related activities. In making said determination, the
240 commissioner shall, further, consider whether appropriate job opportunities actually exist locally at a
241 given point in time for recipients. The commissioner may review and revise such determinations as
242 he deems appropriate.

243 (e) A recipient who, in order to remain eligible for benefits, changes eligibility status, and said
244 change in status is proven in a court of competent jurisdiction to be the result of fraud or deceit, shall
245 not be eligible for any program of assistance provided by the commonwealth including, but not
246 limited to, programs of assistance administered by said department, including programs administered
247 jointly with the federal government or solely on the part of the commonwealth, or administered by
248 the division of medical assistance, the department of public health, the department of early education
249 and care or the department of social services, and shall be required to pay full restitution and any fine
250 levied and shall not be eligible to receive assistance until such amounts have been so paid. Any
251 recipient who participates in or assists in procuring payments from the department by falsely
252 depicting himself as exempt as defined herein, shall be punished by a fine of not less than \$200 nor
253 more than \$5,000 or by imprisonment for not less than 1 year nor more than five years and in all

254 cases repayment shall be ordered of the amount of any such payments procured in addition to and not
255 in lieu of any penalties imposed pursuant to this section.

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

259 (b) Absent good cause pursuant to subsection (e), recipients subject to said work program
260 requirement shall be required to engage in work activities, pursuant to subsection (c), for up to the
261 number of hours per week required by federal law. Prior to referring an applicant or recipient to any
262 work activity under this subsection, the department shall comply with the requirements of section 3
263 related to development of an employment development plan.

264 (c) The work activity requirement may be met by engaging, for up to the number of hours per
265 week required to be countable under federal law, in any of the following activities, as defined by
266 federal law or this chapter; provided, that such activities shall count toward said work activity
267 requirement only to the extent such activities are countable under federal law or the department
268 determines that participation in such activities will enable a recipient to overcome barriers to
269 employment or will otherwise assist the state in satisfying work participation rates or is appropriate to
270 accommodate the special needs of persons with disabilities: unsubsidized employment; subsidized
271 public sector employment or subsidized private sector employment, which may be fulfilled by
272 working full time in the full employment program established by section 3D; work experience if
273 sufficient private sector employment is not available; on-the-job training; job search and job
274 readiness activities; community service programs established under section 3C; vocational
275 educational training,; job skills training directly related to employment,; education directly related to
276 employment, in the case of a recipient who has not received a high school diploma or a certificate of
277 high school equivalency; satisfactory attendance at secondary school or in a course of study leading

278 to a certificate of general equivalence, in the case of a recipient who has not completed secondary
279 school or received such a certificate; providing child care services to an individual who is
280 participating in a community service program; participation in any other activities that meet the
281 requirements of the federal Personal Responsibility and Work Opportunity Reconciliation Act of
282 1996, or any successor act; participation in other activities that the department determines would
283 enable a recipient to overcome barriers to employment or will otherwise assist the state in satisfying
284 work participation rates or are appropriate to accommodate the special needs of persons with
285 disabilities; or by participating in a combination of any of these activities. Recipients under the age of
286 20 attending high school full time under section 2C shall be deemed to have satisfied the
287 requirements of this section through satisfactory attendance at secondary school. Participation in
288 work activities shall be verified in the manner and at the frequency required by federal law.

289 (d) The commissioner may provide that recipients subject to the work requirement who,
290 without good cause and after having been required to perform community service pursuant to
291 subsection (f), do not satisfy said work requirement shall not receive assistance until they meet the
292 requirement for 2 weeks. The sanction for not satisfying the work requirement shall not include
293 termination of assistance to the children or other family members of the recipient.

294 (e) The department shall determine that good cause exists when a recipient is not in
295 compliance with the work program or the terms of an employment development plan and the
296 noncompliance is due to lack of appropriate and available child care, lack of affordable and reliable
297 transportation, housing search, lack of an available and appropriate community service site identified
298 by the department, illness or disability or other reasons established by the department. For purposes
299 of this subsection, a determination as to whether an available child care slot is appropriate shall take
300 into consideration factors that the department of early education and care recommends be considered
301 or that a reasonable and responsible parent would consider in deciding whether a child care slot is

302 appropriate, including the time required to travel to and from the provider and the recipient's home,
303 work or other activities. Before determining that a recipient has not complied with the work program
304 or the terms of an employment development plan without good cause, the department shall review all
305 good cause criteria with the recipient to determine if good cause exists.

306 (f) If a recipient in the work program has not obtained employment or is otherwise not
307 participating in countable work activities for the required number of hours per week, the recipient
308 shall be required to participate for the required hours per week in the community service program
309 established by section 3C during the school hours of her or his child in return for the applicable
310 payment standard otherwise payable to the family; provided that the department shall refer the
311 recipient to an available and appropriate community service site and that the recipient may at any
312 time thereafter choose to comply with said work requirement through other countable activities and
313 the department shall inform each recipient of this option at the time the recipient is mandated to do
314 community service. In the case of a recipient who has obtained employment or is engaged in
315 countable work activities for less than the required hours per week, the community service
316 requirement shall be the difference between the required hours per week and the amount of time such
317 recipient is employed each week.

318 (g) In no case shall a recipient be required to seek or accept employment as a condition of
319 eligibility when a mental or physical disability of a dependent child requires presence at home. No
320 individual shall be considered ineligible for aid or assistance because of failure to comply with the
321 provisions of this chapter if such failure is due to illness or disability. A recipient shall not be
322 compelled by the department to be trained or to be employed in domestic service, nor required to
323 accept such employment if such employment would require work between the hours from six o'clock
324 postmeridian of one day, and six o'clock antemeridian of the following day.

325 SECTION 9. Section 3 of said chapter 118, as appearing in the 2004 Official Edition is hereby
326 amended by striking out, in line 1, the word “Except” and inserting in place thereof the following
327 word:- (a) Except.

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

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

333 (c) Prior to a recipient becoming subject to the work requirement pursuant to section 2H and prior to
334 development of an employment development plan or a family well-being plan pursuant to this
335 section, the department shall explain the earnings disregards and other work supports, such as child
336 care, transportation subsidies, and the state and federal earned income credits, to the recipient and
337 shall provide sample calculations showing the effect of various levels of earned income, including
338 earned income credits, on cash assistance and other benefits.

339 (d) Subject to appropriation, the department shall develop for each recipient who is subject to the
340 work requirement pursuant to section 2H, an employment development plan designed to enable said
341 recipient to attain economic self-sufficiency. Said plans shall be prepared by the case manager with
342 involvement of the recipient. The plan shall be developed after an in-depth assessment of the
343 recipient's current employability, including barriers to employment and education, training and
344 supportive services needs, and after development of a strategy to enable such parent to attain
345 economic self-sufficiency. In developing the plan, the department shall consider all available
346 programs qualifying under subsection (f) and section 2H, whether or not department funded, and the
347 supportive services needed by the parent to participate, including child care and transportation. With

348 respect to department-funded programs, the department shall determine the number of available slots,
349 after considering the appropriations for said programs. Volunteers shall be given first priority for
350 participation in all such department-funded programs. No parent shall be allowed to enroll in a
351 department-funded program if the number of participants already in such program meets or exceeds
352 the number of available slots. Available department-funded program slots shall be filled on a first-
353 come, first-serve basis.

354 (e) Said plans shall include the activities in which the recipient will participate in order to satisfy the
355 work requirement pursuant to section 2H, any other activities in which the recipient volunteers to
356 participate, and the support services that the recipient needs in order successfully to participate in
357 such activities. With respect to recipients not qualifying as exempt pursuant to the provisions of
358 section 2F, the employment development plan shall be used to satisfy any universal or full
359 engagement or family self-sufficiency plan requirement, so-called, imposed by federal law, including
360 any federal requirement to assess the skills, work experience, employability, and barriers to
361 employment of each adult or teen-parent recipient.

362 (f) All recipients may participate in the following activities subject to the availability of program slots
363 and funding; provided, however, that those subject to the provisions of section 2H shall fulfill the
364 requirements of said section:

- 365 (i) the full employment program established pursuant to section 3D;
- 366 (ii) a recognized job training program;
- 367 (iii) a recognized educational program; or
- 368 (iv) any other employment services activity approved by the department.

369 (g) (1) With respect to recipients who are exempt pursuant to the provisions of section 2F the
370 department or an agency as specified in clause (2) is authorized to develop, with the involvement of

371 the recipient and after an in-depth assessment of the recipient's skills, work experience,
372 employability, and barriers to employment, a family well-being plan to assist the members of the
373 family in accessing services to improve the well-being of the family and to assist the recipient in
374 taking steps to address barriers to employment, including lack of education or job skills, and in
375 preparing for employment. In developing the plan the department shall consider the supportive
376 services needed by the recipient to participate, including child care and transportation. To the extent
377 the family desires, such plans shall set forth how the case manager will assist the family in
378 performing any other activities required or recommended for members of the family by the
379 department of transitional assistance or other entities, including but not limited to medical providers,
380 schools, public housing authorities, emergency shelter or housing search providers, the courts,
381 employers and the department of social services. In no event shall the plan or the process of its
382 development interfere with the family's performance of, or make it more difficult for a family to
383 perform, such other activities. With respect to exempt recipients who receive benefits from the
384 federally funded program, such plan shall be used to satisfy any universal or full engagement or
385 family self-sufficiency plan requirement, so-called, imposed by federal law.

386 (2) With respect to recipients determined exempt by reason of a recipient's disability, the
387 department shall link the recipient to another state agency with experience in serving the needs of
388 persons with such disabilities whose employees, subject to appropriation and with the involvement of
389 the recipient, may develop any family well-being plan, provide case management, and conduct any
390 reassessment. In the case of recipients determined to be exempt by reason of mental health diagnoses,
391 outreach to the recipients and creation of any such plans for them will be done by human services
392 coordinators of the department of mental health; in the case of recipients determined exempt by
393 reason of mental retardation or low cognitive function, outreach to and creation of any such plans for

394 them will be done by human services coordinators of the department of mental retardation; and in the
395 case of recipients determined exempt by reason of other disabilities, outreach to and creation of such
396 plans for them shall be done by qualified employees of the department of public health or the
397 Massachusetts rehabilitation commission. In order to cover the costs of the assessments, plan
398 development, case management, and costs of services related to these plans, the department of
399 transitional assistance shall transfer to these other agencies funds appropriated for the employment
400 services program.

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

405 (i) In developing such an employment development or family well-being plan with an individual
406 applicant or recipient, the department or the other responsible agency pursuant to subsection (g) shall
407 identify and explain all opportunities, whether or not department-funded, for education, training, job
408 search and other employment services and for child care, transportation and other support services
409 and allow the individual to determine which activities or services are appropriate for her or him and
410 her or his children and, therefore, should be included in the plan; provided that employment
411 development plans for nonexempt applicants and recipients must include activities that satisfy the
412 work requirement pursuant to section 2H. The department or the other responsible agency shall also
413 take into account the availability or lack thereof of affordable and reliable transportation, appropriate
414 child care and appropriate health care or other services to which the department or other responsible
415 agency proposes to refer the applicant or recipient. The department shall ensure that any activity or
416 service to which it or another responsible agency refers an applicant or recipient who is a person with

417 a disability or whose family includes a person with a disability provides equal access and reasonable
418 modifications and accommodations as necessary to comply with all applicable state and federal laws
419 against discrimination against persons with disabilities. The department shall also ensure that any
420 activity or service to which it refers an applicant or recipient who is a person of limited English
421 proficiency provides equal access and necessary bilingual services in compliance with all applicable
422 state and federal civil rights laws.

423 (j) Subject to appropriation, recipients who are exempt pursuant to section 2F shall be afforded an
424 opportunity to participate in all activities listed in subsection (f), and shall be informed by the
425 department of said opportunities. Subject to appropriation, the department shall develop and fund
426 programs specifically designed to meet the special needs of parents with disabilities so as to provide
427 equal opportunities to such parents to benefit from the employment services program, so-called,
428 whether or not they are exempt pursuant to section 2F. Providers of such services will be reimbursed
429 in accordance with criteria that primarily reward educational and skills advancement, as opposed to
430 immediate job placement, retention or advancement.

431 SECTION 12. Said chapter 118 is hereby further amended by inserting after section 3A the following
432 9 sections:-

433 Section 3B. The department shall make payments or shall assure that payments are made for child
434 care services to families in which a parent or parents or other relative receiving assistance for a
435 dependent child needs child care services in order to work or to participate in any of the education,
436 training, community service or other employment services or family well-being plan activities
437 approved pursuant to section 2H or 3. Any former recipient, whether or not he has received assistance
438 for the 24 month period allowed by section 2G, who is employed and who meets the financial
439 eligibility requirements established by the department in regulations, shall be eligible to receive

440 transitional child care services for a period of 1 year following termination of benefits pursuant to
441 said section 2G.

442 Section 3C. (a) The department shall administer a community service program in which recipients
443 subject to the work requirement under Section 2H shall be offered the opportunity to participate for
444 some or all of the required work hours per week and in which recipients subject to said work
445 requirement who are not participating in countable activities for the required hours per week are
446 required to participate pursuant to the provisions of section 2H. Community service programs shall
447 not be used to displace regular employees nor to fill unfilled positions previously established.

448 (b) For the purpose of this section, "community service", shall mean a program designed for
449 recipients of public assistance under which a public entity or private nonprofit organization
450 undertakes to provide work or training experience to applicants or recipients of public assistance who
451 have chosen or have been required to participate without compensation in such program, and to
452 provide supervision over such work or training experience.

453 Section 3D. (a) The full employment program is hereby established as a program in which recipients,
454 subject to criteria and eligibility rules established by the department, in lieu of receiving benefits
455 under the food stamp program and cash payments under the program of transitional aid to families
456 with dependent children, shall be provided with employment in a manner which promotes self-
457 sufficiency and which shall provide work experience to improve the recipient's competitive position
458 in the work force.

459 (b)(1) An eligible individual who participates in the program shall work full-time in a
460 program job, as available, and shall be paid not less than the applicable minimum wage. In the event
461 that the net monthly full-time wage paid to a participant, which for purposes of this subsection shall
462 be the gross wage minus mandatory payroll deductions, would be less than the level of income from

463 transitional aid to families with dependent children and the food stamp benefit amount equivalent that
464 the participant would otherwise receive, the department shall determine and pay a supplemental
465 payment as necessary to provide the participant with such level of net income. The department shall,
466 by regulation, adopt an equivalence scale to be adjusted for household size and other factors. The
467 purpose of the equivalence scale shall be to insure that participants are not economically
468 disadvantaged, in terms of net income, by accepting a job under the program. The department shall
469 determine and pay, in advance, supplemental payments to participants on a monthly basis as
470 necessary to insure equivalent net program wages. The employer shall compensate participants for
471 hours worked.

472 (2) In addition to the participant wage, as defined in paragraph (1), the employer shall pay one
473 dollar for each participant hour worked into a qualified Individual Asset Account, hereinafter called
474 the "IAA", as defined in regulations promulgated by the executive office of health and human
475 services. The IAA shall be owned by the participant and access shall be restricted until such time as
476 the participant leaves the program for a job of at least 30 hours per week for which compensation is
477 paid or after 12 months in said program, whichever is sooner. The IAA is established in order to
478 improve the position of program participants by increasing their asset base. The amount in the IAA
479 shall not be counted as an asset for the purpose of determining financial eligibility for benefits
480 authorized by this chapter.

481 (3) Upon the acceptance of a program job in compliance with the participant's employment
482 development plan as set forth herein, transitional aid to families with dependent children and food
483 stamp benefits shall no longer be paid as a grant to the program participant. Transitional aid to
484 families with dependent children and food stamp benefits shall be suspended at the end of the
485 calendar month in which an employer makes the first wage payment to a participant who is a

486 custodial parent in a family that receives transitional aid to families with dependent children and food
487 stamp benefits.

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

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

496 (2) The maximum number of program participants that an employer shall be authorized to
497 accept at any one time shall not exceed 10 per cent of the total number of the employer's employees,
498 provided, however, that an employer may receive 1 participant. The commissioner of the department
499 may waive the limit in special circumstances; provided, however, that said commissioner may grant
500 or not grant said waiver at his sole discretion and his decision shall not be subject to review.

501 (3) The department shall insure that jobs made available to program participants by said
502 employers shall not: (i) require work in excess of 40 hours per week; or(ii) be used to displace regular
503 employees nor to fill unfilled positions previously established.

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

506 (5) The commonwealth shall pay to employers up to the following amounts as partial
507 reimbursement for wages paid to program participants: (i) for the first 9 months that the program
508 participant is employed by such employer, 3/4 of the participant's wage per hour; (ii) for the next 3

509 months that the program participant is employed by such employer, 50 per cent of the participant's
510 wage per hour.

511 (d) Program employers shall:

512 (1) pay all participants a wage rate of not less than the applicable minimum wage;

513 (2) provide sick leave, holiday and vacation absences in a manner which shall conform to the
514 individual employer's rules for new employees;

515 (3) provide workers' compensation coverage for each program participant;

516 (4) consider all persons participating in the program to be employees of the individual
517 employer providing the employment who shall therefore be entitled to all benefits required by state
518 and federal law;

519 (5) endeavor to make program placements positive learning and training experiences;

520 (6) maintain health, safety and working conditions at or above levels generally acceptable in
521 the industry and no less than that of comparable jobs of the employer;

522 (7) provide on-the-job training to the degree necessary for the participant to perform such
523 duties;

524 (8) provide on-the-job mentors from among regular employees to assist the participants in
525 becoming oriented to work and to the work place; and

526 (9) sign an agreement for each placement outlining the specific job offered to the participant
527 and agreeing to abide by all requirements of the program, including the requirement that the program
528 not supplant existing jobs and to repay reimbursement in the event the employer violates program
529 rules. The department shall have the authority to enforce these conditions and shall establish
530 regulations to govern such enforcement.

531 (e) (1) The department shall establish rules and regulations to: (i) develop criteria and fair
532 procedures for excluding certain employers from participation for failure to abide by program
533 requirements or other demonstrated unwillingness to comply with the stated intent of said program;
534 and (ii) provide that employers that have shown a pattern of terminating participants prior to the
535 completion of training or of not offering unsubsidized employment to participants who have
536 successfully completed training with that employer shall be ineligible to receive additional
537 participants.

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

541 (f) (1) If, after 9 months in a placement, a participant has not been hired for an unsubsidized
542 position, the employment development plan of the participant shall be reassessed. If, after 12 months
543 in a placement, a participant has not been hired for an unsubsidized position, the subsidy to the
544 employer shall be discontinued, the employment development plan of the participant shall be
545 reassessed and the participant may be assigned to another program.

546 (2) Program participants who have failed to carry out successfully a program job after a
547 minimum of 3 attempts shall be reassessed and may be assigned to mandatory placement in the
548 community service program. Rules governing sanctions, hearings or conciliations for participants in
549 the program shall be the same as those for the transitional aid to families with dependent children and
550 food stamp programs.

551 (g) Either the employer or the participant may terminate the assignment by contacting the
552 appropriate department office. In such event, the case worker shall reassess the needs of the
553 participant and may assign the participant to another placement or another program component and,

554 at the employer's request, the case worker may provide the employer with another participant. The
555 department shall endeavor to keep such terminations to a minimum.

556 (h) For the purposes of determining eligibility for the 1 year transitional child care and
557 MassHealth provided to certain former recipients of assistance who have left the program for
558 employment, the transitional year, so-called, shall commence on the day said participant is hired into
559 and commences non-subsidized employment.

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

564 Section 3E. (a) For teen recipients who require a structured setting pursuant to the provisions of
565 subsection (b) of section 2C, the department shall, subject to appropriation, establish such settings,
566 and shall, at minimum:

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

570 (ii) identify and train teen specialist case managers to coordinate available services and assist
571 in the process of determining appropriate living arrangements

572 (iii) require teen recipients to enroll and make acceptable progress in a program for a high
573 school diploma or a general education development certificate;

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

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

577 (vi) collaborate closely with the department of early education and care to provide appropriate
578 and continuous education and care to the child and parenting assistance and education to the teen
579 recipient; and

580 (vii) provide regular counseling sessions to enhance the individuals self-esteem.

581 (b) Pregnant and parenting teens residing in structured residential settings may be required to pay a
582 portion of their grant as determined by their residential program for rent.

583 (c) Transitional housing programs serving teenage parents 16 years of age or older shall not be
584 considered to fall within the definition of "group care facility" as set forth in section 9 of chapter
585 28A, or any successor statute.

586 (d) The department of early education and care shall promulgate rules and regulations concerning the
587 licensing of transitional housing programs serving teenage parents 16 years of age or older and
588 residential programs serving teenage parents under 16 years of age.

589 Section 3F. (a) Notwithstanding any general or special law to contrary, in order to avoid federal
590 penalties or reduction of the federal Transitional Assistance for Needy Families block grant
591 associated with failure to meet the required federal work participation rate, the department may fund
592 benefits paid to certain recipients of transitional aid to families with dependent children through a
593 separate solely state funded program that is funded only with state dollars and which shall be known
594 as state-funded transitional aid to families with dependent children. Expenditures on state-funded
595 transitional aid to families with dependent children shall not be counted towards the state's TANF
596 maintenance of effort obligation to the extent that doing so would cause the state not to be able to
597 satisfy federal work participation rates. Families who shall receive state-funded benefits in the
598 separate state program shall include, to the extent necessary to meet federal work participation rates,
599 those who are eligible for assistance under state law and would count towards the denominator but

600 would not count towards the numerator in the state's federal work participation rate or would
601 otherwise place the state at risk of not meeting federal requirements if they received benefits in a
602 program funded in whole or in part with federal funds from the TANF block grant or state funds
603 counted towards TANF maintenance of effort.

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

607 (c) Notwithstanding the foregoing, to the extent that doing so aids the commonwealth in meeting
608 federal work participation rates and increases flexibility in allocating state and federal funds, the first
609 two months of receipt of cash assistance from what otherwise would be transitional aid to families
610 with dependent children or state-funded transitional aid to families with dependent children shall be
611 designated an initial assessment program, in which benefits equal to transitional aid to families with
612 dependent children benefits shall be paid with federal TANF block grant funds.

613 Section 3G. (a) The department may obtain certain data available to and provided by the department
614 of revenue including, but not limited to, 14 day labor reporting information, and to garnish wages of
615 persons deemed to have fraudulently obtained assistance.

616 (b) The department shall establish administrative penalties for the first conviction of welfare
617 fraud or in cases in which persons are receiving benefits under more than 1 application, which shall
618 include permanent disqualification for future benefits and repayment in an amount equal to the grant
619 received from the date of the incidence of fraud for which said person has been convicted.

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

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

627 (d) The department shall promulgate regulations to provide that employees of the department
628 who participate in or assist in fraudulently procuring payments from the department shall be
629 terminated from such employment. Any such employee shall be punished by a fine of not less than
630 \$2,000 nor more than \$5,000, or by imprisonment for not more than 5 years in prison, or not less than
631 1 year and not more than 2 ½ years in a house of correction. In addition to any other punishment
632 repayment shall be ordered of the amount of said payments procured which shall be in addition to and
633 not in lieu of any penalties imposed pursuant to this section; provided, however, that the retirement
634 contributions of such employees shall be made available for the purpose of satisfying said ordered
635 repayment and such fines levied hereunder.

636 (e) Any agency or entity that receives state funds shall not publish or cause to be published
637 any information intended to instruct, encourage or aid a person to commit fraud upon the
638 commonwealth or to circumvent regulations by spending financial windfalls from lottery winnings,
639 inheritances or court settlements in order to ensure continued eligibility for the transitional aid to
640 families with dependent children program or other state funded programs. Violation of the provisions
641 of this section shall result in sanctions to an employee of any such agency and the imposition of a fine
642 to such agency of up to \$10,000; provided, however that nothing in this section shall be construed to
643 require an attorney to behave in a manner inconsistent with the code of professional responsibility.
644 Section 3H. Except to the extent prohibited by any federal or state law, the department of youth
645 services and the department of correction shall on a monthly basis transmit to the department of

646 transitional assistance a current roster of all persons incarcerated in or committed to each the houses
647 of correction, boot camps, prisons, and other correctional facilities run by said departments housing
648 inmates who have been incarcerated since the last monthly report. The information shall be provided
649 in a format that is compatible with the department's file layout of its automated data processing
650 system to ensure the immediate identification of inmates who may be receiving welfare benefits. The
651 information provided shall include name, social security number, date of birth, date of incarceration,
652 and expected release date. The department shall examine and verify said information and shall
653 identify any case in which a person so incarcerated or so committed, said person's family member or
654 said dependent, is receiving benefits from said public assistance programs for which he, said family
655 members or said dependent is not eligible and shall take appropriate action which shall include, but
656 not be limited to, a review and re-verification by the department that the information is accurate and
657 applicable as required by department regulations. The department shall provide this information to
658 the Social Security Administration and the department of revenue. No information obtained pursuant
659 to this section shall be released or utilized for any purpose other than those set forth in this section.

660 Section 3I. (a) The department shall identify and track its expenditures and those of other state
661 agencies, city and town governments and private entities that may be claimed as TANF maintenance
662 of effort expenditures to satisfy the commonwealth's obligations under 42 U.S.C. § 609 so that
663 benefits to those recipients who would reduce the commonwealth's work participation rate may be
664 paid solely with state funds that are not used to meet the commonwealth's TANF maintenance of
665 effort obligations. All state agencies shall cooperate in the identification, tracking and reporting of
666 such expenditures.

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

670 (c) On January 15th of each year the department shall file a report with the chairs of the house and
671 senate committees on ways and means and the chairs of the joint committee on children and families
672 setting forth the work participation rate among families who are subject to the work requirement,
673 efforts that have been made to increase that work participation rate and any barriers to improving the
674 work participation rate among those who are work-required and efforts to assist persons with
675 disabilities in engaging in work activities. Said report shall also recommend additional employment
676 services which will increase the commonwealth's work participation rates among parents who are
677 subject to the work requirement under the program of Transitional Aid to Families with Dependent
678 Children, including but not limited to enhanced assessments of barriers to employment and strategies
679 to address those barriers, additional transportation services including transportation assistance for all
680 parents who are subject to the work requirement, additional education and training activities; and
681 other activities that will assist the commonwealth in meeting work participation rates.

682 SECTION 13 Said chapter 118 is hereby further amended by adding the following section:-

683 Section 12. (a) A taxpayer required to file a return under the provisions of chapter 62 shall be allowed
684 a credit against the excise due under said chapter for employing persons that had been employed by
685 such taxpayer through the full employment program defined in this chapter. Such credit shall be
686 calculated by multiplying the number of full months after cessation of state subsidies a qualifying
687 program participant was employed by the taxpayer by \$100. The maximum credit allowed for all
688 years for the employment of each qualifying program participant shall be \$1,200. A taxpayer entitled
689 to a credit under this subsection for a taxable year may carry over and apply to its excise for any 1 or

690 more of the next succeeding 5 taxable years, the portion, reduced from year to year, of its credit
691 which exceeds its excise for the taxable year.

692 (b) The department shall report to the department of revenue and to the employer the program
693 participant's name and social security number, the employer's name and identification number and the
694 number of complete months of eligible employment for each participant of the program for whom an
695 employer would be eligible to claim the credit provided by subsection (a) within 31 days of the end
696 of each calendar year. The department of revenue shall consult with the house and senate committees
697 on ways and means and the house and senate chairs of the joint committee on children and families to
698 determine non-confidential data which shall annually be published to determine the effectiveness of
699 the credit provided by this subsection. Said department of revenue shall promulgate rules and
700 regulations necessary to implement the provisions of this subsection.

701 (c) A taxpayer required to file a return under the provisions of chapter 63 shall be allowed a
702 credit against the excise due under said chapter for employing persons that had been employed by the
703 taxpayer through the full employment program defined in this section. Such credit shall be calculated
704 by multiplying the number of full months after cessation of state subsidies a qualifying program
705 participant was employed by the taxpayer by \$100. The maximum credit allowed for all years for the
706 employment of each qualifying program participant shall be \$1,200. A taxpayer entitled to a credit
707 under this section for a taxable year may carry over and apply to its excise for any 1 or more of the
708 next succeeding 5 taxable years, the portion, reduced from year to year, of its credit which exceeds its
709 excise for the taxable year.

710 (d) The department shall report to the department of revenue and to the employer
711 the program participant's name and social security number, the employer's name and identification
712 number and the number of complete months of eligible employment for each participant of the

713 program for whom an employer would be eligible to claim the credit provided by subsection (c) of
714 this section within 31 days of the end of each calendar year. The department of revenue shall consult
715 with the house and senate committees on ways and means and the house and senate chairs of the joint
716 committee on children and families to determine non-confidential data which shall annually be
717 published to determine the effectiveness of the credit provided by this subsection. The department of
718 revenue shall also promulgate rules and regulations to implement the provisions of this subsection.

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

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

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

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

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

724 SECTION 19. As of the effective date of this act, the department of transitional assistance and its
725 sister agencies referenced in clause (11) of subsection (g) of section 3 of chapter 118 of the General
726 Laws shall begin to develop a pilot project implementing a system of family well-being plans in no
727 fewer than two transitional assistance offices to include or be selected from among the offices in
728 Boston New Market Square, Revere, Hyannis, New Bedford, Plymouth and Springfield Liberty
729 street. In developing and administering these pilots, these agencies shall consult an advisory board
730 comprised of representatives of at least 2 organizations representing persons with disabilities,
731 representatives of the employees' unions of the involved agencies, representatives of Massachusetts
732 legal services programs serving the offices covered by the pilot and the Massachusetts Law Reform
733 Institute. Such pilot programs shall be in place no later than April 1, 2007. The department, the other
734 referenced agencies and the advisory board shall file an initial written report on or before October 31,
735 2007 and a final written report on or before January 15, 2008 with the joint committee on children

736 and families and the house and senate committees on ways and means describing the services offered
737 and delivered through the pilot, the costs associated with the pilot, the success rate in engaging
738 families in meaningful activities, the success of those services in positively impacting recipients'
739 lives, any obstacles to the success of the pilots and any legislative recommendations for improving
740 the system of family well-being plans. The reports shall include the results of responses to consumer
741 satisfaction surveys from recipients participating in the pilot program.

742 SECTION 20. Notwithstanding any general or special law to the contrary, in preparing and
743 submitting any report to the federal government with regard to maintenance of effort expenditures
744 pursuant to 42 U.S.C. §609(a)(7) for federal fiscal year 2007 or any succeeding fiscal year, the
745 executive office of health and human services or any other responsible state agency or employee shall
746 claim a sufficient amount of state and other qualified spending to satisfy the commonwealth's
747 maintenance of effort requirement while also fulfilling the purposes of section 3F of said chapter 118
748 of the General Laws, as inserted by this act, by paying benefits with state dollars that are not counted
749 toward said maintenance of effort requirement for those who would otherwise undermine the
750 commonwealth's ability to satisfy federal work participation rates. If, after such report is filed, the
751 federal government disallows any of the expenditures so claimed, the responsible state agencies and
752 employees will, to the maximum extent feasible, file a revised report claiming other state
753 expenditures toward said maintenance of effort obligation. If, due to disallowances by the federal
754 government, the responsible state agencies and employees conclude that there is not sufficient state
755 and other qualified spending available to satisfy the commonwealth's maintenance of effort
756 requirement and to allow the commonwealth to pay benefits with state dollars that are not countable
757 toward said maintenance of effort obligation to all those who would otherwise be so funded pursuant
758 to said section 3F, the department of transitional assistance shall submit to the chairs of the house and

759 senate committees on ways and means and the chairs of the joint committee on children and families
760 a report including all relevant communications between the commonwealth and the federal
761 government with respect to maintenance of effort spending and a detailed analysis of whether and
762 how extending the work requirement pursuant to section 2H of said chapter 118 to (i) recipients who
763 must care for a disabled family member as referred to in subsection (a)(2) of said Section 2F but
764 whose caretaking responsibilities do not substantially reduce or eliminate their ability to meet the
765 requirements of the work program established in section 2H or to engage in work activities that meet
766 the requirements of federal law for the number of hours required by federal law; (ii) to recipients who
767 are in their last trimester of pregnancy as referred to in subsection (a)(3) of said section 2F and whose
768 participation in work activities would not threaten the health or safety of the parent or the unborn
769 child; would enable the commonwealth to satisfy its maintenance of effort obligation and applicable
770 work participation rates. If, within 60 days after receipt of such report, the general court has not
771 directed the administration to take an alternative approach to addressing the risk of not meeting
772 federal requirements and has not repealed this section, the department may, notwithstanding the
773 provisions of section 2F of said chapter 118, extend the work requirement to some or all of such
774 categories of recipients if doing so would enable the commonwealth to meet federal maintenance of
775 effort and work participation requirements; provided that, said work requirement may be extended
776 only to the categories of recipients in subsections (a)(2) and (3) of said section 2F.

777 SECTION 21. The department of transitional assistance shall report annually, with the first report
778 filed on November 1, 2007, to the house and senate committees on ways and means and the joint
779 committee on children and families the number of recipients, in each department of transitional
780 assistance region, who are not able to fulfill requirements of their work requirement, employment
781 development plan or family well-being plan because of lack of transportation. Said report shall cover

782 not only recipients who have been granted good cause by department of transitional assistance due to
783 lack of transportation, but also responses to surveys concerning transportation needs that department
784 of transitional assistance shall regularly make available at each local department of transitional
785 assistance office and shall administer with recipients at each eligibility review or transition review.

786 The department of transportation, in consultation with the department of transitional assistance, shall
787 develop a plan to address the transportation needs of recipients who are identified by these means or
788 others as having transportation barriers and shall include an analysis of the cost of providing
789 transportation to allow recipients to fulfill the requirements of the employment development and
790 family well-being plans. The department of transportation shall provide a report on the plan to the
791 joint committee on children and families and the house and senate committees on ways and means by
792 June 1, 2008.

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