

SENATE No. 69

The Commonwealth of Massachusetts

In the Year Two Thousand 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
4 made because of a termination or reduction of assistance or because of a determination that a
5 recipient should no longer be treated as exempt under section 2F of chapter 118, and it involves
6 an issue of fact or a judgment relating to an individual case between the agency and the
7 appellant, 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
18 following meanings unless the context clearly requires otherwise:

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

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

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

46 “Recipient”, a parent or other relative receiving or otherwise eligible to receive assistance
47 from 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,
49 each 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
53 homelessness, the department is authorized to establish by regulation a maximum allowable

54 resource limit for otherwise eligible families. Notwithstanding the foregoing, the maximum
55 allowable resource limit shall not be less than \$5,000. The fair market value of a licensed motor
56 vehicle shall not exceed an amount determined by the commissioner in consultation with the
57 secretary of transportation and public works, and the equity value of a licensed motor vehicle
58 shall not exceed \$10,000 unless the commissioner determines that the higher value should be
59 allowed to accommodate the transportation needs of persons with disabilities or to promote
60 economic stability.

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

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

76 (e) A recipient or an applicant for transitional aid to families with dependent children
77 benefits, whether or not exempt under section 2F, shall be eligible to have \$30 and one-half of
78 the remaining gross earned income, after work-related expenses but before dependent care
79 deductions, disregarded for the entire period that the recipient is eligible for assistance. On or
80 before October 1, 2009, the department shall increase the work expense deduction referenced in
81 the preceding sentence to at least \$250, and shall thereafter annually adjust said deduction for
82 inflation. In determining the amount of the cash payment to a recipient living with his parents,
83 the department shall disregard income of the household up to 200 percent of the poverty level for
84 a family of comparable size unless the income is earned by the recipient living with his parents.
85 In a case involving a child born after the child of record, the parent need not assign the rights to
86 the payment to the Commonwealth. If the after-born child is included in the filing unit, but
87 excluded from the assistance unit by operation of subsection (f), a monthly amount of child
88 support received on behalf of the after-born child equal to the standard increment of assistance
89 shall not count as income to the family in determining the amount of assistance to the family, but
90 the family shall have the option of excluding such an after-born child from the filing unit so that
91 none of said child's child support shall count as income to the family in determining the amount
92 of assistance to the family.

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

98 (g) Payment for funeral expenses of a parent or a dependent child in his custody 100 may
99 be paid directly to the person furnishing the services. Payment for other services given to a
100 parent or a dependent child in his custody may be paid directly to the person furnishing the
101 services only when the payment is effected to meet an expense which remained unpaid at the
102 time of the death of the parent or his commitment to an institution as a mentally ill person or in a
103 case where the payment is necessary to discharge an obligation incurred by the department in
104 securing the services for the parent or dependent child. Nothing in this chapter shall authorize a
105 public official, agent or representative, in carrying out this chapter, to take charge of a child over
106 the objection of the child's legal guardian or of the person standing in loco parentis to that child,
107 except pursuant to a proper court order. The department may pay a sum not exceeding \$1100 for
108 the funeral and burial of a recipient provided that the cost of the funeral and burial does not
109 exceed \$1500 and there are insufficient resources to otherwise pay those costs. Any resources of
110 the recipient shall be deducted from the maximum cost of the funeral and burial allowable
111 hereunder and the difference, subject to the limitation set forth in this paragraph, shall be paid by
112 the department.

113 (h) Notwithstanding any general or special law or rule or regulation to the contrary,
114 persons collecting public assistance from programs administered by the department and who
115 inherit any sum of money or receive a damage award or whose net winnings or payoff from a
116 contest or game that is not a lottery, exceed \$600 in cash or other monetary value, shall report the
117 inheritance, winnings or damage award to the department within 10 days of collecting it. Upon a
118 person's collection of any the value or amount in excess of \$600, the department shall reduce the
119 assistance granted to that person by the amount in excess of \$600. If at any time the excess
120 amount exceeds the person's monthly public assistance benefit, the assistance shall be suspended

121 and no the public assistance shall be paid to that person until the value of the monthly assistance
122 supplement equals the value of the excess amount. Notwithstanding the preceding two sentences
123 and in addition to other disregards or exclusions authorized by the department and in order to
124 encourage asset development, promote employment, and prevent homelessness, up to \$8,000 of
125 any lump sum income shall be disregarded as income and excluded as an asset if it is expended,
126 has been expended, or is placed in an Individual Asset Account for later expenditure for costs
127 related to education or training, transportation to work or to other activities of daily living,
128 obtaining or retaining or maintaining housing, debt reduction, starting a business, health care,
129 basic household necessities, or other responsible expenses as identified by the department.

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

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

137 (b) In situations where no abuse, neglect or addiction is present, the department shall not
138 provide benefits to a family headed by a recipient under the age of 20 unless the recipient resides
139 with a parent, grandparent, uncle, aunt, adult sibling, spouse, or other family member as
140 determined by regulations or guardian or lives in structured housing. The department may
141 determine that a teen recipient who has achieved necessary educational and vocational goals and
142 acquired sufficient independent living skills and parenting skills may live on his own. In

143 situations where a pregnant or parenting teen recipient asserts that she cannot stay at home
144 because abuse, neglect or addiction is present or because of other extraordinary circumstance
145 which the commissioner determines should exempt the teen from this requirement, the home
146 shall be evaluated by a professional experienced in the field of adolescent development and
147 young parenting from the department of children and families. The professional shall not replace
148 or be assigned in addition to a social worker who has already been working with the pregnant or
149 parenting teen and her family for more than 1 month. The department shall establish standards
150 and procedures to govern determinations of abuse, neglect and addiction as required by this
151 subsection. Whenever it is determined by the department that abuse, neglect or addiction is
152 present or another extraordinary circumstance exists, the teen shall reside in a structured setting
153 under section 3E in order to receive benefits from the department. If a structured setting is not
154 available at the time the determination is made, the individual shall be exempt from the
155 provisions requiring the teen recipient to live at home under this subsection until the time as a
156 placement in a structured setting shall be made available.

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

162 (b) Each nondisabled recipient, as defined and determined by the department, shall
163 provide documentation to the department, not less than quarterly, that a school age child under
164 the age of 16 receiving assistance has not missed more than 8 school days resulting in unexcused

165 absences, during the previous quarter. Absences due to any of the following reasons shall be
166 considered excused absences:

167 (1) illness, as certified by a physician or by other proof that the department
168 determines is adequate;

169 (2) hospitalization;

170 (3) disability, as defined by the department;

171 (4) death of a family member;

172 (5) crisis situations as defined by the commissioner; or

173 (6) other circumstances recognized by the school.

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

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

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

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

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

202 (1) a recipient who is disabled, as defined by regulations of the department, in that he has
203 a physical or mental defect, illness or impairment which substantially reduces or eliminates his
204 ability to support himself or his children but in a family with 2 parents, both parents shall be
205 disabled and, to the extent permitted by federal law, "disabled" shall not include a recipient who

206 is alcohol- or drug-dependent or whose disability is based in whole or in part on a previous
207 dependency;

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

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

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

213 (5) a parent or other relative who receives assistance for a child in his care but not for
214 himself, but the exemption shall only apply to a relative who has no legal obligation to support
215 the child in his care, a minor parent who is not a head-of-household or a spouse of a head-of-
216 household, an alien who is ineligible to receive assistance due to his immigration status, a
217 recipient of supplemental security income or another parent or relative who is not work-eligible
218 as defined by federal law; provided that, in the case of a recipient of supplemental security
219 income who engages in work activities that meet the requirements of federal law, the department
220 shall include the families in the numerator and denominator of the work participation rate, to the
221 extent doing so assists the state in meeting that rate.

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

225 Section 2G. (a) A family in which the recipient does not qualify for the exempt categories
226 of assistance in section 2F shall receive assistance for not more than a maximum and cumulative

227 24 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
232 while receiving benefits, the calculation of the maximum assistance period of 24 months within
233 the 60-month period shall be suspended and shall not resume until the time as the recipient is no
234 longer eligible for exempt status.

235 (c) The calculation of the 24-month period of eligibility for assistance shall be suspended
236 when a recipient or a family un-enrolls from the program. The calculation of the 24-month
237 period shall resume when the recipient or family is determined upon reapplication to be eligible
238 for 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
244 extension of benefits. The commissioner shall establish criteria to be considered in making a
245 determination that a recipient's benefits should be extended. The criteria shall include, but not be
246 limited to:

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

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

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

256 e) A recipient who, in order to remain eligible for benefits, changes eligibility status and
257 the change in status is proven in a court of competent jurisdiction to be the result of fraud or
258 deceit, shall not be eligible for a program of assistance provided by the Commonwealth
259 including, but not limited to, programs of assistance administered by the department, including
260 those programs administered jointly with the federal government or solely on the part of the
261 Commonwealth, or administered by the office of Medicaid, the department of public health, the
262 department of early education and care and the department of children and families , and shall be
263 required to pay full restitution and any fine levied and shall not be eligible to receive assistance
264 until those amounts have been paid. A recipient who participates in or assists in procuring
265 payments from the department by falsely depicting himself as exempt as defined herein shall be
266 punished by a fine of not less than \$200 nor more than \$5,000 or by imprisonment for not less
267 than 1 year nor more than 5 years and, in all cases, repayment shall be ordered for the amount of
268 any payments procured which shall in addition to and not in lieu of any penalties imposed under
269 this section.

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

273 (b) Absent good cause under subsection (e), recipients subject to the work program
274 requirement shall be required to engage in work activities under subsection (c) for up to the
275 number of hours per week required by federal law. Before referring an applicant or recipient to a
276 work activity under this subsection, the department shall comply with the requirements of section
277 3 related to development of an employment development plan.

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

290 (d) The commissioner may provide that a recipient subject to the work requirement who,
291 without good cause and within a reasonable time after having received a referral under

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

311 (e) The department shall determine that good cause exists when a recipient is not in
312 compliance with the work program or the terms of an employment development plan and the
313 noncompliance is due to lack of appropriate and available child care, lack of affordable and
314 reliable transportation, housing search, lack of an available and appropriate community service

315 site identified by the department, illness or disability or other reasons established by the
316 department. For the purposes of this subsection, in determining whether an available child care
317 slot is appropriate, the department shall take into consideration factors that the department of
318 early education and care recommends be considered or that a reasonable and responsible parent
319 would consider in deciding whether a child care slot is appropriate, including the time required to
320 travel to and from the provider and the recipient's home, work or other activities. Before
321 determining that a recipient has not complied with the work program or the terms of an
322 employment development plan without good cause, the department shall review all good cause
323 criteria with the recipient to determine if good cause exists.

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

336 (g) In no case shall a recipient be required to seek or accept employment as a condition of
337 eligibility when a mental or physical disability of a dependent child requires his presence at

338 home. No individual shall be considered ineligible for aid or assistance because of failure to
339 comply with this chapter if the failure is due to illness or disability. A recipient shall not be
340 compelled by the department to be trained or to be employed in domestic service, nor required to
341 accept the employment if the employment would require work between the hours from 6 p.m. of
342 1 day and 6 a.m. the following day.

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

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

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

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

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

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

388 (d) Subject to appropriation, the department shall develop for each recipient who is
389 subject to the work requirement under section 2H, an employment development plan designed to
390 enable the recipient to attain economic self-sufficiency. The plan shall be prepared by the case
391 manager with involvement of the recipient. The plan shall be developed after an appropriate
392 assessment of the recipient's current employability, including barriers to employment and
393 education, training and supportive services needs, and after development of a strategy to enable
394 the parent to attain economic self- sufficiency. In developing the plan, the department shall
395 consider all available programs qualifying under subsection (f) and said section 2H, whether or
396 not department-funded,

397 and the supportive services needed by the parent to participate, including child care and
398 transportation. With respect to department-funded programs, the department shall
399 determine the number of available slots, after considering the appropriations for the programs.
400 Volunteers shall be given first priority for participation in the department-funded programs. No
401 parent shall be allowed to enroll in a department-funded program if the number of participants

402 already in the program meets or exceeds the number of available slots. Available department-
403 funded program slots shall be filled on a first-come, first-served basis.

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

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

415 (1) the full employment program;

416 (2) a recognized job training program;

417 (3) a recognized educational program; or

418 (4) any other employment services activity approved by the department.

419 (g) (1) With respect to recipients who are exempt under section 2F, the department may
420 develop,

421 with the involvement of the recipient and after an appropriate assessment of the
422 recipient's skills, work experience, employability and barriers to employment, a family well-

423 being plan to assist the members of the family in accessing services to improve the wellbeing of
424 the family and to assist the recipient in taking steps to address barriers to employment, including
425 lack of education or job skills, and in preparing for employment. In developing the plan, the
426 department shall consider the supportive services needed by the recipient to participate,
427 including child care and transportation. To the extent the family desires, the plans shall set forth
428 how the case manager will assist the family in performing any other activities required or
429 recommended for members of the family by the department or other entities including, but not
430 limited to, medical providers, schools, public housing authorities, emergency shelter or housing
431 search providers, the courts, employers and the department of children and families. In no event
432 shall the plan or the process of its development interfere with the family's performance of, or
433 make it more difficult for a family to perform, the other activities. With respect to exempt
434 recipients who receive benefits from the federally funded program, the plan shall be used to
435 satisfy any universal or full engagement or family self-sufficiency plan requirement imposed by
436 federal law.

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

446 developmental services; and in the case of recipients determined exempt by reason of other
447 disabilities, outreach to and creation of the plans for them may be done by qualified employees
448 of the department of public health or the Massachusetts rehabilitation commission. In order to
449 cover the costs of the assessments, plan development, case management and costs of services
450 related to these plans, the department of transitional assistance may transfer to these other
451 agencies funds appropriated for the employment services program.

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

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

469 person with a disability provides equal access and reasonable modifications and accommodations
470 as necessary to comply with all applicable state and federal laws against discrimination against
471 persons with disabilities. The department shall also ensure that any activity or service to which it
472 refers an applicant or recipient who is a person of limited English proficiency provides equal
473 access and necessary bilingual services in compliance with all applicable state and federal laws.

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

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

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

491 receive transitional child care for services for a period of 1 year following termination of
492 benefits.”

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

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

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

510 (b)(1) An eligible individual who participates in the program shall work full time in a

511 program job, as available, and shall be paid not less than the applicable minimum wage.
512 In the event that the net monthly fulltime wage paid to a participant which, for purposes of this
513 subsection shall be the gross wage minus mandatory payroll deductions, would be less than the
514 level of income from transitional aid to families with dependent children and the food stamp
515 benefit amount equivalent that the participant would otherwise receive, the department shall
516 determine and pay a supplemental payment as necessary to provide the participant with that level
517 of net income. The department shall, by regulation, adopt an equivalence scale to be adjusted for
518 household size and other factors. The purpose of the equivalence scale shall be to insure that
519 participants are not economically disadvantaged, in terms of net income, by accepting a job
520 under the program. The department shall determine and pay, in advance, supplemental payments
521 to participants on a monthly basis as necessary to insure equivalent net program wages. The
522 employer shall compensate participants for hours worked.

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

532 (3) Upon the acceptance of a program job in compliance with the participant's
533 employment development plan as set forth herein, transitional aid to families with dependent

534 children and food stamp benefits shall no longer be paid as a grant to the program participant.
535 Transitional aid to families with dependent children and food stamp benefits shall be suspended
536 at the end of the calendar month in which an employer makes the first wage payment to a
537 participant who is a custodial parent in a family that receives transitional aid to families with
538 dependent children and food stamp benefits.

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

542 (c)(1) The department shall adopt rules and regulations to determine which employers
543 within the

544 Commonwealth shall have the opportunity to accept program participants. No employer
545 shall be required to participate in the program. In the event that there are unassigned participants
546 whom no employer has accepted, the unassigned participants shall be reassessed, with focus on
547 the employment development plan, and may be assigned to other available programs.

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

560 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 for the first 9 months that the program participant is employed by the employer, 75 per

564 cent of the participant's wage per hour;

565 for the next 3 months that the program participant is employed by the employer, 50 per

566 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 required by

574 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 requirement
584 that the program not supplant existing jobs and to repay reimbursement in the event the employer
585 violates program rules. The department may enforce these conditions and shall establish
586 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 participation
589 for failure to abide by program requirements or other demonstrated unwillingness to comply with
590 the stated intent of the program; and

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

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

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

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

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

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

624 Section 3E. (a) For teen recipients who require a structured setting under subsection (b)
625 of 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 term
629 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
641 required to pay 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
643 not fall 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
649 department may establish a separate solely state-funded program, to avoid federal penalties by
650 paying benefits to certain recipients solely with state funds that are not used to meet the
651 Commonwealth's 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
662 welfare fraud or in cases in which persons are receiving benefits under more than 1 application,
663 which shall include permanent disqualification for future benefits and repayment in an amount
664 equal to the grant received from the date of the incidence of fraud for which the person has been
665 convicted.

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

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

673 (e) The department shall adopt regulations to provide that employees of the department
674 who participate in or assist in fraudulently procuring payments from the department shall be
675 terminated from their employment. That employee shall be punished by a fine of not less than
676 \$2,000 nor more than \$5,000, or by imprisonment for not less than 1 year nor more than 5 years
677 and, in all cases, repayment shall be ordered of the amount of the payments procured which shall

678 be in addition to and not in lieu of any penalties imposed under this section. The state treasurer
679 may transfer to the department any retirement contributions of the employees for the purpose of
680 satisfying the ordered repayment and the fines levied hereunder.

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

689 Section 3H. Except to the extent prohibited by federal or state law, the department of
690 youth services, the department of correction and all state and county sheriffs shall, on a monthly
691 basis, transmit to the department of transitional assistance a current roster of all persons
692 incarcerated in or committed to each house of correction, boot camp, prison or other correctional
693 facility run by those departments and housing inmates who have been incarcerated since the last
694 monthly report. The information shall be provided in a format that is compatible with the
695 department's file layout of its automated data processing system to ensure the immediate
696 identification of inmates who may be receiving welfare benefits. The information provided shall
697 include name, social security number, date of birth, date of incarceration and expected release
698 date. The department shall examine and verify the information and shall identify any case in
699 which a person so incarcerated or so committed, the person's family member or the dependent, is
700 receiving benefits from the public assistance programs for which he, the family member or the

701 dependent is not eligible and shall take appropriate action which shall include, but not be limited
702 to, a review and re-verification by the department that the information is accurate and applicable
703 as required by department regulations. The department shall provide that information to the
704 Social Security Administration and the department of revenue. No information obtained under
705 this section shall be released or utilized for any purpose other than those set forth in this section.

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

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

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

732 to, enhanced assessments of barriers to employment and strategies to address those
733 barriers, additional transportation services including transportation assistance for all parents who
734 are subject to the work requirement, additional education and training activities and other
735 activities that will assist the Commonwealth in meeting work participation rates.

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

738 Section 12. (a) A taxpayer required to file a return under chapter 62 shall be allowed a
739 credit against the excise due under said chapter 62 for employing persons that had been
740 employed by the taxpayer through the full employment program. The credit shall be calculated
741 by multiplying the number of full months after cessation of state subsidies a qualifying program
742 participant was employed by the taxpayer by \$100. The maximum credit allowed for all years for
743 the employment of each qualifying program participant shall be \$1,200. A taxpayer entitled to a

744 credit under this subsection for a taxable year may carry over and apply to its excise for any 1 or
745 more of the next succeeding 5 taxable years, the portion, reduced from year to year, of its credit
746 which exceeds its excise for the taxable year.

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

757 (c) A taxpayer required to file a return under chapter 63 shall be allowed a credit against
758 the excise due under said chapter 63 for employing persons that had been employed by the
759 taxpayer through the full employment program. The credit shall be calculated by multiplying the
760 number of full months after cessation of state subsidies a qualifying program participant was
761 employed by the taxpayer by \$100. The maximum credit allowed for all years for the
762 employment of each qualifying program participant shall be \$1,200. A taxpayer entitled to a
763 credit under this section for a taxable year may carry over and apply to its excise for any 1 or
764 more of the next succeeding 5 taxable years, the portion, reduced from year to year, of its credit
765 which exceeds its excise for the taxable year.

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

776 SECTION 8. Sections 110 to 114, inclusive, 117 to 119, inclusive, 121 to 123, inclusive,
777 132, and 140 to 142, inclusive, of chapter 5 of the acts of 1995 are hereby repealed.

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

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

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

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

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

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

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

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

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

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

829 (ii) to recipients who are in their last trimester of pregnancy as provided in paragraph (3)
830 of subsection (a) of said section 2F of said chapter 118 and whose participation in work activities
831 would not threaten the health or safety of the parent or the unborn child and would enable the

832 Commonwealth to satisfy its maintenance of effort obligation and applicable work participation
833 rates. If, within 60 days after receipt of the report the general court has not directed the
834 department to take an alternative approach to addressing the risk of not meeting federal
835 requirements and has not repealed this section, the department may, notwithstanding the said
836 section 2F of said chapter 118, extend the work requirement to certain categories of recipients if
837 doing so would enable the Commonwealth to meet federal maintenance of effort and work
838 participation 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 chapter 118.

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

855 report on the plan to the joint committee on children, families and persons with disabilities and
856 the house and senate committees on ways and means not later than June 1, 2011.

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

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

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