

SENATE No. 69

The Commonwealth of Massachusetts

PRESENTED BY:

Karen E. Spilka

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to welfare reform.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Karen E. Spilka	Second Middlesex and Norfolk
Anne M. Gobi	5th Worcester
Cynthia Stone Creem	First Middlesex and Norfolk
Susan C. Fargo	Third Middlesex

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. S02298 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

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 181 of the General Laws, as
2 appearing in the 2006 Official Edition, is amended by striking out the first sentence and
3 inserting in place thereof the following sentence: - When a timely request for a hearing is made
4 because of a termination or reduction of assistance or because of a determination that a recipient
5 should no longer be treated as exempt under section 2F of chapter 118, and it involves an issue
6 of fact or a judgment relating to an individual case between the agency and the appellant,
7 assistance shall be continued on the same terms during the period of the appeal.

8 SECTION 2. The first paragraph of subsection (a) of section 30 of said chapter 18, as so
9 appearing, is hereby amended by adding the following sentences: - At the expiration of a period
10 of probation or court supervision, the commissioner of probation shall provide the department
11 with information regarding the amount of any uncollected balance of an overpayment obligation
12 under a judgment or order of the court. The department may use any means provided by law to

13 collect the balance under a judgment, or order of a court, or to collect an overpayment obligation
14 established by an administrative hearing decision of the department or by voluntary agreement.

15 SECTION 3. Chapter 118 of the General Laws is hereby amended by striking out
16 sections 1 and 2, as so appearing, and inserting in place thereof the following 2 sections:

17 Section 1. For the purposes of this chapter, the following 20 terms shall have the following
18 meanings unless the context clearly requires otherwise:

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

21 “Child of record”, the youngest child of a recipient on July 1, 1995 or at the time a family first
22 applies for assistance after July 1, 1995, but a child born to a woman who was pregnant on July
23 1, 1995 or at the time of first applying for assistance shall be the child of record. The
24 commissioner shall establish exemptions to allow a later-born child to be the child of record if
25 the child was born as a result of rape, incest, sexual assault or other extraordinary circumstances,
26 or if the child’s health or safety is at risk due to extraordinary circumstances, which shall include
27 hunger, homelessness, or housing instability. Unless the commissioner grants an exemption, the
28 designation of child of record shall not change even if the child no longer lives in the household
29 or subsequent children are born to the parent.

30 “Commissioner”, the commissioner of transitional assistance

31 “Department”, the department of transitional assistance.

32 “Dependent child”, “dependent children”, “child” or “children”, the child of a
33 recipient eligible to receive assistance from the program who is under the age of 18 or
34 who is 18 and a fulltime student in a secondary school or in the equivalent level of vocational or
35 technical training and who may reasonably be expected to complete the
36 program before reaching age 19.

37 “Family”, the household unit consisting of a dependent child and a recipient determined eligible
38 for assistance from the program.

39 “Parent”, the father, mother, stepfather, stepmother, stepbrother, stepsister, a
40 blood relative, including those of half-blood, except cousins who are more distantly
41 related than first cousins, adoptive relatives of equal propinquity 45 to the foregoing, and spouses
42 of any those persons, of the dependent child.

43 “Program”, the program of transitional aid to families with dependent children, including state-
44 funded transitional aid to families with dependent children and any initial assessment program
45 under section 3F.

46 “Recipient”, a parent or other relative receiving or otherwise eligible to receive assistance from
47 the program who is responsible for the care of dependent children.

48 Section 2. (a) The department shall aid a parent in properly bringing up, in his own home, each
49 dependent child, but no aid shall be granted under this chapter for, or on account of, a child
50 unless that child resides in the Commonwealth. The department shall provide aid to a pregnant
51 woman, who is otherwise eligible, upon medical verification of pregnancy.

52 (b) In order to encourage asset development, promote employment, and prevent homelessness,
53 the department is authorized to establish by regulation a maximum allowable resource limit for
54 otherwise eligible families. Notwithstanding the foregoing, the maximum allowable resource
55 limit shall not be less than \$5,000. The fair market value of a licensed motor vehicle shall not
56 exceed an amount determined by the commissioner in consultation with the secretary of
57 transportation and public works, and the equity value of a licensed motor vehicle shall not
58 exceed \$10,000 unless the commissioner determines that the higher value should be allowed to

59 accommodate the transportation needs of persons with disabilities or to promote economic
60 stability.

61 c) The assistance provided shall be sufficient to enable a parent to bring up a child properly in his
62 own home and shall be in an amount to be determined in accordance with budgetary standards of
63 the department. Annually, on July 1 and subject to appropriation, the department shall increase
64 the total budget of each eligible recipient, before taking into consideration any available income
65 and resources, by a percentage amount equal to the percentage rise in the United States
66 Consumer Price Index for January 1 of that year over the level of the index for January 1 of the
67 previous year plus any additional percentage amount as is recommended annually by the
68 department and appropriated by the general court. The department shall establish levels of
69 assistance subject to this section and the general appropriation act but families of comparable
70 size and financial circumstances shall be awarded the same level of assistance.

71 (d) Assistance shall be granted from the date on which the applicant is determined to be eligible
72 or 30 days after the receipt of a signed and completed application form, whichever is earlier.
73 Assistance shall be paid by cash or check and shall be paid semimonthly in advance unless the
74 applicant prefers less frequent payments.

75 (e) A recipient or an applicant for transitional aid to families with dependent children benefits,
76 whether or not exempt under section 2F, shall be eligible to have \$30 and one-half of the
77 remaining gross earned income, after work-related expenses but before dependent care
78 deductions, disregarded for the entire period that the recipient is eligible for assistance. On or
79 before October 1, 2009, the department shall increase the work expense deduction referenced in
80 the preceding sentence to at least \$250, and shall thereafter annually adjust said deduction for
81 inflation. In determining the amount of the cash payment to a recipient living with his parents,

82 the department shall disregard income of the household up to 200 percent of the poverty level for
83 a family of comparable size unless the income is earned by the recipient living with his parents.
84 In a case involving a child born after the child of record, the parent need not assign the rights to
85 the payment to the Commonwealth. If the after-born child is included in the filing unit, but
86 excluded from the assistance unit by operation of subsection (f), a monthly amount of child
87 support received on behalf of the after-born child equal to the standard increment of assistance
88 shall not count as income to the family in determining the amount of assistance to the family, but
89 the family shall have the option of excluding such an after-born child from the filing unit so that
90 none of said child's child support shall count as income to the family in determining the amount
91 of assistance to the family.

92 (f) The department shall not provide an increment in assistance because of the addition to a
93 family of a child born after the child of record. A caretaker or guardian who is not eligible for
94 assistance but is caring for a dependent child shall not be so affected by the limit on additional
95 assistance imposed by this subsection until the caretaker or guardian gives birth to a child that
96 makes the caretaker or guardian initially eligible for assistance

97 (g) Payment for funeral expenses of a parent or a dependent child in his custody 100 may be paid
98 directly to the person furnishing the services. Payment for other services given to a parent or a
99 dependent child in his custody may be paid directly to the person furnishing the services only
100 when the payment is effected to meet an expense which remained unpaid at the time of the death
101 of the parent or his commitment to an institution as a mentally ill person or in a case where the
102 payment is necessary to discharge an obligation incurred by the department in securing the
103 services for the parent or dependent child. Nothing in this chapter shall authorize a public
104 official, agent or representative, in carrying out this chapter, to take charge of a child over the

105 objection of the child's legal guardian or of the person standing in loco parentis to that child,
106 except pursuant to a proper court order. The department may pay a sum not exceeding \$1100 for
107 the funeral and burial of a recipient provided that the cost of the funeral and burial does not
108 exceed \$1500 and there are insufficient resources to otherwise pay those costs. Any resources of
109 the recipient shall be deducted from the maximum cost of the funeral and burial allowable
110 hereunder and the difference, subject to the limitation set forth in this paragraph, shall be paid by
111 the department.

112 (h) Notwithstanding any general or special law or rule or regulation to the contrary, persons
113 collecting public assistance from programs administered by the department and who inherit any
114 sum of money or receive a damage award or whose net winnings or payoff from a contest or
115 game that is not a lottery, exceed \$600 in cash or other monetary value, shall report the
116 inheritance, winnings or damage award to the department within 10 days of collecting it. Upon a
117 person's collection of any the value or amount in excess of \$600, the department shall reduce the
118 assistance granted to that person by the amount in excess of \$600. If at any time the excess
119 amount exceeds the person's monthly public assistance benefit, the assistance shall be suspended
120 and no the public assistance shall be paid to that person until the value of the monthly assistance
121 supplement equals the value of the excess amount. Notwithstanding the preceding two sentences
122 and in addition to other disregards or exclusions authorized by the department and in order to
123 encourage asset development, promote employment, and prevent homelessness, up to \$8,000 of
124 any lump sum income shall be disregarded as income and excluded as an asset if it is expended,
125 has been expended, or is placed in an Individual Asset Account for later expenditure for costs
126 related to education or training, transportation to work or to other activities of daily living,

127 obtaining or retaining or maintaining housing, debt reduction, starting a business, health care,
128 basic household necessities, or other responsible expenses as identified by the department.

129 SECTION 4. Said chapter 118 is hereby further amended by inserting after section 2B the
130 following 6 sections:

131 Section 2C. (a) The department shall not provide benefits to a family headed by a parent under
132 the age of 20 unless the parent has graduated from or is enrolled in a program for a high school
133 diploma or a general education development certificate. For teen parent recipients, the
134 department shall identify and train teen specialist case managers to coordinate available services
135 and assist in determining appropriate living arrangements.

136 (b) In situations where no abuse, neglect or addiction is present, the department shall not provide
137 benefits to a family headed by a recipient under the age of 20 unless the recipient resides with a
138 parent, grandparent, uncle, aunt, adult sibling, spouse, or other family member as determined by
139 regulations or guardian or lives in structured housing. The department may determine that a teen
140 recipient who has achieved necessary educational and vocational goals and acquired sufficient
141 independent living skills and parenting skills may live on his own. In situations where a pregnant
142 or parenting teen recipient asserts that she cannot stay at home because abuse, neglect or
143 addiction is present or because of other extraordinary circumstance which the commissioner
144 determines should exempt the teen from this requirement, the home shall be evaluated by a
145 professional experienced in the field of adolescent development and young parenting from the
146 department of children and families. The professional shall not replace or be assigned in addition
147 to a social worker who has already been working with the pregnant or parenting teen and her
148 family for more than 1 month. The department shall establish standards and procedures to govern
149 determinations of abuse, neglect and addiction as required by this subsection. Whenever it is

150 determined by the department that abuse, neglect or addiction is present or another extraordinary
151 circumstance exists, the teen shall reside in a structured setting under section 3E in order to
152 receive benefits from the department. If a structured setting is not available at the time the
153 determination is made, the individual shall be exempt from the provisions requiring the teen
154 recipient to live at home under this subsection until the time as a placement in a structured
155 setting shall be made available.

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

161 (b) Each nondisabled recipient, as defined and determined by the department, shall provide
162 documentation to the department, not less than quarterly, that a school age child under the age of
163 16 receiving assistance has not missed more than 8 school days resulting in unexcused absences,
164 during the previous quarter. Absences due to any of the following reasons shall be considered
165 excused absences:

- 166 (1) illness, as certified by a physician or by other proof that the department
167 determines is adequate;
- 168 (2) hospitalization;
- 169 (3) disability, as defined by the department;
- 170 (4) death of a family member;
- 171 (5) crisis situations as defined by the commissioner; or
- 172 (6) other circumstances recognized by the school.

173 (c) A nondisabled recipient who, without good cause, fails to provide the documentation required
174 by this section within the reasonable time frame established by the department, or who provides
175 documentation which indicates that the child has had more than 8 unexcused absences from
176 school during the prior quarter, shall be placed on probationary status, during which time the
177 recipient shall be required to provide monthly documentation of the child's attendance. The
178 recipient shall remain on probationary status until the time as the number of unexcused absences
179 during the 6 preceding school months does not exceed 10 school days.

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

184 (e) Notwithstanding section 27C of chapter 29 and without regard to any acceptance or
185 appropriation by a city, town or regional school district and without regard to any appropriation
186 by the general court, a school attended by a child to which this section applies shall provide the
187 documentation required by this section upon the request of the nondisabled recipient at no cost to
188 that recipient.

189 Section 2E. No recipient shall be eligible to receive the recipient's portion of assistance payable
190 under the program without presenting a certificate of immunization for each child to the
191 department of transitional assistance. The certificate shall state that the child has been
192 immunized for diseases described in section 15 of chapter 76. A recipient shall have 60 days to
193 comply with this subsection before being denied assistance for noncompliance. The department,
194 in consultation with the office of Medicaid, shall inform each recipient about health care

195 providers available in the recipient's community who are capable of assisting with the required
196 immunizations.

197 Section 2F. (a) Recipients meeting the following eligibility criteria shall be exempt from sections
198 2G, 2H and 3 until the time as their eligibility status has been determined by the department to
199 have changed and they no longer conform to the criteria that define the following exempt
200 categories of assistance:

201 (1) a recipient who is disabled, as defined by regulations of the department, in that he has
202 a physical or mental defect, illness or impairment which substantially reduces or
203 eliminates his ability to support himself or his children but in a family with 2 parents,
204 both parents shall be disabled and, to the extent permitted by federal law, "disabled" shall
205 not include a recipient who is alcohol- or drug-dependent or whose disability is based in
206 whole or in part on a previous dependency;

207 (2) a recipient providing care for a disabled child, spouse or other immediate relative so
208 long as the need for the care is supported by medical documentation;

209 (3) a recipient in the third trimester of pregnancy;

210 (4) a recipient with a child of record under the age of 2 years or any child other than the
211 child of record who is under the age of 3 months;

212 (5) a parent or other relative who receives assistance for a child in his care but not for
213 himself, but the exemption shall only apply to a relative who has no legal obligation to
214 support the child in his care, a minor parent who is not a head-of-household or a spouse
215 of a head-of-household, an alien who is ineligible to receive assistance due to his
216 immigration status, a recipient of supplemental security income or another parent or
217 relative who is not work-eligible as defined by federal law; provided that, in the case of a

218 recipient of supplemental security income who engages in work activities that meet the
219 requirements of federal law, the department shall include the families in the numerator
220 and denominator of the work participation rate, to the extent doing so assists the state in
221 meeting that rate.

222 (b) A recipient under the age of 20 attending high school full time under section 2C shall be
223 exempt from section 2G but subject to the provisions of section 2H and 3 to the extent consistent
224 with Section 2H(c).

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

231 (b) In the event a recipient's eligibility status changes to an exempt category of assistance while
232 receiving benefits, the calculation of the maximum assistance period of 24 months within the 60-
233 month period shall be suspended and shall not resume until the time as the recipient is no longer
234 eligible for exempt status.

235 (c) The calculation of the 24-month period of eligibility for assistance shall be suspended when a
236 recipient or a family un-enrolls from the program. The calculation of the 24-month period shall
237 resume when the recipient or family is determined upon reapplication to be eligible for
238 assistance. Reapplication for assistance within the continuous 60-month period shall not be
239 considered a new case for purposes of calculating the periods of eligibility and ineligibility for
240 assistance under this section. Determinations of a recipient's exempt category status under this

241 section shall be subject to fair hearings and the time during which an appeal is pending shall be
242 calculated toward the period of maximum assistance eligibility.

243 (d) The commissioner shall establish a procedure by which a recipient may request an extension
244 of benefits. The commissioner shall establish criteria to be considered in making a determination
245 that a recipient's benefits should be extended. The criteria shall include, but not be limited to:

246 (1) whether the recipient has received or rejected offers of employment, has quit a job
247 without good cause or has been fired for cause; and

248 (2) the degree to which the recipient has cooperated, and is cooperating, with the agency
249 in work-related activities.

250 In making the determination, the commissioner shall also consider whether appropriate job
251 opportunities actually exist locally at a given point in time for recipients. The commissioner may
252 review and revise the determinations as he deems appropriate. Notwithstanding the foregoing,
253 extensions shall be granted to enable recipients to complete vocational educational programs if
254 they are making satisfactory progress toward an achievable vocational goal.

255 e) A recipient who, in order to remain eligible for benefits, changes eligibility status and the
256 change in status is proven in a court of competent jurisdiction to be the result of fraud or deceit,
257 shall not be eligible for a program of assistance provided by the Commonwealth including, but
258 not limited to, programs of assistance administered by the department, including those programs
259 administered jointly with the federal government or solely on the part of the Commonwealth, or
260 administered by the office of Medicaid, the department of public health, the department of early
261 education and care and the department of children and families , and shall be required to pay full
262 restitution and any fine levied and shall not be eligible to receive assistance until those amounts
263 have been paid. A recipient who participates in or assists in procuring payments from the

264 department by falsely depicting himself as exempt as defined herein shall be punished by a fine
265 of not less than \$200 nor more than \$5,000 or by imprisonment for not less than 1 year nor more
266 than 5 years and, in all cases, repayment shall be ordered for the amount of any payments
267 procured which shall in addition to and not in lieu of any penalties imposed under this section.

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

271 (b) Absent good cause under subsection (e), recipients subject to the work program requirement
272 shall be required to engage in work activities under subsection (c) for up to the number of hours
273 per week required by federal law. Before referring an applicant or recipient to a work activity
274 under this subsection, the department shall comply with the requirements of section 3 related to
275 development of an employment development plan.

276 (c) The work activity requirement may be met by engaging, for up to the number of hours per
277 week required to be countable under federal law, in any of the activities, as defined by federal
278 law or this chapter. In addition, the department may approve other activities that would not be
279 countable under federal law in order to assist the recipient in overcoming barriers to
280 employment, achieving self-sufficiency, or accommodating a disability and, to the maximum
281 extent feasible consistent with the need to meet federal work participation rates, shall allow
282 recipients to meet their work activity requirement by participating in vocational educational
283 training throughout their period of time limited benefits and any extension periods. Recipients
284 under the age of 20 attending high school full time under section 2C shall be deemed to have
285 satisfied the requirements of this section through satisfactory attendance at secondary school.

286 Participation in work activities shall be verified in the manner and at the frequency required by
287 federal law.

288 (d) The commissioner may provide that a recipient subject to the work requirement who, without
289 good cause and within a reasonable time after having received a referral under subsection (f) is
290 not meeting the work requirement as specified in his employment development plan shall be
291 required to meet with his caseworker to review the obligations and reasons for not meeting those
292 requirements and the department shall facilitate the occurrence of the meeting by taking
293 reasonable steps to accommodate any health, transportation and other barriers the recipient faces.
294 If after meeting with his caseworker and after being given a reasonable period of time to comply,
295 the recipient has not fulfilled the obligations without good cause, the department may reduce the
296 family's assistance by the recipient's portion of the grant. If within a reasonable period of time
297 after this reduction sanction takes effect the recipient continues to not fulfill these obligations
298 without good cause, the recipient may be required to meet with his caseworker again. The
299 employment development plan may be reassessed and amended as a result of these meetings. If
300 after a reasonable period of time after the second meeting, the recipient is still not fulfilling these
301 obligations without good cause, the recipient's case worker shall file a report with the local
302 office manager detailing the efforts to work with the recipient to assist him in fulfilling the work
303 requirement as specified in his employment development plan, the reasons offered by the
304 recipient for his inability to fulfill the plan and why the case worker believes there is not good
305 cause. After the report has been reviewed and approved by the office manager, the department
306 may terminate all assistance. For recipients who have experienced a reduction or termination of
307 assistance, the department shall provide full assistance when the recipient has complied with the
308 work program for 2 consecutive weeks.

309 (e) The department shall determine that good cause exists when a recipient is not in compliance
310 with the work program or the terms of an employment development plan and the noncompliance
311 is due to lack of appropriate and available child care, lack of affordable and reliable
312 transportation, housing search, lack of an available and appropriate community service site
313 identified by the department, illness or disability or other reasons established by the department.
314 For the purposes of this subsection, in determining whether an available child care slot is
315 appropriate, the department shall take into consideration factors that the department of early
316 education and care recommends be considered or that a reasonable and responsible parent would
317 consider in deciding whether a child care slot is appropriate, including the time required to travel
318 to and from the provider and the recipient's home, work or other activities. Before determining
319 that a recipient has not complied with the work program or the terms of an employment
320 development plan without good cause, the department shall review all good cause criteria with
321 the recipient to determine if good cause exists.

322 (f) If a recipient in the work program has not obtained employment or is otherwise not
323 participating in countable work activities for the required number of hours per week, the
324 recipient shall be required to participate for the required hours per week in the community
325 service program established in section 3C, or another appropriate activity, during the school
326 hours of his child in return for the applicable payment standard otherwise payable to the family.
327 The department shall refer the recipient to an available and appropriate community service site
328 and the recipient may, at any time thereafter, choose to comply with the work requirement
329 through other countable activities and the department shall inform each recipient of this option at
330 the time the recipient is mandated to do community service. In the case of a recipient who has
331 obtained employment or is engaged in countable work activities for less than the required hours

332 per week, the community service requirement shall be the difference between the required hours
333 per week and the amount of time the recipient is employed each week.

334 (g) In no case shall a recipient be required to seek or accept employment as a condition of
335 eligibility when a mental or physical disability of a dependent child requires his presence at
336 home. No individual shall be considered ineligible for aid or assistance because of failure to
337 comply with this chapter if the failure is due to illness or disability. A recipient shall not be
338 compelled by the department to be trained or to be employed in domestic service, nor required to
339 accept the employment if the employment would require work between the hours from 6 p.m. of
340 1 day and 6 a.m. the following day.

341 (h) The department of transitional assistance shall review cases and collect data relative to the
342 children and families whose cases have been closed due to the termination of benefits pursuant to
343 subsection (d). In conducting the review, the department may work with other departments
344 including, but not limited to, the department of public health, the department of children and
345 families, the department of housing and community development and the department of public
346 utilities. The review shall include, but not be limited to, an investigation of a family's: housing
347 status; the health, education, child care and well-being of each child; health status; employment
348 status; changes in use of emergency food pantries or other emergency services; changes in food
349 security status; changes in access to a working telephone; and experience with utility shutoffs. In
350 conducting the review, the department shall contact a family whose case was closed pursuant to
351 said subsection (d) within 2 months after the closing and again 6 months after the closing and
352 shall conduct a home visit where the information cannot be obtained by telephone. To the extent
353 possible, the review shall be conducted in a confidential manner. The department shall file a
354 written report, annually, on the results of the case reviews and data collection with the joint

355 committee on children, families and persons with disabilities and the house and senate
356 committees on ways and means.

357 Section 2I. No aid shall be paid under the program, funded solely by the Commonwealth, to a
358 recipient who is not a citizen of the United States or is not a qualified alien permitted to receive
359 state assistance as defined in section 431 of Public 104-193.

360 SECTION 5. Said chapter 118 is hereby further amended by striking out section 3, as so
361 appearing, and inserting in place thereof the following section:

362 Section 3. (a) Except as hereinafter provided, the department shall determine what aid is
363 necessary to enable a parent to bring up a child. For this purpose, the department shall make an
364 immediate and careful inquiry into the resources of the family and the ability of its other
365 members, if any, to work or otherwise contribute to its support, the existence of relatives able to
366 assist the family and societies or agencies who may be interested in the family. The department
367 shall, in a case involving a missing parent, require the applicant or recipient to furnish, in writing
368 under the penalties of perjury, complete information within the knowledge of the applicant or
369 recipient relative to the location of the missing parent; shall take all steps necessary to locate the
370 missing parent which shall include, in appropriate cases, the institution of criminal proceedings,
371 to compel all persons bound to support the parents and the child to support them and to enforce
372 any other legal rights for their benefit. The department shall encourage all members of the family
373 who are able to work, to secure work, shall help them find work and shall secure all necessary
374 aid for the parent and child which can be secured from relatives or organizations. Any exemption
375 now or hereinafter permissible under the federal Social Security Act relative to earned income
376 may be allowed and determination of eligibility shall be completed within 45 days after the date
377 of application.

378 (b) The department shall follow federal regulations in its search for missing parents and in
379 providing employment and employment training for certain recipients.

380 (c) Before a recipient becomes subject to the work requirement under section 2H and before the
381 development of an employment development plan or a family well-being plan under this section,
382 the department shall explain the earnings disregards and other work supports, such as child care,
383 transportation subsidies and the state and federal earned income credits, to the recipient and shall
384 provide sample calculations showing the effect of various levels of earned income, including
385 earned income credits, on cash assistance and other benefits.

386 (d) Subject to appropriation, the department shall develop for each recipient who is subject to the
387 work requirement under section 2H, an employment development plan designed to enable the
388 recipient to attain economic self-sufficiency. The plan shall be prepared by the case manager
389 with involvement of the recipient. The plan shall be developed after an appropriate assessment of
390 the recipient's current employability, including barriers to employment and education, training
391 and supportive services needs, and after development of a strategy to enable the parent to attain
392 economic self- sufficiency. In developing the plan, the department shall consider all available
393 programs qualifying under subsection (f) and said section 2H, whether or not department-funded,
394 and the supportive services needed by the parent to participate, including child care and
395 transportation. With respect to department-funded programs, the department shall determine the
396 number of available slots, after considering the appropriations for the programs. Volunteers shall
397 be given first priority for participation in the department-funded programs. No parent shall be
398 allowed to enroll in a department-funded program if the number of participants already in the
399 program meets or exceeds the number of available slots. Available department-funded program
400 slots shall be filled on a first-come, first-served basis.

401 (e) The plans shall include the activities in which the recipient will participate in order to satisfy
402 the work requirement under section 2H, any other activities in which the recipient volunteers to
403 participate and the support services that the recipient needs in order to successfully participate in
404 the activities. With respect to recipients not qualifying as exempt under section 2F, the
405 employment development plan shall be used to satisfy any universal or full engagement or
406 family self-sufficiency plan requirement imposed by federal law, including any federal
407 requirements to assess the skills, work experience, employability and barriers to employment of
408 each adult or teen parent recipient.

409 (f) All recipients may participate in the following activities subject to the availability of program
410 slots and funding but those subject to section 2H shall fulfill the requirements of said section 2H:

- 411 (1) the full employment program;
- 412 (2) a recognized job training program;
- 413 (3) a recognized educational program; or
- 414 (4) any other employment services activity approved by the department.

415 (g) (1) With respect to recipients who are exempt under section 2F, the department may develop,
416 with the involvement of the recipient and after an appropriate assessment of the
417 recipient's skills, work experience, employability and barriers to employment, a family
418 well-being plan to assist the members of the family in accessing services to improve the
419 wellbeing of the family and to assist the recipient in taking steps to address barriers to
420 employment, including lack of education or job skills, and in preparing for employment.
421 In developing the plan, the department shall consider the supportive services needed by
422 the recipient to participate, including child care and transportation. To the extent the
423 family desires, the plans shall set forth how the case manager will assist the family in

424 performing any other activities required or recommended for members of the family by
425 the department or other entities including, but not limited to, medical providers, schools,
426 public housing authorities, emergency shelter or housing search providers, the courts,
427 employers and the department of children and families. In no event shall the plan or the
428 process of its development interfere with the family's performance of, or make it more
429 difficult for a family to perform, the other activities. With respect to exempt recipients
430 who receive benefits from the federally funded program, the plan shall be used to satisfy
431 any universal or full engagement or family self-sufficiency plan requirement imposed by
432 federal law.

433 (2) With respect to recipients determined exempt by reason of a recipient's disability, the
434 department may link the recipient to another state agency with experience in serving the
435 needs of persons with disabilities whose employees, subject to appropriation and with the
436 involvement of the recipient, may develop a family well-being plan, provide case
437 management and conduct reassessment. In the case of recipients determined to be exempt
438 by reason of mental health diagnoses, outreach to the recipients and creation of plans for
439 them may be done by human services coordinators of the department of mental health; in
440 the case of recipients determined exempt by reason of mental retardation or low cognitive
441 function, outreach to and creation of any the plans for them may be done by human
442 services coordinators of the department of developmental services; and in the case of
443 recipients determined exempt by reason of other disabilities, outreach to and creation of
444 the plans for them may be done by qualified employees of the department of public
445 health or the Massachusetts rehabilitation commission. In order to cover the costs of the
446 assessments, plan development, case management and costs of services related to these

447 plans, the department of transitional assistance may transfer to these other agencies funds
448 appropriated for the employment services program.

449 (h) Recipients who do not comply with the terms of their employment development or family
450 wellbeing plans, without good cause, may be required to participate in a reassessment, through
451 which the plan may be modified and recipients who are subject to but not satisfying the work
452 requirement without good cause may lose assistance under section 2H.

453 (i) In developing the an employment development or family well-being plan with an individual
454 applicant or recipient, the department or other responsible agency under subsection (g) shall
455 identify and explain all opportunities, whether or not department-funded, for education, training,
456 job search and other employment services and for child care, transportation and other support
457 services and allow the individual to determine which activities or services are appropriate for
458 him and his children and, therefore, should be included in the plan, but employment development
459 plans for nonexempt applicants and recipients shall include activities that satisfy the work
460 requirement under section 2H. The department or other responsible agency shall also take into
461 account the availability or lack thereof of affordable and reliable transportation, appropriate child
462 care and appropriate health care or other services to which the department or other responsible
463 agency proposes to refer the applicant or recipient. The department shall ensure that any activity
464 or service to which it or another responsible agency refers an applicant or recipient who is a
465 person with a disability or whose family includes a person with a disability provides equal access
466 and reasonable modifications and accommodations as necessary to comply with all applicable
467 state and federal laws against discrimination against persons with disabilities. The department
468 shall also ensure that any activity or service to which it refers an applicant or recipient who is a

469 person of limited English proficiency provides equal access and necessary bilingual services in
470 compliance with all applicable state and federal laws.

471 (j) Subject to appropriation, recipients who are exempt under section 2F shall be afforded an
472 opportunity to participate in all activities listed in subsection (f) and shall be informed by the
473 department of those opportunities. Subject to appropriation, the department shall develop and
474 fund programs specifically designed to meet the special needs of parents with disabilities so as to
475 provide equal opportunities to those parents to benefit from the employment services program,
476 whether or not they are exempt under said section 2F. Providers of those services shall be
477 reimbursed in accordance with criteria that primarily reward educational and skills advancement,
478 as opposed to immediate job placement, retention or advancement.

479 SECTION 6. Said chapter 118 is hereby further amended by inserting after section 3A
480 the following 8 sections:

481 “Section 3B. The department shall make payments or shall assure that payments are made for
482 child care services to families receiving assistance in which a parent or other relative caring for a
483 dependent child needs child care services in order to work or to participate in any of the
484 education, training, community service or other employment services or family well-being plan
485 activities authorized by section 2H or 3. A former recipient, whether or not he has received
486 assistance for the 24-month period allowed by section 2G, who is employed and who meets the
487 financial eligibility requirements established by the department in regulations, shall be eligible to
488 receive transitional child care for services for a period of 1 year following termination of
489 benefits.”

490 Section 3C. (a) The department shall administer a community service program in which
491 recipients subject to the work requirement under section 2H shall be offered the opportunity to

492 participate for some or all of the required work hours per week and in which recipients subject to
493 the work requirement who are not participating in countable activities for the required hours per
494 week are required to participate under said section 2H. Community service programs shall not be
495 used to displace regular employees nor to fill unfilled positions previously established.

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

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

507 (b)(1) An eligible individual who participates in the program shall work full time in a
508 program job, as available, and shall be paid not less than the applicable minimum wage.
509 In the event that the net monthly fulltime wage paid to a participant which, for purposes
510 of this subsection shall be the gross wage minus mandatory payroll deductions, would be
511 less than the level of income from transitional aid to families with dependent children and
512 the food stamp benefit amount equivalent that the participant would otherwise receive,
513 the department shall determine and pay a supplemental payment as necessary to provide
514 the participant with that level of net income. The department shall, by regulation, adopt

515 an equivalence scale to be adjusted for household size and other factors. The purpose of
516 the equivalence scale shall be to insure that participants are not economically
517 disadvantaged, in terms of net income, by accepting a job under the program. The
518 department shall determine and pay, in advance, supplemental payments to participants
519 on a monthly basis as necessary to insure equivalent net program wages. The employer
520 shall compensate participants for hours worked.

521 (2) In addition to the participant wage in paragraph (1), the employer shall pay \$1 for
522 each participant hour worked into a qualified Individual Asset Account, hereinafter called
523 the "IAA", as defined in regulations promulgated by the executive office of health and
524 human services. The IAA shall be owned by the participant and access shall be restricted
525 until such time as the participant leaves the program for a job of at least 30 hours per
526 week for which unsubsidized compensation is paid or after 12 months in the program,
527 whichever is sooner. The IAA shall be established to improve the position of program
528 participants by increasing their asset base. The amount in the IAA shall not be counted as
529 an asset for the purpose of determining financial eligibility for benefits authorized by this
530 chapter.

531 (3) Upon the acceptance of a program job in compliance with the participant's
532 employment development plan as set forth herein, transitional aid to families with
533 dependent children and food stamp benefits shall no longer be paid as a grant to the
534 program participant. Transitional aid to families with dependent children and food stamp
535 benefits shall be suspended at the end of the calendar month in which an employer makes
536 the first wage payment to a participant who is a custodial parent in a family that receives
537 transitional aid to families with dependent children and food stamp benefits.

538 (4) Program participants who are eligible for federal- and state-funded medical assistance
539 at the time they enter the program shall remain eligible for as long as they shall continue
540 to participate in the program.

541 (c)(1) The department shall adopt rules and regulations to determine which employers within the
542 Commonwealth shall have the opportunity to accept program participants. No employer
543 shall be required to participate in the program. In the event that there are unassigned
544 participants whom no employer has accepted, the unassigned participants shall be
545 reassessed, with focus on the employment development plan, and may be assigned to
546 other available programs.

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

553 (3) The department shall insure that jobs made available to program participants by the
554 employers shall not:

555 (i) require work in excess of 40 hours per week; or

556 (ii) be used to displace regular employees nor to fill unfilled positions previously
557 established.

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

561 (5) The Commonwealth shall pay to employers up to the following amounts as partial
562 reimbursement for wages paid to program participants:

563 (i) for the first 9 months that the program participant is employed by the
564 employer, 75 per cent of the participant's wage per hour;

565 (ii) for the next 3 months that the program participant is employed by the
566 employer, 50 per cent of the participant's wage per hour.

567 (d) Program employers shall:

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

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

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

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

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

576 (6) maintain health, safety and working conditions at or above levels generally acceptable
577 in the industry and not less than that of comparable jobs of the employer;

578 (7) provide on-the-job training to the degree necessary for the participant to perform the
579 duties;

580 (8) provide on-the-job mentors from among regular employees to assist the participants in
581 becoming oriented to work and to the workplace; and

582 (9) sign an agreement for each placement outlining the specific job offered to the
583 participant and agreeing to abide by all requirements of the program, including the

584 requirement that the program not supplant existing jobs and to repay reimbursement in
585 the event the employer violates program rules. The department may enforce these
586 conditions and shall establish regulations to govern the enforcement.

587 (e) (1) The department shall establish rules and regulations to:

588 (i) develop criteria and fair procedures for excluding certain employers from
589 participation for failure to abide by program requirements or other demonstrated
590 unwillingness to comply with the stated intent of the program; and

591 (ii) provide that employers who have shown a pattern of terminating participants
592 prior to the completion of training or of not offering unsubsidized employment to
593 participants who have successfully completed training with that employer shall be
594 ineligible to receive additional participants.

595 (2) If the department finds that an employer has violated a rule or regulation of the
596 program, the department:

597 (i) shall withhold any wage reimbursement amounts due to the employer; and

598 (ii) may seek repayment of any wage reimbursement amounts paid to the
599 employer.

600 (f) (1) If, after 9 months in a placement, a participant has not been hired for an unsubsidized
601 position, the employment development plan of the participant shall be reassessed. If, after
602 12 months in a placement, a participant has not been hired for an unsubsidized position,
603 the subsidy to the employer shall be discontinued, the employment development plan of
604 the participant shall be reassessed and the participant may be assigned to another
605 program.

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

611 (g) Either the employer or the participant may terminate the assignment by contacting the
612 appropriate department office. In that event, the case worker shall reassess the needs of the
613 participant and may assign the participant to another placement or another program component
614 and, at the employer's request, the case worker may provide the employer with another
615 participant. The department shall endeavor to keep the terminations to a minimum.

616 (h) For the purposes of determining eligibility for the 1 year transitional child care and
617 MassHealth provided to certain former recipients of assistance who have left the program for
618 employment, the transitional year, shall commence on the day the participant is hired into and
619 commences nonsubsidized employment.

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

624 Section 3E. (a) For teen recipients who require a structured setting under subsection (b) of
625 section 2C, the department shall, subject to appropriation, establish the settings and shall, at
626 minimum:

- 627 (1) enter into an interagency agreement with the department of children and families to
628 develop resources for structured residential living arrangements that will meet the long
629 term needs of teenage recipients and their children;
- 630 (2) assign a teen specialist;
- 631 (3) require teen recipients to enroll and make acceptable progress in a program for a high
632 school diploma or a general education development certificate;
- 633 (4) require teenage recipients to participate in basic parenting classes, basic life skills
634 classes and pregnancy prevention classes;
- 635 (5) provide necessary rules and regulations to promote stability;
- 636 (6) collaborate closely with the department of early education and care to provide
637 appropriate and continuous education and care to the child and parenting assistance and
638 education to the teen recipient; and
- 639 (7) provide regular counseling sessions to enhance the individual's self-esteem.

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

642 (c) Transitional housing programs serving teenage parents 16 years of age or older shall not fall
643 within the definition of "group care facility" as defined in section 9 of chapter 28A, or a
644 successor law.

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

648 Section 3F. (a) Notwithstanding any general or special law to the contrary, the department may
649 establish a separate solely state-funded program, to avoid federal penalties by paying benefits to

650 certain recipients solely with state funds that are not used to meet the Commonwealth's
651 transitional assistance to needy families maintenance of effort obligations.

652 (b) Notwithstanding the foregoing, to the extent that doing so aids the Commonwealth in
653 meeting federal work participation rates and increases flexibility in allocating state and federal
654 funds, the first 2 months of receipt of assistance from what otherwise would be transitional aid to
655 families with dependent children shall be designated as an initial assessment program, in which
656 benefits equal to transitional aid to families with dependent children benefits shall be paid with
657 federal TANF block grant funds.

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

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

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

668 (d) A person found guilty of committing fraud upon the department shall be ineligible to receive
669 benefits under any assistance program provided by the department until the time as any fine has
670 been paid and any sentence has been served that was imposed as a result of a conviction of a
671 violation of section 5B, 5F or 15 of chapter 18.

672 (e) The department shall adopt regulations to provide that employees of the department who
673 participate in or assist in fraudulently procuring payments from the department shall be
674 terminated from their employment. That employee shall be punished by a fine of not less than
675 \$2,000 nor more than \$5,000, or by imprisonment for not less than 1 year nor more than 5 years
676 and, in all cases, repayment shall be ordered of the amount of the payments procured which shall
677 be in addition to and not in lieu of any penalties imposed under this section. The state treasurer
678 may transfer to the department any retirement contributions of the employees for the purpose of
679 satisfying the ordered repayment and the fines levied hereunder.

680 (f) An agency or entity that receives state funds shall not publish or cause to be published any
681 information intended to instruct, encourage or aid a person to commit fraud upon the
682 Commonwealth or to circumvent regulations by spending financial windfalls from lottery
683 winnings, inheritances or court settlements in order to ensure continued eligibility for the
684 transitional aid to families with dependent children program or other state-funded programs. A
685 violation of this section shall result in sanctions to an employee of the agency and the imposition
686 of a fine to the agency of up to \$10,000. Nothing in this section shall require an attorney to act in
687 a manner inconsistent with the code of professional responsibility.

688 Section 3H. Except to the extent prohibited by federal or state law, the department of youth
689 services, the department of correction and all state and county sheriffs shall, on a monthly basis,
690 transmit to the department of transitional assistance a current roster of all persons incarcerated in
691 or committed to each house of correction, boot camp, prison or other correctional facility run by
692 those departments and housing inmates who have been incarcerated since the last monthly report.
693 The information shall be provided in a format that is compatible with the department's file layout
694 of its automated data processing system to ensure the immediate identification of inmates who

695 may be receiving welfare benefits. The information provided shall include name, social security
696 number, date of birth, date of incarceration and expected release date. The department shall
697 examine and verify the information and shall identify any case in which a person so incarcerated
698 or so committed, the person's family member or the dependent, is receiving benefits from the
699 public assistance programs for which he, the family member or the dependent is not eligible and
700 shall take appropriate action which shall include, but not be limited to, a review and re-
701 verification by the department that the information is accurate and applicable as required by
702 department regulations. The department shall provide that information to the Social Security
703 Administration and the department of revenue. No information obtained under this section shall
704 be released or utilized for any purpose other than those set forth in this section.

705 Section 3I (a) The department shall identify and track its expenditures and those of other state
706 agencies, city and town governments and private entities that may be claimed as TANF
707 maintenance of effort expenditures to satisfy the Commonwealth's obligations under 42 U.S.C.
708 § 609. The report shall also include the number of recipients who are deemed to be in
709 compliance with the work activity requirement by participating in an activity under section 2H,
710 an itemized list of the number of recipients receiving aid under each of the activities and the cost
711 to the Commonwealth of providing benefits for each of the activities. The report shall also
712 include information on the percentage of persons receiving aid under this chapter who are in
713 compliance with the work activity, not in compliance or exempt under either state or federal law,
714 with percentages for each of the corresponding exempt categories. The report shall also include a
715 plan to increase the state's work participation effort and current efforts to accomplish this goal.
716 All state agencies shall cooperate in the identification, tracking and reporting of the expenditures;

717 (b) The department shall provide to the chairs of the house and senate committees on ways and
718 means and the chairs of the joint committee on children, families and persons with disabilities a
719 draft of the quarterly reports to the federal government on TANF and maintenance of effort
720 spending 30 days before the filing of the report.

721 (c) On January 15 of each year, the department shall file a report with the chairs of the house and
722 senate committees on ways and means and the chairs of the joint committee on children, families
723 and persons with disabilities setting forth the work participation rate among families who are
724 subject to the work requirement, efforts that have been made to increase that work participation
725 rate and any barriers to improving the work participation rate among those who are work-
726 required and efforts to assist persons with disabilities in engaging in work activities. The report
727 shall also recommend additional employment services which will increase the Commonwealth's
728 work participation rates among parents who are subject to the work requirement under the
729 program of transitional aid to families with dependent children including, but not limited
730 to, enhanced assessments of barriers to employment and strategies to address those barriers,
731 additional transportation services including transportation assistance for all parents who are
732 subject to the work requirement, additional education and training activities and other activities
733 that will assist the Commonwealth in meeting work participation rates.

734 SECTION 7. Said chapter 118 is hereby further amended by adding the following
735 section:

736 Section 12. (a) A taxpayer required to file a return under chapter 62 shall be allowed a credit
737 against the excise due under said chapter 62 for employing persons that had been employed by
738 the taxpayer through the full employment program. The credit shall be calculated by multiplying
739 the number of full months after cessation of state subsidies a qualifying program participant was

740 employed by the taxpayer by \$100. The maximum credit allowed for all years for the
741 employment of each qualifying program participant shall be \$1,200. A taxpayer entitled to a
742 credit under this subsection for a taxable year may carry over and apply to its excise for any 1 or
743 more of the next succeeding 5 taxable years, the portion, reduced from year to year, of its credit
744 which exceeds its excise for the taxable year.

745 (b) The department shall report to the department of revenue and to the employer the program
746 participant's name and social security number, the employer's name and identification number
747 and the number of complete months of eligible employment for each participant of the program
748 for whom an employer would be eligible to claim the credit provided in subsection (a) within 31
749 days after the end of each calendar year. The department of revenue shall consult with the house
750 and senate committees on ways and means and the house and senate chairs of the joint
751 committee on children, families and persons with disabilities to determine nonconfidential data
752 which shall annually be published to determine the effectiveness of the credit provided by this
753 subsection. The department of revenue shall promulgate rules and regulations necessary to
754 implement this subsection.

755 (c) A taxpayer required to file a return under chapter 63 shall be allowed a credit against the
756 excise due under said chapter 63 for employing persons that had been employed by the taxpayer
757 through the full employment program. The credit shall be calculated by multiplying the number
758 of full months after cessation of state subsidies a qualifying program participant was employed
759 by the taxpayer by \$100. The maximum credit allowed for all years for the employment of each
760 qualifying program participant shall be \$1,200. A taxpayer entitled to a credit under this section
761 for a taxable year may carry over and apply to its excise for any 1 or more of the next succeeding

762 5 taxable years, the portion, reduced from year to year, of its credit which exceeds its excise for
763 the taxable year.

764 (d) The department shall report to the department of revenue and to the employer the program
765 participant's name and social security number, the employer's name and identification number
766 and the number of complete months of eligible employment for each participant of the program
767 for whom an employer would be eligible to claim the credit provided in subsection (c) within 31
768 days after the end of each calendar year. The department of revenue shall consult with the house
769 and senate committees on ways and means and the house and senate chairs of the joint
770 committee on children, families and persons with disabilities to determine nonconfidential data
771 which shall annually be published to determine the effectiveness of the credit provided by this
772 subsection. The department of revenue shall also promulgate rules and regulations to implement
773 the provisions of this subsection.

774 SECTION 8. Sections 110 to 114, inclusive, 117 to 119, inclusive, 121 to 123, inclusive,
775 132, and 140 to 142, inclusive, of chapter 5 of the acts of 1995 are hereby repealed.

776 SECTION 9. Sections 35 to 36, inclusive, of chapter 39 of the acts of 1995 are hereby
777 repealed.

778 SECTION 10. Section 523 of chapter 151 of the acts of 1996 is hereby repealed

779 SECTION 11. Sections 155 to 157, inclusive, of chapter 43 of the acts of 1997 are hereby
780 repealed.

781 SECTION 12. Section 308 of chapter 159 of the acts of 2000 is hereby repealed.

782 SECTION 13. Sections 517 and 528 of chapter 26 of the acts of 2003 are hereby
783 repealed.

784 SECTION 14. Sections 218 to 219, inclusive, of chapter 149 of the acts of 2004 are
785 hereby repealed.

786 SECTION 15. The department of transitional assistance shall develop a pilot project
787 implementing a system of family well-being plans in not less than 2 transitional assistance
788 offices to include or be selected from among the offices in Boston New Market square, Revere,
789 Hyannis, New Bedford, Plymouth and Springfield Liberty street. All recipients who are exempt
790 under section 2F of chapter 118 of the General Laws who are serviced by the 2 offices selected
791 for the pilot project shall participate in that program. In developing and administering these pilot
792 projects, the department shall consult an advisory board to consist of representatives of at least 2
793 organizations representing persons with disabilities, representatives of the employees' unions of
794 the involved agencies, representatives of Massachusetts legal services programs serving the
795 offices covered by the pilot projects and the Massachusetts Law Reform Institute. The pilot
796 projects shall be in place not later than April 1, 2010. The department shall file an initial written
797 report not later than October 31, 2010 and a final written report not later than January 15, 2011
798 with the joint committee on children, families and persons with disabilities and the house and
799 senate committees on ways and means describing the services offered and delivered through the
800 pilot projects, the costs associated with the pilot projects, the success rate in engaging families in
801 meaningful activities, the success of those services in positively impacting recipients' lives, any
802 obstacles to the success of the pilot projects and any legislative recommendations for improving
803 the system of family well-being plans. The reports shall include the results of responses to
804 consumer satisfaction surveys from recipients participating in the pilot projects.

805 SECTION 16. Notwithstanding any general or special law to the contrary, in preparing
806 and submitting any report to the federal government with regard to maintenance of effort

807 expenditures under 42 U.S.C. §609(a)(7) for federal fiscal year 2010 or any succeeding fiscal
808 year, the executive office of health and human services or any other responsible state agency or
809 employee shall claim a sufficient amount of state and other qualified spending to satisfy the
810 Commonwealth's maintenance of effort requirement. If, after the report is filed, the federal
811 government disallows any of the expenditures so claimed, the responsible state agencies and
812 employees shall, to the maximum extent feasible, file a revised report claiming other state
813 expenditures toward the maintenance of effort obligation. If, due to disallowances by the federal
814 government, the responsible state agencies and employees conclude that there is not sufficient
815 state and other qualified spending available to satisfy the Commonwealth's maintenance of effort
816 requirement, the department of transitional assistance shall submit to the chairs of the house and
817 senate committees on ways and means and the chairs of the joint committee on children, families
818 and persons with disabilities a report, including all relevant communications between the
819 Commonwealth and the federal government with respect to maintenance of effort spending, and
820 a detailed analysis of whether and how extending the work requirement under section 2H of
821 chapter 118 of the General Laws to:

822 (i) recipients who must care for a disabled family member as provided in paragraph (2) of
823 subsection (a) of section 2F of said chapter 118 but whose caretaking responsibilities do
824 not substantially reduce or eliminate their ability to meet the requirements of the work
825 program established in said section 2H of said chapter 118 or to engage in work activities
826 that meet the requirements of federal law for the number of hours required by federal
827 law;

828 (ii) to recipients who are in their last trimester of pregnancy as provided in paragraph (3)
829 of subsection (a) of said section 2F of said chapter 118 and whose participation in work

830 activities would not threaten the health or safety of the parent or the unborn child and
831 would enable the Commonwealth to satisfy its maintenance of effort obligation and
832 applicable work participation rates. If, within 60 days after receipt of the report the
833 general court has not directed the department to take an alternative approach to
834 addressing the risk of not meeting federal requirements and has not repealed this section,
835 the department may, notwithstanding the said section 2F of said chapter 118, extend the
836 work requirement to certain categories of recipients if doing so would enable the
837 Commonwealth to meet federal maintenance of effort and work participation
838 requirements, but the work requirement shall be extended only to the categories of
839 recipients in paragraphs (2) and (3) of said subsection (a) of said section 2F of said
840 chapter 118.

841 SECTION 17. The department of transitional assistance shall report annually, with the
842 first report filed not later than November 1, 2010, to the house and senate committees on ways
843 and means and the joint committee on children, families and persons with disabilities the number
844 of recipients, in each department of transitional assistance region, who are not able to fulfill
845 requirements of their work requirement, employment development plan or family well-being
846 plan because of lack of transportation. The report shall cover not only recipients who have been
847 granted good cause by the department of transitional assistance due to lack of transportation, but
848 also responses to surveys concerning transportation needs that the department of transitional
849 assistance shall regularly make available at each local department office and administer with
850 recipients at each eligibility review or transition review. The executive office of transportation
851 and public works, in consultation with the department of transitional assistance, shall develop a
852 plan to address the transportation needs of recipients who are identified by these means or others

853 as having transportation barriers and shall include an analysis of the cost of providing
854 transportation to allow recipients to fulfill the requirements of the employment-development and
855 family well-being plans. The executive office of transportation and public works shall submit a
856 report on the plan to the joint committee on children, families and persons with disabilities and
857 the house and senate committees on ways and means not later than June 1, 2011.

858 SECTION 18. The first annual report required to be filed by the department of
859 transitional assistance pursuant to subsection (h) of section 2H of chapter 118 of the General
860 Laws shall be filed with the joint committee on children, families and persons with disabilities
861 not later than April 15, 2010.

862 SECTION 19. Subsection (g) of section 3 of chapter 118 of the General Laws, inserted
863 by section 5, shall take effect on January 15, 2011.

864 SECTION 20. Section 3F of said chapter 118 of the General Laws, inserted by section 6,
865 shall take effect on October 1, 2009.