

SENATE BILL NO. 70

INTRODUCED BY NORMAN, MCLANE

BY REQUEST OF THE JOINT INTERIM SUBCOMMITTEE ON WELFARE

IN THE SENATE

JANUARY 5, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON FINANCE & CLAIMS.
	FIRST READING.
JANUARY 12, 1989	ON MOTION, REREFERRED TO COMMITTEE ON LABOR & EMPLOYMENT RELATIONS.
FEBRUARY 6, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
	STATEMENT OF INTENT ADOPTED.
FEBRUARY 7, 1989	PRINTING REPORT.
FEBRUARY 8, 1989	SECOND READING, DO PASS.
FEBRUARY 9, 1989	ENGROSSING REPORT.
FEBRUARY 10, 1989	THIRD READING, PASSED. AYES, 46; NOES, 0.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 10, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON HUMAN SERVICES & AGING.
FEBRUARY 20, 1989	FIRST READING.
MARCH 20, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 27, 1989	SECOND READING, CONCURRED IN.
MARCH 29, 1989	THIRD READING, CONCURRED IN. AYES, 93; NOES, 1.

RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

APRIL 3, 1989

RECEIVED FROM HOUSE.

SECOND READING, AMENDMENTS
CONCURRED IN.

APRIL 5, 1989

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 ~~Senate~~ BILL NO. 70
2 INTRODUCED BY Bill Norman
3 BY REQUEST OF THE JOINT INTERIM SUBCOMMITTEE ON WELFARE

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO IMPLEMENT THE WORK
6 PROVISIONS OF THE FEDERAL FAMILY SUPPORT ACT OF 1988; TO
7 ESTABLISH A JOB SEARCH, EDUCATION, TRAINING, AND WORK
8 PROGRAM FOR RECIPIENTS OF THE AID TO FAMILIES WITH DEPENDENT
9 CHILDREN PROGRAM; TO REQUIRE MANDATORY PARTICIPATION OF
10 RECIPIENTS IN THE NEW PROGRAM; TO PROVIDE SANCTIONS AGAINST
11 RECIPIENTS WHO FAIL TO PARTICIPATE IN THE PROGRAM OR TO
12 ACCEPT SUITABLE EMPLOYMENT; AMENDING SECTION 40-4-204, MCA;
13 REPEALING SECTIONS 53-2-701 THROUGH 53-2-709, MCA; AND
14 PROVIDING EFFECTIVE DATES."

15
16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

17 **Section 1. Purpose.** It is the purpose of [this act] to
18 establish a program, consistent with the provisions of the
19 federal Family Support Act of 1988, to assure that
20 recipients of the aid to families with dependent children
21 program obtain the education, training, and employment
22 needed to avoid long-term welfare dependency.

23 **Section 2. Definitions.** As used in [this act], unless
24 the context requires otherwise, the following definitions
25 apply:

1 (1) "Aid to families with dependent children" has the
2 same meaning as provided in 53-4-201.

3 (2) "Department" means the department of social and
4 rehabilitation services provided for in Title 2, chapter 15,
5 part 22.

6 (3) "Family Support Act of 1988" means the federal
7 Family Support Act of 1988, Public Law 100-485, as amended.

8 (4) "Program" means the program established in
9 [section 3].

10 **Section 3. Program established -- purpose.** (1) The
11 department shall establish and administer a job search,
12 education, training, and work program that meets the
13 requirements of section 201 of the federal Family Support
14 Act of 1988 (42 U.S.C. 602(a)(19), 681 through 686).

15 (2) The purpose of the program is to provide
16 recipients of aid to families with dependent children the
17 education, training, and employment that will help them
18 avoid long-term welfare dependency.

19 **Section 4. Services and activities.** (1) Under the
20 program provided for in [section 3], the department shall
21 make available a broad range of services and activities to
22 assist recipients of aid to families with dependent
23 children. Such services and activities may include:

24 (a) appropriate educational activities, including:
25 (i) high school education or its equivalent, combined

1 with training as needed;

2 (ii) basic and remedial education to help participants

3 achieve a basic literacy level; and

4 (iii) education for individuals with limited English

5 language proficiency;

6 (b) job skills training;

7 (c) job readiness activities to help prepare

8 participants for work;

9 (d) job development and job placement;

10 (e) group and individual job search activities as

11 provided for in [42 U.S.C. 682(g)];

12 (f) on-the-job training;

13 (g) work supplementation programs as provided for in

14 [42 U.S.C. 682(e)]; and

15 (h) community work experience programs as provided for

16 in [42 U.S.C. 682(f)].

17 (2) In addition to the services and activities

18 provided in subsection (1), the department may offer to

19 participants under the program:

20 (a) postsecondary education in appropriate cases; and

21 (b) such other education, training, and employment

22 activities as may be determined necessary.

23 **Section 5. Participation requirements.** (1) Except as

24 otherwise provided in this section and [section 6], the

25 department may require individuals to participate in the

1 program as a condition of their eligibility for aid to

2 families with dependent children.

3 (2) To the extent that the program is available and

4 that state resources permit, the department shall:

5 (a) require recipients of aid to families with

6 dependent children with respect to whom the state guarantees

7 child care in accordance with section 402(g) of the Social

8 Security Act [42 U.S.C. 602(g)] to participate in the

9 program; and

10 (b) allow applicants for and recipients of aid to

11 families with dependent children who are not required under

12 subsection (2)(a) to participate in the program to do so on

13 a voluntary basis.

14 **Section 6. Exemptions.** (1) An individual may not be

15 required to participate in the program if the individual:

16 (a) is ill, incapacitated, or of advanced age;

17 (b) is needed in the home because of the illness or

18 incapacity of another member of the household;

19 (c) is the parent or other relative who is personally

20 providing care for a child under 3 years of age, except as

21 otherwise provided in administrative rules adopted by the

22 department;

23 (d) is employed for 30 or more hours a week;

24 (e) is a child who is under the age of 16 or attends

25 an elementary, secondary, or vocational school on a

1 full-time basis;

2 (f) is pregnant and it has been medically verified
3 that the child is expected to be born in the month in which
4 participation in the program would otherwise be required.
5 Such individual may not be required to participate in the
6 program within the 6-month period immediately following that
7 month.

8 (g) resides in an area of the state where the program
9 is not available; or

10 (h) is for any other reason exempt from participating
11 in the program pursuant to state or federal regulations.

12 (2) If a family is eligible for aid to families with
13 dependent children because of the unemployment of the parent
14 who is the principal wage earner, subsection (1)(c) applies
15 to only one parent.

16 **Section 7. Alternatives to program participation. (1)**

17 In lieu of participation in the program, the department may
18 require that an individual participate, on a full-time
19 basis, in educational activities directed toward the
20 attainment of a high school diploma or its equivalent if the
21 individual:

22 (a) is a custodial parent as defined in administrative
23 rules adopted by the department;

24 (b) has not attained 20 years of age; and

25 (c) has not successfully completed a high school

1 education.

2 (2) Attendance in good standing at an institution of
3 higher education or a school of vocational or technical
4 training may constitute satisfactory participation in the
5 program under [section 5].

6 **Section 8. Assessment -- participation agreement --**

7 case management. (1) The department shall make an initial
8 assessment of the needs, skills, and employability of each
9 participant in the program. On the basis of such assessment,
10 the department shall, in consultation with the participant,
11 develop an employability plan as required in [42 U.S.C.
12 682(b)(1)(B)].

13 (2) Following the development of an employability plan
14 for a participant, the department may require the
15 participant to enter into an agreement that specifies such
16 matters as:

17 (a) the participant's obligations under the program;

18 (b) the duration of participation; and

19 (c) the services and activities to be provided under
20 the program during the period of participation.

21 (3) The department may assign a case manager to each
22 participant and the participant's family. The case manager
23 shall assist the participant and his family in obtaining
24 services that may be needed to assure effective
25 participation in the program.

Section 9. Child care assistance. The department shall provide necessary child care assistance, as provided for in section 301 of the federal Family Support Act of 1988 [42 U.S.C. 602(g)], for each individual participating in the program established under [section 3].

Section 10. Sanctions. An individual who without good cause fails to participate in the program as required or who without good cause refuses to accept suitable employment shall lose eligibility for aid to families with dependent children as provided in [42 U.S.C. 602(a)(19)(G)].

Section 11. Section 40-4-204, MCA, is amended to read:

"40-4-204. Child support -- orders to address health insurance -- warning of withholding procedures. (1) In a proceeding for dissolution of marriage, legal separation, maintenance, or child support, the court may order either or both parents owing a duty of support to a child to pay an amount reasonable or necessary for his support, without regard to marital misconduct, after considering all relevant factors including:

- (a) the financial resources of the child;
- (b) the financial resources of the custodial parent;
- (c) the standard of living the child would have enjoyed had the marriage not been dissolved;
- (d) the physical and emotional condition of the child and his educational needs;

(e) the financial resources and needs of the noncustodial parent; and

(f) for the purposes of determining a minimum amount for support, the amount received by children under the AFDC program ~~as defined in 53-2-702~~ provided in Title 53, chapter 4, part 2.

(2) If the court does not order a parent owing a duty of support to a child to pay any amount for the child's support, the court shall state the reasons for not ordering child support.

(3) Each district court judgment, decree, or order establishing a final child support obligation under this title and each modification of a final order for child support must include a provision addressing health insurance coverage in the following cases:

(a) If either party has available through an employer or other organization health insurance coverage for the child or children for which the premium is partially or entirely paid by the employer or organization, the judgment, decree, or order may contain a provision requiring that coverage for the child or children be continued or obtained.

(b) In the event that health insurance required in a child support judgment, decree, or order becomes unavailable to the party who is to provide it through loss or change of employment or otherwise, that party must, in the absence of

an agreement to the contrary, obtain comparable insurance or request that the court modify the requirement.

(c) All temporary child support orders must contain a provision requiring the party who has health insurance in effect for the child or children of the parties to continue the insurance coverage pending final disposition of the case.

(d) The parties may by written agreement provide for the health care coverage required by this section, subject to the approval of the court.

(e) Unless otherwise provided in the decree, the health care coverage required by this section is in addition to and not in substitution, in whole or in part, for the child support obligation.

(4) Each district court judgment or order establishing a child support obligation under this title, whether temporary or final, and each modification of an existing order for child support entered after October 1, 1985, must include a warning statement that if the obligor is delinquent in the payment of support, the obligor's income may be subject to income withholding procedures under Title 40, chapter 5, part 3 or 4. Failure to include a warning statement in a judgment or order does not preclude the use of withholding procedures."

Section 12. Repealer. Sections 53-2-701 through

53-2-709, MCA, are repealed.

Section 13. Rulemaking authority. The department of social and rehabilitation services may adopt rules necessary to implement the provisions of [this act].

Section 14. Compliance with federal requirements. The department shall establish and administer the program in compliance with federal requirements and adopt such methods of administration as may be necessary to obtain federal funds for the program in the maximum amount possible.

Section 15. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 16. Effective dates. (1) [Sections 1 through 12, 14, and 15] are effective July 1, 1990.

(2) [Section 13 and this section] are effective on passage and approval.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15


In compliance with a written request, there is hereby submitted a Fiscal Note for SB070, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act to implement the work provision of the federal Family Support Act of 1988; to establish a job search, education, training, and work program for recipients of the Aid to Families with Dependent Children program; to require mandatory participation of recipients in the new program ; to provide sanctions against recipients who fail to participate in the program or to accept suitable employment; amending section 40-4-204, MCA; repealing sections 53-2-701 through 53-2-709, MCA; and providing effective dates.

ASSUMPTIONS:

1. The Department of Social and Rehabilitation Services may contract with the Department of Labor and Industry to administer the JOBS program.
2. JOBS program will serve at least the federally-required amount of 546 cases in FY91. Although federal law does not require the state to have a JOBS program in FY90, federal funds are available and the state plans to serve at least 507 cases in FY90.
3. An estimated cost per recipient enrolled in the JOBS program is \$3,070.
4. The JOBS program may include community work experience programs (CEWP) but including community work experience is not mandatory. This fiscal note does not include the funds for worker's compensation coverage that would be necessary for trainees in CEWP. Such costs would average \$38.16 per trainee.
5. The federal funds shown in the fiscal note tie to the amount requested in the executive budget for a JOBS program--\$2,255,762 in FY91. The total federal funds available to Montana for a JOBS program are \$3,695,171 or \$1,290,186 above the amount requested in the executive budget. An additional \$150,666 state funds would have to be appropriated to match all federal funds available to Montana in FY91.
6. There would be 2,675 average monthly cases of extended child care assistance costing \$350 per month.
7. There would be \$187,238 in sliding scale child care payments.
8. There would be increased costs of \$219,672 for the Aid to Families with Dependent Children (AFDC) for work allowance deductions and \$336,830 for child care deduction expenses.
9. There would be a decrease in the AFDC caseload of 48 cases saving \$190,656.
10. The federal matching rate for economic and child care assistance benefits is estimated to be 71.28% in FY91.
11. Although federal welfare reform provisions also establish extension of medical assistance benefits to AFDC recipients no longer eligible for cash benefits due to employment, that cost is not included in this fiscal note. Please refer to SB 67.


RAY SHACKLEFORD, BUDGET DIRECTOR 1/12/89
Office of Budget and Program Planning DATE


BILL NORMAN, PRIMARY SPONSOR 1-13-89
DATE

Fiscal Note for SB070, as introduced

SB 70

Fiscal Note Request, SB070 as introduced

Form BD-15

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12. The Department of Social and Rehabilitation Services would need 9.0 additional FTE which includes six eligibility technicians and three administrative staff.
13. The Department of Labor and Industry would need 3.0 FTE to administer the program.
14. The Department of Labor and Industry has identified current level funding that could be used as a match for federal JOBS funds of \$61,012 general fund allocated to the displaced homemaker programs, and \$128,415 of general fund allocated to the new horizon program. These current level funds are not included in the funding for the total cost.

FISCAL IMPACT:

<u>Expenditure Impact:</u>	<u>FY91</u>		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
SRS			
Personal Services	\$ 0	\$ 199,124	\$ 199,124
Operating Expenses	0	8,100	8,100
Benefits	0	1,287,432	1,287,432
Labor			
Personal Services	0	75,271	75,271
Operating	0	67,443	67,443
Grants	0	2,502,714	2,502,714
TO AL	\$ 0	\$4,140,084	\$4,140,084

Funding:			
General Fund	\$ 0	\$ 597,133	\$ 597,133
Federal Funds	0	3,272,911	3,272,911
State Special Funds	0	239,000	239,000
County Funds	0	31,040	31,040
TOTAL	\$ 0	\$4,140,084	\$4,140,084

TECHNICAL NOTES:

The executive budget request includes \$253,240 general fund, \$57,253 state special revenue funds, \$32,597 county funds and \$ 1,719,100 federal funds to implement the JOBS program and extended child care and medical assistance benefits required by federal welfare reform beginning July 1, 1989 (FY90). The effective date for SB 70 is July 1, 1990.

SB 70

SB 0070/02
RE-REFERRED AND
APPROVED BY COMMITTEE
ON LABOR & EMPLOYMENT
RELATIONS

SENATE BILL NO. 70

INTRODUCED BY NORMAN, MCLANE

BY REQUEST OF THE JOINT INTERIM SUBCOMMITTEE ON WELFARE

A BILL FOR AN ACT ENTITLED: "AN ACT TO IMPLEMENT THE WORK PROVISIONS OF THE FEDERAL FAMILY SUPPORT ACT OF 1988; TO ESTABLISH A JOB SEARCH, EDUCATION, TRAINING, AND WORK PROGRAM FOR RECIPIENTS OF THE AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM; TO REQUIRE MANDATORY PARTICIPATION OF RECIPIENTS IN THE NEW PROGRAM; TO PROVIDE SANCTIONS AGAINST RECIPIENTS WHO FAIL TO PARTICIPATE IN THE PROGRAM OR TO ACCEPT SUITABLE EMPLOYMENT; TO REQUIRE NECESSARY CHILD CARE ASSISTANCE; AMENDING SECTION 40-4-204, MCA; REPEALING SECTIONS 53-2-701 THROUGH 53-2-709, MCA; AND PROVIDING EFFECTIVE DATES."

STATEMENT OF INTENT

A statement of intent is required for this bill because [section 14] grants the department of social and rehabilitation services authority to adopt rules necessary to implement the provisions of this bill.

It is the intent of the legislature that the department establish a program, consistent with the provisions of the federal Family Support Act of 1988, to assure that recipients of aid to families with dependent children obtain

the education, training, and employment needed to avoid long-term dependency on welfare. The program should be a mandatory program and, in the biennium beginning July 1, 1990, should include enrollment of at least 7% of all recipients of aid to families with dependent children who are not exempt from participation under [section 6].

In establishing the program, the department should adopt rules for:

- (1) determining participation in the program;
 - (2) providing services and activities to program participants;
 - (3) determining eligibility for child care assistance under [section 9];
 - (4) selecting providers of services and activities under the program;
 - (5) evaluating the performance and effectiveness of the program;
 - (6) imposing sanctions as provided in [section 10];
- and
- (7) resolving disputes involving an individual's participation in the program.

The legislature expressly intends that the department comply with federal requirements and adopt such methods of administration as may be necessary to obtain federal funds for the program in the maximum amount possible.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Purpose. It is the purpose of [this act] to establish a program, consistent with the provisions of the federal Family Support Act of 1988, to assure that recipients of the aid to families with dependent children program obtain the education, training, and employment needed to avoid long-term welfare dependency.

NEW SECTION. Section 2. Definitions. As used in [this act], unless the context requires otherwise, the following definitions apply:

(1) "Aid to families with dependent children" has the same meaning as provided in 53-4-201.

(2) "Department" means the department of social and rehabilitation services provided for in Title 2, chapter 15, part 22.

(3) "Family Support Act of 1988" means the federal Family Support Act of 1988, Public Law 100-485, as amended.

(4) "Program" means the program established in [section 3].

NEW SECTION. Section 3. Program established -- purpose. (1) The department shall establish and administer a job search, education, training, and work program that meets the requirements of section 201 of the federal Family Support Act of 1988 [42 U.S.C. 602(a)(19), 681 through

686].

(2) The purpose of the program is to provide recipients of aid to families with dependent children the education, training, and employment that will help them avoid long-term welfare dependency.

NEW SECTION. Section 4. Services and activities. (1) Under the program provided for in [section 3], the department shall make available a broad range of services and activities to assist recipients of aid to families with dependent children. Such services and activities may include:

(a) appropriate educational activities, including:

(i) high school education or its equivalent, combined with training as needed;

(ii) basic and remedial education to help participants achieve a basic literacy level; and

(iii) education for individuals with limited English language proficiency;

(b) job skills training;

(c) job readiness activities to help prepare participants for work;

(d) job development and job placement;

(e) group and individual job search activities as provided for in [42 U.S.C. 682(g)];

(f) on-the-job training;

(g) work supplementation programs as provided for in [42 U.S.C. 682(e)]; and

(h) community work experience programs as provided for in [42 U.S.C. 682(f)].

(2) In addition to the services and activities provided in subsection (1), the department may offer to participants under the program:

(a) postsecondary education in appropriate cases; and

(b) such other education, training, and employment activities as may be determined necessary.

Section 5. Participation requirements. (1) Except as otherwise provided in this section and [section 6], the department may require individuals to participate in the program as a condition of their eligibility for aid to families with dependent children.

(2) To the extent that the program is available and that state resources permit, the department shall:

(a) require recipients of aid to families with dependent children with respect to whom the state guarantees child care in accordance with section 402(g) of the Social Security Act [42 U.S.C. 602(g)] to participate in the program; and

(b) allow applicants for and recipients of aid to families with dependent children who are not required under subsection (2)(a) to participate in the program to do so on

a voluntary basis.

NEW SECTION. Section 6. Exemptions. (1) An individual may not be required to participate in the program if the individual:

(a) is ill, incapacitated, or of advanced age;

(b) is needed in the home because of the illness or incapacity of another member of the household;

(c) is the parent or other relative who is personally providing care for a child under 3 years of age, except as otherwise provided in administrative rules adopted by the department;

(d) is employed for 30 or more hours a week;

(e) is a child who is under the age of 16 or attends an elementary, secondary, or vocational school on a full-time basis;

(f) is pregnant and it has been medically verified that the child is expected to be born in the month in which participation in the program would otherwise be required. Such individual may not be required to participate in the program within the 6-month period immediately following that month.

(g) resides in an area of the state where the program is not available; or

(h) is for any other reason exempt from participating in the program pursuant to state or federal regulations.

(2) If a family is eligible for aid to families with dependent children because of the unemployment of the parent who is the principal wage earner, subsection (1)(c) applies to only one parent.

NEW SECTION. Section 7. Alternatives to program participation. (1) In lieu of participation in the program, the department may require that an individual participate, on a full-time basis, in educational activities directed toward the attainment of a high school diploma or its equivalent if the individual:

(a) is a custodial parent as defined in administrative rules adopted by the department;

(b) has not attained 20 years of age; and

(c) has not successfully completed a high school education.

(2) Attendance in good standing at an institution of higher education or a school of vocational or technical training may constitute satisfactory participation in the program under [section 5].

NEW SECTION. Section 8. Assessment -- participation agreement -- case management. (1) The department shall make an initial assessment of the needs, skills, and employability of each participant in the program. On the basis of such assessment, the department shall, in consultation with the participant, develop an employability

plan as required in [42 U.S.C. 682(b)(1)(B)].

(2) Following the development of an employability plan for a participant, the department may require the participant to enter into an agreement that specifies such matters as:

(a) the participant's obligations under the program;

(b) the duration of participation; and

(c) the services and activities to be provided under the program during the period of participation.

(3) The department may assign a case manager to each participant and the participant's family. The case manager shall assist the participant and his family in obtaining services that may be needed to assure effective participation in the program.

NEW SECTION. Section 9. Child care assistance. ~~The IN ACCORDANCE WITH SECTIONS 301 AND 302 OF THE FEDERAL FAMILY SUPPORT ACT OF 1988 [42 U.S.C. 602(G)], THE~~ department shall provide necessary child care assistance, ~~as provided for in section 301 of the federal Family Support Act of 1988 [42 U.S.C. 602(g)]~~, for TO:

(A) each individual participating in the program established under [section 3]; AND

(B) ANY INDIVIDUAL WHOSE FAMILY HAS CEASED TO RECEIVE AID TO FAMILIES WITH DEPENDENT CHILDREN AS A RESULT OF INCREASED HOURS OR INCOME FROM EMPLOYMENT OR BECAUSE OF LOSS

1 OF FEDERALLY PRESCRIBED EARNED INCOME DISREGARDS.

2 NEW SECTION. Section 10. Sanctions. An individual who
3 without good cause fails to participate in the program as
4 required or who without good cause refuses to accept
5 suitable employment shall lose eligibility for aid to
6 families with dependent children as provided in [42 U.S.C.
7 602(a)(19)(G)].

8 NEW SECTION. SECTION 11. COORDINATION REQUIREMENTS --
9 CONSOLIDATION OF PROGRAMS AUTHORIZED. (1) THE GOVERNOR
10 SHALL ASSURE THAT PROGRAM ACTIVITIES UNDER [THIS ACT] ARE
11 COORDINATED WITH PROGRAMS ADMINISTERED UNDER THE FEDERAL JOB
12 TRAINING PARTNERSHIP ACT AND ANY OTHER RELEVANT EMPLOYMENT,
13 TRAINING, EDUCATION, OR WORK PROGRAM IN THIS STATE.

14 (2) THE GOVERNOR MAY CONSOLIDATE THE PROGRAM
15 ESTABLISHED IN [SECTION 3] WITH OTHER PROGRAMS IN ORDER TO
16 MAXIMIZE COORDINATION OF PROGRAM ACTIVITIES AS REQUIRED IN
17 SUBSECTION (1) AND TO PREVENT OVERLAPPING AND DUPLICATION OF
18 SERVICES.

19 **Section 12.** Section 40-4-204, MCA, is amended to read:

20 "40-4-204. Child support -- orders to address health
21 insurance -- warning of withholding procedures. (1) In a
22 proceeding for dissolution of marriage, legal separation,
23 maintenance, or child support, the court may order either or
24 both parents owing a duty of support to a child to pay an
25 amount reasonable or necessary for his support, without

1 regard to marital misconduct, after considering all relevant
2 factors including:

- 3 (a) the financial resources of the child;
- 4 (b) the financial resources of the custodial parent;
- 5 (c) the standard of living the child would have
6 enjoyed had the marriage not been dissolved;
- 7 (d) the physical and emotional condition of the child
8 and his educational needs;
- 9 (e) the financial resources and needs of the
10 noncustodial parent; and
- 11 (f) for the purposes of determining a minimum amount
12 for support, the amount received by children under the AFDC
13 program, as--defined--in--53-2-702 provided in Title 53,
14 chapter 4, part 2.

15 (2) If the court does not order a parent owing a duty
16 of support to a child to pay any amount for the child's
17 support, the court shall state the reasons for not ordering
18 child support.

19 (3) Each district court judgment, decree, or order
20 establishing a final child support obligation under this
21 title and each modification of a final order for child
22 support must include a provision addressing health insurance
23 coverage in the following cases:

- 24 (a) If either party has available through an employer
25 or other organization health insurance coverage for the

child or children for which the premium is partially or entirely paid by the employer or organization, the judgment, decree, or order may contain a provision requiring that coverage for the child or children be continued or obtained.

(b) In the event that health insurance required in a child support judgment, decree, or order becomes unavailable to the party who is to provide it through loss or change of employment or otherwise, that party must, in the absence of an agreement to the contrary, obtain comparable insurance or request that the court modify the requirement.

(c) All temporary child support orders must contain a provision requiring the party who has health insurance in effect for the child or children of the parties to continue the insurance coverage pending final disposition of the case.

(d) The parties may by written agreement provide for the health care coverage required by this section, subject to the approval of the court.

(e) Unless otherwise provided in the decree, the health care coverage required by this section is in addition to and not in substitution, in whole or in part, for the child support obligation.

(4) Each district court judgment or order establishing a child support obligation under this title, whether temporary or final, and each modification of an existing

order for child support entered after October 1, 1985, must include a warning statement that if the obligor is delinquent in the payment of support, the obligor's income may be subject to income withholding procedures under Title 40, chapter 5, part 3 or 4. Failure to include a warning statement in a judgment or order does not preclude the use of withholding procedures."

NEW SECTION. **Section 13.** Repealer. Sections 53-2-701 through 53-2-709, MCA, are repealed.

NEW SECTION. **Section 14.** Rulemaking authority. The department of social and rehabilitation services may adopt rules necessary to implement the provisions of [this act].

NEW SECTION. **Section 15.** Compliance with federal requirements. The department shall establish and administer the program in compliance with federal requirements and adopt such methods of administration as may be necessary to obtain federal funds for the program in the maximum amount possible.

NEW SECTION. **Section 16.** Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

NEW SECTION. **Section 17.** Effective dates. (1)

SB 0070/02

1 [Sections 1 through 8, 10, 12, 13, 14 15, and 15 16] are
2 effective July 1, 1990.

3 (2) [SECTION 9] IS EFFECTIVE APRIL 1, 1990.

4 †2†(3) [Section--13 SECTIONS 11, 14, and this section]
5 are effective on passage and approval.

-End-

SENATE BILL NO. 70

INTRODUCED BY NORMAN, MCLANE

BY REQUEST OF THE JOINT INTERIM SUBCOMMITTEE ON WELFARE

A BILL FOR AN ACT ENTITLED: "AN ACT TO IMPLEMENT THE WORK PROVISIONS OF THE FEDERAL FAMILY SUPPORT ACT OF 1988; TO ESTABLISH A JOB SEARCH, EDUCATION, TRAINING, AND WORK PROGRAM FOR RECIPIENTS OF THE AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM; TO REQUIRE MANDATORY PARTICIPATION OF RECIPIENTS IN THE NEW PROGRAM; TO PROVIDE SANCTIONS AGAINST RECIPIENTS WHO FAIL TO PARTICIPATE IN THE PROGRAM OR TO ACCEPT SUITABLE EMPLOYMENT; TO REQUIRE NECESSARY CHILD CARE ASSISTANCE; AMENDING SECTION 40-4-204, MCA; REPEALING SECTIONS 53-2-701 THROUGH 53-2-709, MCA; AND PROVIDING EFFECTIVE DATES."

STATEMENT OF INTENT

A statement of intent is required for this bill because [section 14] grants the department of social and rehabilitation services authority to adopt rules necessary to implement the provisions of this bill.

It is the intent of the legislature that the department establish a program, consistent with the provisions of the federal Family Support Act of 1988, to assure that recipients of aid to families with dependent children obtain

the education, training, and employment needed to avoid long-term dependency on welfare. The program should be a mandatory program and, in the biennium beginning July 1, 1990, should include enrollment of at least 7% of all recipients of aid to families with dependent children who are not exempt from participation under [section 6].

In establishing the program, the department should adopt rules for:

- (1) determining participation in the program;
 - (2) providing services and activities to program participants;
 - (3) determining eligibility for child care assistance under [section 9];
 - (4) selecting providers of services and activities under the program;
 - (5) evaluating the performance and effectiveness of the program;
 - (6) imposing sanctions as provided in [section 10];
 - and
 - (7) resolving disputes involving an individual's participation in the program.
- The legislature expressly intends that the department comply with federal requirements and adopt such methods of administration as may be necessary to obtain federal funds for the program in the maximum amount possible.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Purpose. It is the purpose of [this act] to establish a program, consistent with the provisions of the federal Family Support Act of 1988, to assure that recipients of the aid to families with dependent children program obtain the education, training, and employment needed to avoid long-term welfare dependency.

NEW SECTION. Section 2. Definitions. As used in [this act], unless the context requires otherwise, the following definitions apply:

(1) "Aid to families with dependent children" has the same meaning as provided in 53-4-201.

(2) "Department" means the department of social and rehabilitation services provided for in Title 2, chapter 15, part 22.

(3) "Family Support Act of 1988" means the federal Family Support Act of 1988, Public Law 100-485, as amended.

(4) "Program" means the program established in [section 3].

NEW SECTION. Section 3. Program established -- purpose. (1) The department shall establish and administer a job search, education, training, and work program that meets the requirements of section 201 of the federal Family Support Act of 1988 [42 U.S.C. 602(a)(19), 681 through

686].

(2) The purpose of the program is to provide recipients of aid to families with dependent children the education, training, and employment that will help them avoid long-term welfare dependency.

NEW SECTION. Section 4. Services and activities. (1) Under the program provided for in [section 3], the department shall make available a broad range of services and activities to assist recipients of aid to families with dependent children. Such services and activities may include:

(a) appropriate educational activities, including:

(i) high school education or its equivalent, combined with training as needed;

(ii) basic and remedial education to help participants achieve a basic literacy level; and

(iii) education for individuals with limited English language proficiency;

(b) job skills training;

(c) job readiness activities to help prepare participants for work;

(d) job development and job placement;

(e) group and individual job search activities as provided for in [42 U.S.C. 682(g)];

(f) on-the-job training;

1 (g) work supplementation programs as provided for in
2 [42 U.S.C. 682(e)]; and

3 (h) community work experience programs as provided for
4 in [42 U.S.C. 682(f)].

5 (2) In addition to the services and activities
6 provided in subsection (1), the department may offer to
7 participants under the program:

8 (a) postsecondary education in appropriate cases; and

9 (b) such other education, training, and employment
10 activities as may be determined necessary.

11 Section 5. Participation requirements. (1) Except as
12 otherwise provided in this section and [section 6], the
13 department may require individuals to participate in the
14 program as a condition of their eligibility for aid to
15 families with dependent children.

16 (2) To the extent that the program is available and
17 that state resources permit, the department shall:

18 (a) require recipients of aid to families with
19 dependent children with respect to whom the state guarantees
20 child care in accordance with section 402(g) of the Social
21 Security Act [42 U.S.C. 602(g)] to participate in the
22 program; and

23 (b) allow applicants for and recipients of aid to
24 families with dependent children who are not required under
25 subsection (2)(a) to participate in the program to do so on

1 a voluntary basis.

2 NEW SECTION. Section 6. Exemptions. (1) An individual
3 may not be required to participate in the program if the
4 individual:

5 (a) is ill, incapacitated, or of advanced age;

6 (b) is needed in the home because of the illness or
7 incapacity of another member of the household;

8 (c) is the parent or other relative who is personally
9 providing care for a child under 3 years of age, except as
10 otherwise provided in administrative rules adopted by the
11 department;

12 (d) is employed for 30 or more hours a week;

13 (e) is a child who is under the age of 16 or attends
14 an elementary, secondary, or vocational school on a
15 full-time basis;

16 (f) is pregnant and it has been medically verified
17 that the child is expected to be born in the month in which
18 participation in the program would otherwise be required.
19 Such individual may not be required to participate in the
20 program within the 6-month period immediately following that
21 month.

22 (g) resides in an area of the state where the program
23 is not available; or

24 (h) is for any other reason exempt from participating
25 in the program pursuant to state or federal regulations.

1 (2) If a family is eligible for aid to families with
2 dependent children because of the unemployment of the parent
3 who is the principal wage earner, subsection (1)(c) applies
4 to only one parent.

5 NEW SECTION. Section 7. Alternatives to program
6 participation. (1) In lieu of participation in the program,
7 the department may require that an individual participate,
8 on a full-time basis, in educational activities directed
9 toward the attainment of a high school diploma or its
10 equivalent if the individual:

11 (a) is a custodial parent as defined in administrative
12 rules adopted by the department;

13 (b) has not attained 20 years of age; and

14 (c) has not successfully completed a high school
15 education.

16 (2) Attendance in good standing at an institution of
17 higher education or a school of vocational or technical
18 training may constitute satisfactory participation in the
19 program under [section 5].

20 NEW SECTION. Section 8. Assessment -- participation
21 agreement -- case management. (1) The department shall make
22 an initial assessment of the needs, skills, and
23 employability of each participant in the program. On the
24 basis of such assessment, the department shall, in
25 consultation with the participant, develop an employability

1 plan as required in [42 U.S.C. 682(b)(1)(B)].

2 (2) Following the development of an employability plan
3 for a participant, the department may require the
4 participant to enter into an agreement that specifies such
5 matters as:

6 (a) the participant's obligations under the program;

7 (b) the duration of participation; and

8 (c) the services and activities to be provided under
9 the program during the period of participation.

10 (3) The department may assign a case manager to each
11 participant and the participant's family. The case manager
12 shall assist the participant and his family in obtaining
13 services that may be needed to assure effective
14 participation in the program.

15 NEW SECTION. Section 9. Child care assistance. The IN
16 ACCORDANCE WITH SECTIONS 301 AND 302 OF THE FEDERAL FAMILY
17 SUPPORT ACT OF 1988 [42 U.S.C. 602(G)], THE department shall
18 provide necessary child care assistance, as provided for in
19 section 301 of the federal Family Support Act of 1988 [42
20 U.S.C. 602(g)], for TO:

21 (A) each individual participating in the program
22 established under [section 3]; AND

23 (B) ANY INDIVIDUAL WHOSE FAMILY HAS CEASED TO RECEIVE
24 AID TO FAMILIES WITH DEPENDENT CHILDREN AS A RESULT OF
25 INCREASED HOURS OR INCOME FROM EMPLOYMENT OR BECAUSE OF LOSS

1 OF FEDERALLY PRESCRIBED EARNED INCOME DISREGARDS.

2 NEW SECTION. Section 10. Sanctions. An individual who
3 without good cause fails to participate in the program as
4 required or who without good cause refuses to accept
5 suitable employment shall lose eligibility for aid to
6 families with dependent children as provided in [42 U.S.C.
7 602(a)(19)(G)].

8 NEW SECTION. SECTION 11. COORDINATION REQUIREMENTS --
9 CONSOLIDATION OF PROGRAMS AUTHORIZED. (1) THE GOVERNOR
10 SHALL ASSURE THAT PROGRAM ACTIVITIES UNDER [THIS ACT] ARE
11 COORDINATED WITH PROGRAMS ADMINISTERED UNDER THE FEDERAL JOB
12 TRAINING PARTNERSHIP ACT AND ANY OTHER RELEVANT EMPLOYMENT,
13 TRAINING, EDUCATION, OR WORK PROGRAM IN THIS STATE.

14 (2) THE GOVERNOR MAY CONSOLIDATE THE PROGRAM
15 ESTABLISHED IN [SECTION 3] WITH OTHER PROGRAMS IN ORDER TO
16 MAXIMIZE COORDINATION OF PROGRAM ACTIVITIES AS REQUIRED IN
17 SUBSECTION (1) AND TO PREVENT OVERLAPPING AND DUPLICATION OF
18 SERVICES.

19 **Section 12.** Section 40-4-204, MCA, is amended to read:

20 **"40-4-204.** Child support -- orders to address health
21 insurance -- warning of withholding procedures. (1) In a
22 proceeding for dissolution of marriage, legal separation,
23 maintenance, or child support, the court may order either or
24 both parents owing a duty of support to a child to pay an
25 amount reasonable or necessary for his support, without

1 regard to marital misconduct, after considering all relevant
2 factors including:

- 3 (a) the financial resources of the child;
- 4 (b) the financial resources of the custodial parent;
- 5 (c) the standard of living the child would have
6 enjoyed had the marriage not been dissolved;
- 7 (d) the physical and emotional condition of the child
8 and his educational needs;
- 9 (e) the financial resources and needs of the
10 noncustodial parent; and
- 11 (f) for the purposes of determining a minimum amount
12 for support, the amount received by children under the AFDC
13 program, ~~as defined in 53-2-702~~ provided in Title 53,
14 chapter 4, part 2.

15 (2) If the court does not order a parent owing a duty
16 of support to a child to pay any amount for the child's
17 support, the court shall state the reasons for not ordering
18 child support.

19 (3) Each district court judgment, decree, or order
20 establishing a final child support obligation under this
21 title and each modification of a final order for child
22 support must include a provision addressing health insurance
23 coverage in the following cases:

- 24 (a) If either party has available through an employer
25 or other organization health insurance coverage for the

child or children for which the premium is partially or entirely paid by the employer or organization, the judgment, decree, or order may contain a provision requiring that coverage for the child or children be continued or obtained.

(b) In the event that health insurance required in a child support judgment, decree, or order becomes unavailable to the party who is to provide it through loss or change of employment or otherwise, that party must, in the absence of an agreement to the contrary, obtain comparable insurance or request that the court modify the requirement.

(c) All temporary child support orders must contain a provision requiring the party who has health insurance in effect for the child or children of the parties to continue the insurance coverage pending final disposition of the case.

(d) The parties may by written agreement provide for the health care coverage required by this section, subject to the approval of the court.

(e) Unless otherwise provided in the decree, the health care coverage required by this section is in addition to and not in substitution, in whole or in part, for the child support obligation.

(4) Each district court judgment or order establishing a child support obligation under this title, whether temporary or final, and each modification of an existing

order for child support entered after October 1, 1985, must include a warning statement that if the obligor is delinquent in the payment of support, the obligor's income may be subject to income withholding procedures under Title 40, chapter 5, part 3 or 4. Failure to include a warning statement in a judgment or order does not preclude the use of withholding procedures."

NEW SECTION. Section 13. Repealer. Sections 53-2-701 through 53-2-709, MCA, are repealed.

NEW SECTION. Section 14. Rulemaking authority. The department of social and rehabilitation services may adopt rules necessary to implement the provisions of [this act].

NEW SECTION. Section 15. Compliance with federal requirements. The department shall establish and administer the program in compliance with federal requirements and adopt such methods of administration as may be necessary to obtain federal funds for the program in the maximum amount possible.

NEW SECTION. Section 16. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

NEW SECTION. Section 17. Effective dates. (1)

SB 0070/02

1 [Sections 1 through 8, 10, 12, 13, 14 15, and 15 16] are
2 effective July 1, 1990.

3 (2) [SECTION 9] IS EFFECTIVE APRIL 1, 1990.

4 (2)(3) [Section--13 SECTIONS 11, 14, and this section]
5 are effective on passage and approval.

-End-

STANDING COMMITTEE REPORT

March 20, 1989
Page 2 of 3

March 20, 1989

Page 1 of 3

Mr. Speaker: We, the committee on Human Services and Aging report that SENATE BILL 70 (third reading copy -- blue), with statement of intent included, be concurred in as amended.

Signed

Stella Jean Hansen
Stella Jean Hansen, Chairman

Stella Jean Hansen carrying the bill

And, that such amendments read:

1. Title, line 7.
Following: "A"
Strike: remainder of line 7
Insert: "JOB OPPORTUNITIES AND BASIC SKILLS TRAINING (JOBS)"
2. Page 1, line 19.
Strike: "14"
Insert: "15"
3. Page 3, line 19.
Strike: "'Program'"
Insert: "'JOBS program" or "program"'
Following: "the"
Insert: "job opportunities and basic skills training"
4. Page 3, line 21.
Strike: "Program"
Insert: "JOBS program"
5. Page 3, line 23.
Strike: "job search, education, training, and work"
Insert: "job opportunities and basic skills training (JOBS)"
6. Page 5, line 13.
Following: "the"
Insert: "JOBS"

7. Page 6, line 3.
Following: "in the"
Insert: "JOBS"

8. Page 7, line 6.
Following: "the"
Insert: "JOBS"

9. Page 7, line 23.
Following: "in the"
Insert: "JOBS"

10. Page 9, line 3.
Following: "the"
Insert: "JOBS"

11. Page 9.
Following: line 7
Insert: "NEW SECTION. Section 11. Performance standards -- monitoring and evaluation of program. (1) In addition to standards of performance established pursuant to section 487 of the federal Family Support Act of 1988 [42 U.S.C. 687], the department shall provide standards to further measure the performance and effectiveness of the program. The standards must consist of an objective, quantifiable measure of the extent to which participation in the program increases the employment and earnings of participants and decreases their dependency on public assistance.
(2) In order to determine whether performance standards are met, the department shall monitor and evaluate the program on the basis of appropriate factors that must include the following:
(a) the placement of participants in unsubsidized employment;
(b) the retention of participants in unsubsidized employment;
(c) the increase in earnings, including hourly wages, of participants due to placement in unsubsidized employment;
(d) the reduction in the number of individuals and families receiving aid to families with dependent children; and
(e) the amount of reductions in payments for aid to families with dependent children.
(3) In monitoring and evaluating the performance of the program, the department shall determine the reasons for high and low levels of performance, administrative efficiencies, and program coordination."
Renumber: subsequent sections

12. Page 9.
Following: line 18

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Insert: "(3) Where adult basic education programs exist, basic and remedial education services provided for in [section 4] must be coordinated, through contracts or cooperative agreements, with state or local agencies having responsibility for programs administered under the federal Adult Education Act, Public Law 100-297."

13. Page 12, line 15.

Following: "the"

Insert: "JOBS"

14. Page 12.

Following: line 24

Insert: "NEW SECTION. Section 18. Audit required. The legislative auditor shall conduct a performance audit of the program established in [section 3] and report the results of the audit to the 53rd legislature."

Renumber: subsequent sections

15. Page 13, line 1.

Following: "10,"

Strike: "12,"

Following: "14"

Strike: "15,"

Insert: "14 and 16"

Strike: "and"

Insert: "through"

Following: "15"

Strike: "16"

Insert: "18"

16. Page 13, line 4.

Strike: "14,"

Insert: "12, 15,"

1 SENATE BILL NO. 70

2 INTRODUCED BY NORMAN, MCLANE

3 BY REQUEST OF THE JOINT INTERIM SUBCOMMITTEE ON WELFARE

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO IMPLEMENT THE WORK
6 PROVISIONS OF THE FEDERAL FAMILY SUPPORT ACT OF 1988; TO
7 ESTABLISH A ~~JOB-SEARCH, EDUCATION, TRAINING, AND WORK~~ JOB
8 OPPORTUNITIES AND BASIC SKILLS TRAINING (JOBS) PROGRAM FOR
9 RECIPIENTS OF THE AID TO FAMILIES WITH DEPENDENT CHILDREN
10 PROGRAM; TO REQUIRE MANDATORY PARTICIPATION OF RECIPIENTS IN
11 THE NEW PROGRAM; TO PROVIDE SANCTIONS AGAINST RECIPIENTS WHO
12 FAIL TO PARTICIPATE IN THE PROGRAM OR TO ACCEPT SUITABLE
13 EMPLOYMENT; TO REQUIRE NECESSARY CHILD CARE ASSISTANCE;
14 AMENDING SECTION 40-4-204, MCA; REPEALING SECTIONS 53-2-701
15 THROUGH 53-2-709, MCA; AND PROVIDING EFFECTIVE DATES."

16
17 STATEMENT OF INTENT

18 A statement of intent is required for this bill because
19 [section ~~14~~ 15] grants the department of social and
20 rehabilitation services authority to adopt rules necessary
21 to implement the provisions of this bill.

22 It is the intent of the legislature that the department
23 establish a program, consistent with the provisions of the
24 federal Family Support Act of 1988, to assure that
25 recipients of aid to families with dependent children obtain

1 the education, training, and employment needed to avoid
2 long-term dependency on welfare. The program should be a
3 mandatory program and, in the biennium beginning July 1,
4 1990, should include enrollment of at least 7% of all
5 recipients of aid to families with dependent children who
6 are not exempt from participation under [section 6].

7 In establishing the program, the department should
8 adopt rules for:

- 9 (1) determining participation in the program;
10 (2) providing services and activities to program
11 participants;
12 (3) determining eligibility for child care assistance
13 under [section 9];
14 (4) selecting providers of services and activities
15 under the program;
16 (5) evaluating the performance and effectiveness of
17 the program;
18 (6) imposing sanctions as provided in [section 10];
19 and
20 (7) resolving disputes involving an individual's
21 participation in the program.

22 The legislature expressly intends that the department
23 comply with federal requirements and adopt such methods of
24 administration as may be necessary to obtain federal funds
25 for the program in the maximum amount possible.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Purpose. It is the purpose of [this act] to establish a program, consistent with the provisions of the federal Family Support Act of 1988, to assure that recipients of the aid to families with dependent children program obtain the education, training, and employment needed to avoid long-term welfare dependency.

NEW SECTION. Section 2. Definitions. As used in [this act], unless the context requires otherwise, the following definitions apply:

(1) "Aid to families with dependent children" has the same meaning as provided in 53-4-201.

(2) "Department" means the department of social and rehabilitation services provided for in Title 2, chapter 15, part 22.

(3) "Family Support Act of 1988" means the federal Family Support Act of 1988, Public Law 100-485, as amended.

(4) "**Program**" "**JOBS PROGRAM**" OR "**PROGRAM**" means the **JOB OPPORTUNITIES AND BASIC SKILLS TRAINING** program established in [section 3].

NEW SECTION. Section 3. Program **JOBS PROGRAM** established -- purpose. (1) The department shall establish and administer a ~~job-search7-education7-training7-and-work~~ **JOB OPPORTUNITIES AND BASIC SKILLS TRAINING (JOBS)** program

that meets the requirements of section 201 of the federal Family Support Act of 1988 [42 U.S.C. 602(a)(19), 681 through 686].

(2) The purpose of the program is to provide recipients of aid to families with dependent children the education, training, and employment that will help them avoid long-term welfare dependency.

NEW SECTION. Section 4. Services and activities. (1) Under the program provided for in [section 3], the department shall make available a broad range of services and activities to assist recipients of aid to families with dependent children. Such services and activities may include:

- (a) appropriate educational activities, including:
 - (i) high school education or its equivalent, combined with training as needed;
 - (ii) basic and remedial education to help participants achieve a basic literacy level; and
 - (iii) education for individuals with limited English language proficiency;
- (b) job skills training;
- (c) job readiness activities to help prepare participants for work;
- (d) job development and job placement;
- (e) group and individual job search activities as

provided for in [42 U.S.C. 682(g)];

(f) on-the-job training;

(g) work supplementation programs as provided for in [42 U.S.C. 682(e)]; and

(h) community work experience programs as provided for in [42 U.S.C. 682(f)].

(2) In addition to the services and activities provided in subsection (1), the department may offer to participants under the program:

(a) postsecondary education in appropriate cases; and

(b) such other education, training, and employment activities as may be determined necessary.

Section 5. Participation requirements. (1) Except as otherwise provided in this section and [section 6], the department may require individuals to participate in the JOBS program as a condition of their eligibility for aid to families with dependent children.

(2) To the extent that the program is available and that state resources permit, the department shall:

(a) require recipients of aid to families with dependent children with respect to whom the state guarantees child care in accordance with section 402(g) of the Social Security Act [42 U.S.C. 602(g)] to participate in the program; and

(b) allow applicants for and recipients of aid to

families with dependent children who are not required under subsection (2)(a) to participate in the program to do so on a voluntary basis.

NEW SECTION. Section 6. Exemptions. (1) An individual may not be required to participate in the JOBS program if the individual:

(a) is ill, incapacitated, or of advanced age;

(b) is needed in the home because of the illness or incapacity of another member of the household;

(c) is the parent or other relative who is personally providing care for a child under 3 years of age, except as otherwise provided in administrative rules adopted by the department;

(d) is employed for 30 or more hours a week;

(e) is a child who is under the age of 16 or attends an elementary, secondary, or vocational school on a full-time basis;

(f) is pregnant and it has been medically verified that the child is expected to be born in the month in which participation in the program would otherwise be required. Such individual may not be required to participate in the program within the 6-month period immediately following that month.

(g) resides in an area of the state where the program is not available; or

(h) is for any other reason exempt from participating in the program pursuant to state or federal regulations.

(2) If a family is eligible for aid to families with dependent children because of the unemployment of the parent who is the principal wage earner, subsection (1)(c) applies to only one parent.

NEW SECTION. Section 7. Alternatives to program participation. (1) In lieu of participation in the JOBS program, the department may require that an individual participate, on a full-time basis, in educational activities directed toward the attainment of a high school diploma or its equivalent if the individual:

(a) is a custodial parent as defined in administrative rules adopted by the department;

(b) has not attained 20 years of age; and

(c) has not successfully completed a high school education.

(2) Attendance in good standing at an institution of higher education or a school of vocational or technical training may constitute satisfactory participation in the program under [section 5].

NEW SECTION. Section 8. Assessment -- participation agreement -- case management. (1) The department shall make an initial assessment of the needs, skills, and employability of each participant in the JOBS program. On

the basis of such assessment, the department shall, in consultation with the participant, develop an employability plan as required in [42 U.S.C. 682(b)(1)(B)].

(2) Following the development of an employability plan for a participant, the department may require the participant to enter into an agreement that specifies such matters as:

(a) the participant's obligations under the program;

(b) the duration of participation; and

(c) the services and activities to be provided under the program during the period of participation.

(3) The department may assign a case manager to each participant and the participant's family. The case manager shall assist the participant and his family in obtaining services that may be needed to assure effective participation in the program.

NEW SECTION. Section 9. Child care assistance. ~~The IN ACCORDANCE WITH SECTIONS 301 AND 302 OF THE FEDERAL FAMILY SUPPORT ACT OF 1988 [42 U.S.C. 602(G)], THE~~ department shall provide necessary child care assistance, ~~as provided for in section 301 of the federal Family Support Act of 1988 [42 U.S.C. 602(g)], for TO:~~

(A) each individual participating in the program established under [section 3]; AND

(B) ANY INDIVIDUAL WHOSE FAMILY HAS CEASED TO RECEIVE

AID TO FAMILIES WITH DEPENDENT CHILDREN AS A RESULT OF INCREASED HOURS OR INCOME FROM EMPLOYMENT OR BECAUSE OF LOSS OF FEDERALLY PRESCRIBED EARNED INCOME DISREGARDS.

NEW SECTION. Section 10. Sanctions. An individual who without good cause fails to participate in the JOBS program as required or who without good cause refuses to accept suitable employment shall lose eligibility for aid to families with dependent children as provided in [42 U.S.C. 602(a)(19)(G)].

NEW SECTION. SECTION 11. PERFORMANCE STANDARDS --
MONITORING AND EVALUATION OF PROGRAM. (1) IN ADDITION TO STANDARDS OF PERFORMANCE ESTABLISHED PURSUANT TO SECTION 487 OF THE FEDERAL FAMILY SUPPORT ACT OF 1988 [42 U.S.C. 687], THE DEPARTMENT SHALL PROVIDE STANDARDS TO FURTHER MEASURE THE PERFORMANCE AND EFFECTIVENESS OF THE PROGRAM. THE STANDARDS MUST CONSIST OF AN OBJECTIVE, QUANTIFIABLE MEASURE OF THE EXTENT TO WHICH PARTICIPATION IN THE PROGRAM INCREASES THE EMPLOYMENT AND EARNINGS OF PARTICIPANTS AND DECREASES THEIR DEPENDENCY ON PUBLIC ASSISTANCE.

(2) IN ORDER TO DETERMINE WHETHER PERFORMANCE STANDARDS ARE MET, THE DEPARTMENT SHALL MONITOR AND EVALUATE THE PROGRAM ON THE BASIS OF APPROPRIATE FACTORS THAT MUST INCLUDE THE FOLLOWING:

(A) THE PLACEMENT OF PARTICIPANTS IN UNSUBSIDIZED EMPLOYMENT;

(B) THE RETENTION OF PARTICIPANTS IN UNSUBSIDIZED EMPLOYMENT;

(C) THE INCREASE IN EARNINGS, INCLUDING HOURLY WAGES, OF PARTICIPANTS DUE TO PLACEMENT IN UNSUBSIDIZED EMPLOYMENT;

(D) THE REDUCTION IN THE NUMBER OF INDIVIDUALS AND FAMILIES RECEIVING AID TO FAMILIES WITH DEPENDENT CHILDREN; AND

(E) THE AMOUNT OF REDUCTIONS IN PAYMENTS FOR AID TO FAMILIES WITH DEPENDENT CHILDREN.

(3) IN MONITORING AND EVALUATING THE PERFORMANCE OF THE PROGRAM, THE DEPARTMENT SHALL DETERMINE THE REASONS FOR HIGH AND LOW LEVELS OF PERFORMANCE, ADMINISTRATIVE EFFICIENCIES, AND PROGRAM COORDINATION.

NEW SECTION. SECTION 12. COORDINATION REQUIREMENTS --
CONSOLIDATION OF PROGRAMS AUTHORIZED. (1) THE GOVERNOR SHALL ASSURE THAT PROGRAM ACTIVITIES UNDER [THIS ACT] ARE COORDINATED WITH PROGRAMS ADMINISTERED UNDER THE FEDERAL JOB TRAINING PARTNERSHIP ACT AND ANY OTHER RELEVANT EMPLOYMENT, TRAINING, EDUCATION, OR WORK PROGRAM IN THIS STATE.

(2) THE GOVERNOR MAY CONSOLIDATE THE PROGRAM ESTABLISHED IN [SECTION 3] WITH OTHER PROGRAMS IN ORDER TO MAXIMIZE COORDINATION OF PROGRAM ACTIVITIES AS REQUIRED IN SUBSECTION (1) AND TO PREVENT OVERLAPPING AND DUPLICATION OF SERVICES.

(3) WHERE ADULT BASIC EDUCATION PROGRAMS EXIST, BASIC

1 AND REMEDIAL EDUCATION SERVICES PROVIDED FOR IN [SECTION 4]
 2 MUST BE COORDINATED, THROUGH CONTRACTS OR COOPERATIVE
 3 AGREEMENTS, WITH STATE OR LOCAL AGENCIES HAVING
 4 RESPONSIBILITY FOR PROGRAMS ADMINISTERED UNDER THE FEDERAL
 5 ADULT EDUCATION ACT, PUBLIC LAW 100-297.

6 **Section 13.** Section 40-4-204, MCA, is amended to read:

7 **"40-4-204.** Child support -- orders to address health
 8 insurance -- warning of withholding procedures. (1) In a
 9 proceeding for dissolution of marriage, legal separation,
 10 maintenance, or child support, the court may order either or
 11 both parents owing a duty of support to a child to pay an
 12 amount reasonable or necessary for his support, without
 13 regard to marital misconduct, after considering all relevant
 14 factors including:

- 15 (a) the financial resources of the child;
- 16 (b) the financial resources of the custodial parent;
- 17 (c) the standard of living the child would have
- 18 enjoyed had the marriage not been dissolved;
- 19 (d) the physical and emotional condition of the child
- 20 and his educational needs;
- 21 (e) the financial resources and needs of the
- 22 noncustodial parent; and
- 23 (f) for the purposes of determining a minimum amount
- 24 for support, the amount received by children under the AFDC
- 25 program, ~~as defined in 53-2-702~~ provided in Title 53,

1 chapter 4, part 2.

2 (2) If the court does not order a parent owing a duty
 3 of support to a child to pay any amount for the child's
 4 support, the court shall state the reasons for not ordering
 5 child support.

6 (3) Each district court judgment, decree, or order
 7 establishing a final child support obligation under this
 8 title and each modification of a final order for child
 9 support must include a provision addressing health insurance
 10 coverage in the following cases:

11 (a) If either party has available through an employer
 12 or other organization health insurance coverage for the
 13 child or children for which the premium is partially or
 14 entirely paid by the employer or organization, the judgment,
 15 decree, or order may contain a provision requiring that
 16 coverage for the child or children be continued or obtained.

17 (b) In the event that health insurance required in a
 18 child support judgment, decree, or order becomes unavailable
 19 to the party who is to provide it through loss or change of
 20 employment or otherwise, that party must, in the absence of
 21 an agreement to the contrary, obtain comparable insurance or
 22 request that the court modify the requirement.

23 (c) All temporary child support orders must contain a
 24 provision requiring the party who has health insurance in
 25 effect for the child or children of the parties to continue

1 the insurance coverage pending final disposition of the
2 case.

3 (d) The parties may by written agreement provide for
4 the health care coverage required by this section, subject
5 to the approval of the court.

6 (e) Unless otherwise provided in the decree, the
7 health care coverage required by this section is in addition
8 to and not in substitution, in whole or in part, for the
9 child support obligation.

10 (4) Each district court judgment or order establishing
11 a child support obligation under this title, whether
12 temporary or final, and each modification of an existing
13 order for child support entered after October 1, 1985, must
14 include a warning statement that if the obligor is
15 delinquent in the payment of support, the obligor's income
16 may be subject to income withholding procedures under Title
17 40, chapter 5, part 3 or 4. Failure to include a warning
18 statement in a judgment or order does not preclude the use
19 of withholding procedures."

20 NEW SECTION. Section 14. Repealer. Sections 53-2-701
21 through 53-2-709, MCA, are repealed.

22 NEW SECTION. Section 15. Rulemaking authority. The
23 department of social and rehabilitation services may adopt
24 rules necessary to implement the provisions of [this act].

25 NEW SECTION. Section 16. Compliance with federal

1 requirements. The department shall establish and administer
2 the JOBS program in compliance with federal requirements and
3 adopt such methods of administration as may be necessary to
4 obtain federal funds for the program in the maximum amount
5 possible.

6 NEW SECTION. Section 17. Severability. If a part of
7 [this act] is invalid, all valid parts that are severable
8 from the invalid part remain in effect. If a part of [this
9 act] is invalid in one or more of its applications, the part
10 remains in effect in all valid applications that are
11 severable from the invalid applications.

12 NEW SECTION. SECTION 18. AUDIT REQUIRED. THE
13 LEGISLATIVE AUDITOR SHALL CONDUCT A PERFORMANCE AUDIT OF THE
14 PROGRAM ESTABLISHED IN [SECTION 3] AND REPORT THE RESULTS OF
15 THE AUDIT TO THE 53RD LEGISLATURE.

16 NEW SECTION. Section 19. Effective dates. (1)
17 [Sections 1 through 8, 10, 12, 13, 14 15, 14 AND 16 and
18 THROUGH 15 16 18] are effective July 1, 1990.

19 (2) [SECTION 9] IS EFFECTIVE APRIL 1, 1990.

20 {2}{3} [Section-13 SECTIONS 11, 14, 12, 15, and this
21 section] are effective on passage and approval.

-End-