

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1203

Session of
1975

INTRODUCED BY MESSRS. HILL, McCLATCHY, SHELHAMER, MRS. CRAWFORD, MESSRS. BUTERA, BITTLE, SELTZER, LEHR, SCHEAFFER, WESTERBERG, DAVIS, VROON, S. E. HAYES, LEVI, STAHL, ZELLER, MRS. FAWCETT, MESSRS. McCUE, KLINGAMAN, W. W. FOSTER, WAGNER, CUMBERLAND, TADDONIO, FISHER, HASKELL, M. E. MILLER, JR., USTYNOSKI, SHUMAN, BURNS, WHELAN, CIMINI, GEESEY, PANCOAST, L. E. SMITH, TURNER, KUSSE, MISS SIRIANNI, MESSRS. HASAY, SPENCER, HEPFORD, GRING, BEREN, GRIECO, PYLES, D. S. HAYES, HOPKINS, O'CONNELL, KNEPPER, MANMILLER, GREEN, WORRILOW, DORR, A. C. FOSTER, DIETZ, GALLEN, WEIDNER, ZORD, LYNCH, MOEHLMANN, DeVERTER, NOYE, THOMAS, HAMILTON, YOHNN, KATZ, POLITE, E. H. SMITH, WRIGHT, ZEARFOSS, SALVATORE, PARKER, W. W. WILT, BRANDT, McGINNIS, GLEASON, PITTS, SCIRICA, MEBUS AND CESSAR, APRIL 30, 1975

REFERRED TO COMMITTEE ON HEALTH AND WELFARE, MAY 5, 1975

AN ACT

1 Amending the act of June 13, 1967 (P.L.31, No.21), entitled "An
2 act to consolidate, editorially revise, and codify the public
3 welfare laws of the Commonwealth," further providing for
4 qualifications of and allowances to recipients.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Section 408, act of June 13, 1967 (P.L.31,
8 No.21), known as the "Public Welfare Code," is repealed.

9 Section 2. The act is amended by adding sections to read:

10 Section 408.1. Uniformity in Administration of Assistance.--
11 The department is responsible for maintaining uniformity in the
12 administration of public welfare, including general assistance,
13 throughout the Commonwealth. The secretary is the only person

1 authorized to adopt regulations, orders, or standards of general
2 application to implement, interpret, or make specific the law
3 administered by the department. The secretary shall issue
4 interim regulations whenever changes in Federal laws and
5 regulations supersede existing State statutes. In adopting
6 regulations, orders, or standards of general application, the
7 secretary shall strive for clarity of language which may be
8 readily understood by those administering aid and by those who
9 apply for or receive aid.

10 Section 408.2. Determination of Eligibility.--(a) As a
11 condition of eligibility, a needy family applying for aid to
12 dependent children, or an individual applying for general
13 assistance, shall complete a certificate of eligibility
14 containing a written declaration of such information as may be
15 required to establish eligibility and amount of grant. The
16 certificate shall include blanks, wherein shall be stated the
17 names, birth dates, and Social Security numbers of all children
18 receiving aid, their present place of residence, the names, and
19 Social Security numbers of the adult or emancipated minor
20 applicant and any other adult living in the home, the name and
21 Social Security number and present whereabouts, last known
22 address, and place of employment of a parent who is not living
23 in the home, any income received through employment, from the
24 absent parent, governmental social insurance or aid programs,
25 gifts, sale of real or personal property, interest, dividends or
26 from any other source, and any interest in property, real or
27 personal. The department shall provide assistance as needed to
28 complete the certificate and shall ensure that all applicants or
29 recipients have or promptly obtain a Social Security number.
30 Such certificate shall also provide that, as a condition of

1 eligibility for aid, each applicant or recipient will be
2 required:

3 (1) to assign the State any rights to support from any other
4 person such applicant may have (i) in his own behalf or in
5 behalf of any other family member for whom the applicant is
6 applying for or receiving aid, and (ii) which have accrued at
7 the time such assignment is executed,

8 (2) to cooperate with the State (i) in establishing the
9 paternity of a child born out of wedlock with respect to whom
10 aid is claimed, and (ii) in obtaining support payments for such
11 applicant and for a child with respect to whom such aid is
12 claimed, or in obtaining any other payments or property due such
13 applicant or such child and that, if the relative with whom a
14 child is living is found to be ineligible because of failure to
15 comply with the requirements of clauses (1) and (2), any aid for
16 which such child is eligible will be provided in the form of
17 protective payments.

18 (b) The term "protective payments" means payments with
19 respect to any dependent child which are made to another
20 individual who (as determined in accordance with standards
21 prescribed by the department) is interested in or concerned with
22 the welfare of such child or relative, or are made on behalf of
23 such child or relative directly to a person furnishing food,
24 living accommodations, or other goods, services, or items to or
25 for such child.

26 (c) Prior to determination of eligibility, the department
27 shall conduct a personal interview with the adult members of the
28 family or with the caretaker relatives of the needy children.

29 (d) The department shall redetermine all elements of
30 eligibility periodically, but not less frequently than every six

1 months. The department shall require the family to complete a
2 new certificate of eligibility form at the time of
3 redetermination.

4 (e) If the certificate is mailed to the family, it shall be
5 accompanied by a stamped envelope for its return. However, in no
6 event, shall the acts of mailing to the recipient or the
7 recipient's return of a completed certificate to the department
8 be substituted in lieu of a personal interview. In the event the
9 certificate is not completed and returned within ten days after
10 it is mailed or personally delivered to the family, a home visit
11 or other personal meeting shall be made to or with the family
12 and the certificate shall then be completed with the assistance
13 of the department if necessary. If there is a refusal to
14 complete such certificate, the assistance payment for the
15 succeeding months shall be withheld pending clarification of
16 eligibility.

17 (f) Each adult member of the family shall provide, under
18 penalty of perjury, the information necessary to complete such
19 certificate. The certificates used by the department shall
20 contain, at the end thereof, and in large type, a statement in a
21 form approved by the Attorney General that the applicant or
22 recipient understands that he has an obligation to report
23 immediately to the department any changes in income or
24 resources, composition of household, address or any other factor
25 which may affect eligibility and that the declarations in the
26 certificate are correct and complete to the best of the
27 applicant or recipient's knowledge or belief and are made under
28 penalty of perjury. This declaration shall be signed by the
29 applicant or recipient of assistance or any person completing
30 the application for an applicant or recipient unable to do so

1 himself.

2 (g) The caseworker shall ensure that the applicant or
3 recipient understands his rights and duties under this code and
4 shall certify on each certificate of eligibility that he has
5 explained such rights and duties to the applicant or recipient.

6 Section 408.3. Identification and Proof of Residence.--The
7 department shall require that all persons applying for
8 assistance shall provide acceptable identification and proof of
9 residence and the department shall by regulation specify what
10 constitutes adequate identification and proof of residence. The
11 department shall require that all reports of employment or
12 income be verified by letter or direct contact with the employer
13 of the applicant or recipient and if the verification is made by
14 letter, a stamped self-addressed envelope shall be enclosed and
15 request for prompt return shall be made. The department shall
16 verify all other information related to the eligibility in any
17 case in which there is reason to believe that the applicant has
18 falsified, misrepresented, or omitted any material facts such as
19 age and number of children, real and personal property,
20 including bank accounts and insurance policies or any other
21 resources.

22 Section 408.4. Residency.--No person shall be eligible for
23 aid to dependent children or general assistance unless he is a
24 resident of the Commonwealth.

25 For the purpose of determining eligibility for aid to
26 dependent children or general assistance, the continued absence
27 of a recipient from the Commonwealth for a period of sixty days
28 or longer shall be prima facie evidence of the intent of the
29 recipient to have changed his residence to a place outside the
30 Commonwealth. The department shall make inquiry from all

recipients who have been continuously absent for a period of thirty days to determine whether or not it is their intent to remain residents of the Commonwealth or to become residents elsewhere, and shall redetermine the residence of such persons. In any case in which such inquiry does not establish that the recipient remains a resident of the Commonwealth, his aid shall be terminated after providing appropriate notice of such intended action.

If a recipient is prevented by illness or other good cause from returning to the Commonwealth at the end of sixty days, and has not acted to establish residence elsewhere, he shall not be deemed to have lost his residence in the Commonwealth.

When a recipient of aid to dependent children or general assistance is absent from the United States for a period in excess of thirty days, his aid shall thereafter be suspended whenever need cannot be determined for the ensuing period of his absence.

It is not the intent of the General Assembly, however, in enacting this section to create any durational residence requirement.

Section 408.5. Financial Institutions; Obtaining Information Relating to Transactions of Recipients.--The secretary is hereby authorized to request and receive from any bank, industrial bank, trust company, United States postal service savings, building and loan association, credit union, or other financial institutions doing business in Pennsylvania information with respect to the transaction with any such institution of any applicant for or recipient of any form of aid or relief under this act, and it shall be the duty of the officers and employees of such institutions to furnish such information within five

working days to the county assistance offices or regional
offices pursuant to the written request of the secretary.

Section 408.6. Limits on Property Holdings.--(a) Real and
personal property which an applicant or recipient owns or in
which he has an interest are resources which must be considered
in determining initial and continuous eligibility for aid to
dependent children or general assistance. It is not the intent
of the General Assembly, however, that a person need be
completely destitute to qualify for aid. The limits established
herein are intended to ensure that persons who own property
sufficient to provide them with the necessities of life do not
receive aid intended for those in greater need.

(b) An applicant or recipient and his family may retain real
property owned by him, or in conjunction with any other person
without reference to its value if (i) such real property serves
as the home of such applicant or recipient and (ii) either
section 4(a) of "The Support Law" remains in effect or, if
section 4(a) of "The Support Law" is repealed the fair market
value of such real property, without regard to encumbrances,
does not exceed a reasonable Statewide standard to be
established by the department.

(c) The applicant or recipient and their family may retain
as a reserve for future contingencies any combination of
personal or real property, excluding real property serving as a
home pursuant to subsection (b) if the value of such property
retained by each individual recipient, shall not exceed one
thousand dollars (\$1,000). Any real property held as such
reserve shall be valued at its net market value without regard
to encumbrances.

(d) In addition to the property specified in subsection (b)

1 and (c), the following items of personal property may be
2 retained:

3 (1) Wedding and engagement rings, family heirlooms and
4 necessary clothing.

5 (2) Household furnishings and other items used to provide,
6 equip, and maintain a household for the applicant and recipient,
7 provided that such items are of a reasonable value.

8 (3) Equipment and material of reasonable value which are
9 necessary to implement an employment, rehabilitation or self-
10 care plan for the applicant or recipient. One motor vehicle may
11 be included in such equipment, provided that the fair market
12 value of such motor vehicle, without regard to encumbrances,
13 does not exceed a reasonable value to be established by the
14 department.

15 (e) With the exception of the items of property specified in
16 subsections (b), (c) and (d), and to the extent permitted by
17 Federal law, the values of any other property shall be
18 considered available to be converted into cash for the purpose
19 of meeting current living expenses.

20 (f) Where aid has been received in good faith, but the
21 recipient in fact owned excess property, such recipient shall be
22 considered to have been ineligible for aid during the period for
23 which any excess property would have supported him at the rate
24 of the aid granted to him. In such case the recipient shall
25 repay the amount of aid received during such period of
26 ineligibility.

27 Section 408.7. Pennsylvania Employables Program.--(a) Every
28 individual, as a condition of initial and continuing eligibility
29 for aid to dependent children or general assistance, shall
30 register with the Bureau of Employment Security for employment,

1 training and manpower services, unless such individual is:

2 (1) A child who is attending school or college on a full-
3 time basis or who is under the age of sixteen;

4 (2) Ill, incapacitated, or of advanced age;

5 (3) So remote from a Bureau of Employment Security office
6 that effective participation in employment and training
7 counseling is precluded;

8 (4) Required to be present in the home because of illness or
9 incapacity of another member of the household;

10 (5) The mother or other relative of a child under the age of
11 six who is caring for the child; or

12 (6) The mother or other caretaker of a child if the father
13 or another adult male relative is in the home and not excluded
14 from the requirement to register, unless such adult male
15 relative has failed to register as herein required or has
16 refused without good cause to accept employment or to
17 participate in work experience or training;

18 (7) The mother or other caretaker of a child between the
19 ages of six and fourteen, unless there are adequate child care
20 arrangements for the child;

21 (8) Actively participating in the Federal Work Incentive
22 Program or was certified to said program within the previous six
23 months.

24 (b) Registration shall include a personal interview
25 conducted by the Bureau of Employment Security. A work
26 application shall be completed, a self-support plan shall be
27 developed, and the individual's job search and reporting
28 responsibilities shall be fully explained. If employment is
29 available, the bureau shall immediately refer the individual to
30 such employment.

1 (c) Any person excluded from the requirements of
2 registration by reason of subsection (a) of this section, may
3 register to participate in the Pennsylvania Employables Program.

4 (d) As a part of complying with the requirements set forth
5 in this section, each registrant shall conduct an adequate job
6 search in accordance with the instructions of the Bureau of
7 Employment Security. Every person registered pursuant to this
8 section, other than persons who have been certified to the
9 Federal Work Incentive Program and are actively participating in
10 a work incentive component, shall report, in writing on a form
11 prescribed by the Bureau of Employment Security instructions on
12 the nature, extent and results of his job search efforts. The
13 bureau shall notify each employable person of the reporting
14 requirement, and shall provide necessary copies of the report
15 form.

16 (e) Any person who fails without good cause to fulfill his
17 job search requirements shall be ineligible for aid to dependent
18 children or for general assistance. If such person is the sole
19 eligible dependent child in the family, the family shall be
20 ineligible for aid to dependent children.

21 (f) No person registered pursuant to subsection (a) of this
22 section shall refuse to accept a bona fide offer of employment
23 or training. The bona fide offer of employment, training or work
24 experience must be consistent with the person's physical, mental
25 and emotional capabilities, as well as previously acquired
26 occupational skills.

27 In order to be a bona fide offer of employment, there must be
28 reasonable assurances that:

29 (1) Appropriate standards for the health, safety and other
30 conditions applicable to the performance of work and training in

1 the employment are established and will be maintained;

2 (2) The offer of employment will not result in a
3 displacement of employed workers;

4 (3) With respect to such employment, the conditions of work,
5 training, education, and employment are reasonable in the light
6 of such factors as the type of work, geographical region, and
7 the proficiency of the participant;

8 (g) The department is authorized to pay any participant
9 under a program established by this section a payment of not
10 more than thirty dollars (\$30) per month, payable in such
11 amounts and at such times as the department prescribes to defray
12 expenses associated with the program. The department is
13 authorized to pay participants in a program authorized by this
14 section expenses for transportation and in addition, costs
15 including child care costs incurred by such member to the extent
16 such costs are necessary and directly related to the
17 participation by such member in such program. The department
18 shall not make any payment pursuant to this subsection if the
19 member would be entitled to a similar payment from another
20 source as a consequence of section 434(b) of the Social Security
21 Act.

22 (h) Any person required to register pursuant to subsection
23 (a) of this section who (i) fails to register; (ii) fails to
24 conduct an adequate job search or fulfill his reporting
25 responsibilities required by subsection (d); or (iii) refuses a
26 bona fide offer of employment or training in violation of
27 subsection (f), shall be ineligible for aid to dependent
28 children or general assistance. Any aid for which such child is
29 eligible will be provided in the form of protective payment as
30 defined in section 408.2.

1 (i) The department shall take all appropriate measures to
2 obtain any necessary Federal approval and assistance for the
3 Pennsylvania Employables Program. If the United States
4 Department of Health, Education and Welfare does not approve all
5 or part of the Pennsylvania Employables Program, that part of
6 the program unapproved shall not apply to persons who are
7 otherwise eligible for aid to dependent children, but it shall
8 apply to persons eligible for general assistance.

9 Section 408.8. Work Experience Demonstration Program.--To
10 the extent permitted by Federal law, the Bureau of Employment
11 Security shall develop and implement a demonstration program of
12 work experience. The Bureau of Employment Security and the
13 department shall take all appropriate and necessary measures to
14 obtain Federal approval and assistance for this demonstration
15 program.

16 The bureau shall develop a plan for the phased implementation
17 of work experience programs, designating specific geographic
18 areas, consisting of counties or portions of counties within
19 which work experience programs shall be established. The bureau
20 shall develop work experience programs through contracts with
21 public entities or with nonprofit agencies or organizations,
22 subject to the conditions and standards hereinafter set forth.

23 For the purpose of this section, "work experience" is a
24 program to provide work experience and training for individuals
25 who are not otherwise able to obtain employment or are not
26 actively participating in training or education programs, in
27 order that such individuals may move into regular employment.
28 Work experience programs shall be designed to develop
29 employability through actual work experience. The facilities of
30 the Bureau of Employment Security shall be utilized to find

employment opportunities for participants in this program. Work experience programs under this section shall be confined to projects which serve a useful public purpose such as in the fields of health, social service, environmental protection, education, urban and rural development and redevelopment, welfare, recreation, public facilities, public safety, and energy conservation. To the extent feasible, the prior training, experience and skills of a participant shall be utilized in making appropriate work experience assignments.

The Bureau of Employment Security shall designate the procedures for inclusion of recipients of aid to dependent children and general assistance. To the extent permitted by Federal law, recipients of aid to dependent children referred by the Bureau to a work experience program shall, as a condition of eligibility for such aid, participate in such program. Recipients of general assistance referred by the Bureau to a work experience program shall, as a condition of eligibility for such assistance, participate in such program. No person exempted from registration by the provision of section 408.7 shall be required to participate in a work experience program.

Section 408.9. Quarterly Earnings Determination.--The department shall, within fifteen days from the end of each quarter, transmit to the Bureau of Employment Security, the Social Security numbers of all persons sixteen years of age or older who received aid to dependent children or general assistance during the second prior quarter. The Bureau of Employment Security shall determine the amount of wages reported by employers or the amount of unemployment compensation insurance benefits which have been paid during the second and third prior quarters to persons with those Social Security

numbers and the bureau shall return such information, including zero wages reports, to the department. The department shall transmit such wage reports to its county offices for comparison with earnings reported by recipients. County offices shall take prompt action to resolve discrepancies and shall refer promptly cases of suspect fraud for investigation.

Section 408.10. Eligibility; Aid for Dependent Children.-- Aid shall be granted under the provisions of this code, and subject to the regulations of the department, to needy families with related children under the age of eighteen, except as provided in section 408.11, in need thereof because they have been deprived of parental support or care due to:

(1) the death, physical or mental incapacity, or incarceration of a parent; or

(2) the divorce, separation or desertion of a parent or parents and resultant continued absence of a parent from the home for these and other reasons; or

(3) the unemployment of a parent or parents.

Section 408.11. Eligible Dependent Child Over Eighteen Years of Age.--Aid may not be granted under the provisions of this code to or in behalf of any otherwise eligible child over the age of eighteen, unless he is under the age of twenty-one and is a student regularly attending a school, college, university, or training program designed to qualify him for gainful employment.

Section 408.12. Support from Legally Responsible Relatives.--(a) Every applicant for aid to dependent children whose eligibility is based on deprivation due to absence of a parent from the home shall, as a part of the application process, be immediately referred for interview to the designated support official of the department who shall be stationed in

1 local welfare offices, unless such offices have too few
2 applicants to warrant permanent stationing. The department shall
3 be responsible for taking all steps necessary to identify,
4 locate, and obtain support payments from absent parents.

5 (b) The department shall establish a scale of suggested
6 minimum contributions to assist courts in determining the amount
7 that an absent parent should be expected to pay toward the
8 support of a dependent child. The scale shall include
9 consideration of gross income, shall authorize expense
10 deductions, including deductions for taxes, for determining net
11 income, shall designate other available resources to be
12 considered and shall specify the circumstances which should be
13 considered in reducing liability on the basis of hardship.
14 Copies of this scale shall be made available to courts, district
15 attorneys and to the public. It is intended that the scale
16 formulated pursuant to this section be optional, and that no
17 court or domestic relations division officer be required to use
18 that scale unless desired.

19 (c) In all cases in which the whereabouts of the absent
20 parent is known, the department shall, immediately upon receipt
21 of the application for assistance, notify the absent parent by
22 registered or certified mail with return receipt requested of
23 the filing of the application and of his responsibility to
24 complete and return a written statement of his current monthly
25 income, his total income over the past twelve months, a
26 description of real and personal property owned by him, together
27 with an estimate of its value, the number of dependents for whom
28 he is providing support, the amount he is contributing regularly
29 toward the support of all children for whom application for aid
30 to dependent children has been made, his Social Security number,

his itemized monthly living expenses and such other information as the department determines to be pertinent to determining his ability to support his children.

The absent parent shall complete and return such statement to the department within ten calendar days after notification by the department. The department may request the absent parent to report for a personal interview.

If the department's notice is not delivered within seven days, or if the absent parent statement is not completed within ten days after notification, the department shall cause prompt personal service to be made. If the written statement is not completed and returned within ten days after personal service, the department shall immediately refer the matter to the district attorney for prosecution for violation of the Crimes Code 18 Pa.C.S. § 4321, (relating to willful separation on nonsupport).

(d) When the department has obtained sufficient information concerning the absent parent, it shall immediately determine his ability to support his children and shall obtain a court order specifying an appropriate amount of support in accordance with the scale of suggested minimum contributions as provided in subsection (b). If the absent parent is residing out of the county and his whereabouts is known, the department shall obtain the court order in the county of residence of the absent parent. Court orders of support shall in all cases specify that the payment of support shall be made directly to the department as reimbursement for assistance and not to the spouse of the absent parent. The support rights assigned to the State shall constitute an obligation owed to such State by the individual responsible for providing such support. Such obligation shall be

1 deemed for collection purposes to be collectible under all
2 applicable State and local processes. The amount of such
3 obligations shall be:

4 (1) The amount specified in a court order which covers the
5 assigned support rights; or

6 (2) If there is no court order, an amount determined by the
7 State in accordance with a formula approved by subsection (b);
8 and

9 (3) Any amounts collected from an absent parent under the
10 plan shall reduce, dollar for dollar, the amount of his
11 obligation. A debt which is a child support obligation assigned
12 to the department under this section is not released by a
13 discharge in bankruptcy under the Bankruptcy Act.

14 (e) Failure of the absent parent to comply with his support
15 obligation shall be referred to the court having jurisdiction of
16 the matter for appropriate proceedings.

17 (f) Nothing in this section shall be construed to relieve
18 the department from complying with the provisions of section
19 402(a)(11) of the Social Security Act.

20 (g) Material falsification of information on the statement
21 provided pursuant to subsection (c) shall constitute a
22 misdemeanor of the second degree.

23 Section 408.13. Physical or Mental Incapacity of a Parent.--
24 For the purpose of determining eligibility for aid to dependent
25 children on the basis of incapacity of a parent, pursuant to
26 section 408.10(1), physical or mental incapacity shall be deemed
27 to exist when:

28 (1) The incapacity is of such a debilitating nature as to
29 reduce substantially the parent's ability to support or care for
30 the otherwise eligible child; and

1 (2) The incapacity is verified by a medical doctor or
2 psychiatrist, except that eligibility for supplemental security
3 income benefits under Title XVI of the Federal Social Security
4 Act on the basis of disability or eligibility to receive Federal
5 OASDI benefits shall be considered sufficient evidence of
6 incapacity for purposes of this section; and

7 (3) The incapacity is expected to continue for a period of
8 at least thirty days.

9 The determination of incapacity in accordance with provisions
10 set forth herein is a responsibility of the county office under
11 the supervision of the department. Certification shall only be
12 for that period during which the incapacity is expected to
13 continue.

14 Section 408.14. Continued Absence From the Home.--In any
15 case in which application for aid to dependent children is based
16 upon deprivation of parental support or care due to the
17 continued absence of a parent from the home, such deprivation
18 shall be deemed to exist when the nature of the absence, for any
19 reason, interrupts or terminates the parent's functioning as a
20 provider of maintenance, physical care or guidance for the child
21 and the known or indefinite duration of the absence precludes
22 continuing the parent's performance of his function in planning
23 for the support or care of the child. Absence, in and of itself,
24 shall not be deemed to constitute deprivation.

25 It shall be the duty of the department to verify the
26 continued absence of the parent from the home. Such absence
27 shall be verified from information regarding the absent parent
28 supplied by the applicant on his certificate of eligibility or
29 by requiring the applicant to provide, where known, the name,
30 Social Security number, description, employer and present or

1 last known address of the absent parent.

2 Section 408.15. Claim on Tax Returns for Support of Child.--

3 (a) In any case in which eligibility for aid to dependent
4 children is based upon deprivation due to the absence of a
5 parent from the home, the applicant or recipient shall at the
6 time of application and at the time of redetermination of
7 eligibility certify to the best of his knowledge and belief
8 whether the applicant's or recipient's spouse, or any other
9 person, is claiming to furnish support to the eligible dependent
10 children for purposes of Federal or State income tax. Such
11 information shall be verified by affidavit under penalty of
12 perjury of the applicant's or recipient's spouse and of any
13 other adult person in the home.

14 (b) If the applicant or recipient fails or refuses to
15 provide the information required under subsection (a), such
16 action shall be deemed a failure or refusal to provide
17 information necessary to determine the need of the family and
18 the grant shall be terminated. Any aid for which such child is
19 eligible will be provided in the form of protective payments as
20 defined in section 408.2

21 If the applicant's or recipient's spouse or other adult
22 person in the home fails or refuses to submit the affidavit
23 required by subsection (a), the department shall initiate a
24 fraud investigation.

25 The department shall initiate an investigation in any case
26 where there is reason to suspect the occurrence of fraud.

27 (c) The department shall cooperate and exchange information
28 with State and Federal income tax authorities in all appropriate
29 cases.

30 Section 408.16. Maximum Withholding Exemptions.--In the case

1 of an employed applicant or recipient for aid to dependent
2 children or general assistance, such recipient or applicant
3 shall be considered to be claiming the maximum number of
4 exemptions for Federal income tax purposes to which he is
5 entitled under Federal law and any earned income shall be
6 computed accordingly. The department shall maintain tables that
7 indicate the amount of withholding for various numbers of
8 dependents and various income levels. The department shall
9 determine the maximum number of exemptions to which the
10 applicant or recipient is entitled and shall base withholding on
11 this maximum number of exemptions. This determination shall be
12 made at the time of application and at the time of the periodic
13 redetermination of eligibility and when changes in a recipient's
14 circumstances require that the amount of withholding be
15 redetermined.

16 Section 408.17. Access to Tax Records.--(a) The Department
17 of Revenue shall permit the secretary or his designees to
18 inspect the income tax returns of applicants for or recipients
19 of aid or of any adult person residing in the same home as such
20 applicant or recipient, or in lieu of such inspection, the
21 Department of Revenue may provide the secretary or his designees
22 an abstract of the income tax return requested, or provide
23 information concerning any item of income or expense, including
24 support claimed to have been provided to dependent children or
25 stepchildren, contained in the income tax return or disclosed by
26 any investigation of the income or return of the applicant,
27 recipient, or other adult person residing in the home of such
28 applicant, recipient, or other adult person.

29 (b) The information obtained pursuant to this section shall
30 be used or disclosed only for the purpose of enabling the

secretary or his designees to verify or determine the
eligibility of an applicant or recipient or to enable the
Department of Revenue to determine whether tax fraud has been
committed.

(c) The applicant, recipient or other adult person living in
the home whose income tax records have been requested from the
Department of Revenue shall be notified by mail that such
request has been made at the time of such request.

(d) Any violation or suspected violation of State or Federal
law determined under this section shall be referred to the
appropriate State or Federal law enforcement authorities.

Section 408.18. Unemployed Parent.--The secretary of the
department shall adopt such rules, regulations and standards as
are necessary to insure that aid to families with dependent
children, pursuant to section 408.10(3), is granted only under
those conditions where such assistance would qualify for Federal
financial participation as provided in Title IV, Part A of the
Social Security Act and implementing Federal regulations.

Unemployed parent" means a natural parent, adoptive parent,
or stepparent with whom the child is living, and who:

(1) Is not working but is available for and actively seeking
employment or, as a result of unemployment, has been accepted
for or is participating in a training project essential to
future self-support; or

(2) Is employed only part-time as determined in accordance
with such standards as may be developed by the Department of
Public Welfare in its rules and regulations, which standards
shall be consistent with Federal law and regulations governing
the payment of Federal funds to this State under the Social
Security Act and consistent with other provisions of this code.

A family shall not be eligible for aid to dependent children on the basis of deprivation due to unemployment of the father unless the father has been unemployed for at least thirty days prior to receipt of such aid; nor shall a family be eligible to such aid with respect to any week for which the father receives or is eligible to receive unemployment compensation under any compensation law of any state or of the United States.

Section 408.19. Determination of Income and Resources.--(a) Except as otherwise required by Federal law, the department shall, in determining need, take into consideration any income or resources of any child or relative claiming aid to dependent children, or of any other individual living in the same home as such child or relative, whose needs the department determines would be considered in determining the need of the child or relative claiming such aid, as well as any expense reasonably attributed to the earning of any such income.

(b) Income, as used in subsection (a), includes any benefit in cash or in kind which is in fact currently available to the individual or is received by him as a result of current or past labor or service, business activities, interests in real or personal property, or as a contribution or payment from persons, organizations or assistance agencies.

(c) To be considered in determining eligibility for, and amount of grant, income must, in fact, be currently available to the applicant or recipient. However, the applicant or recipient shall, as a necessary condition of determining eligibility:

(1) Provide all information necessary to income determination.

(2) Take all actions necessary to obtain unconditionally available income. Income shall be considered unconditionally

1 available if the applicant or recipient has only to claim or
2 accept such income, including any type of governmental benefits,
3 social insurance, private pension or benefits plan, or offers of
4 private contributions, including contributions from relatives.

5 (d) The department shall require evidence which establishes
6 the gross and net amount of income received and the time and
7 frequency of receipt. Documents and records in the possession of
8 the applicant or recipient together with a written statement
9 made under penalty of perjury that such information is correct
10 and complete to the best of the applicant or recipient's
11 knowledge or belief, constitute adequate sources of evidence in
12 absence of conflicts. Such documents or records shall be
13 returned promptly to the applicant or recipient.

14 (e) Failure or refusal to provide the information necessary
15 for income determination, including failure to notify the
16 department of any changes in the amount of income or resources
17 or circumstances that may affect eligibility or grant amount
18 within ten calendar days raises a rebuttable presumption of
19 wilful withholding of information. Such changes may include but
20 are not limited to composition of household, address, or any
21 other factor which may affect eligibility, or failure or refusal
22 to obtain unconditionally available income, and shall render the
23 applicant or recipient ineligible for aid. Any aid for which
24 such child is eligible will be provided in the form of
25 protective payments as defined in section 408.2.

26 Section 408.20. Income Averaging.--For purposes of
27 determining eligibility for aid to dependent children, the
28 income of any person under a contract of employment on an annual
29 basis who works and receives income from such contract in fewer
30 than twelve months, but more than eight months, shall be

prorated over the period of the contract. This provision shall apply only to such persons whose annual income, when averaged over a twelve-month period, is expected to be in excess of that set forth in the minimum basic standards of adequate care for the appropriate number of persons dependent upon such income.

Section 408.21. Reporting Responsibility.--(a) It shall be the duty of the department to insure that every applicant for, or recipient of, aid to dependent children or general assistance be informed not less frequently than semiannually as to the provisions of eligibility and his responsibility for reporting all facts material to a correct determination of eligibility and amount of grant. After such information has been provided, the department shall require the recipient to execute a formal acknowledgment, on a form prescribed for such purpose, to the effect that the provisions of eligibility and reporting requirements have been explained to him and were understood.

(b) Each applicant for or recipient or payee of such aid to dependent children or general assistance shall be responsible to report accurately and completely, within his competence, those facts required of him, pursuant to the explanation provided by the department.

(c) The failure of an applicant or recipient to report facts which may affect eligibility and grant determination within ten calendar days of the date upon which the applicant or recipient became aware of such facts shall constitute a rebuttable presumption of wilful withholding of information. Such facts may include but are not limited to composition of household, address, or any other factor which may affect eligibility, or failure or refusal to obtain unconditionally available income, and shall render the applicant or recipient ineligible for aid.

Any aid for which such child is eligible will be provided in the form of protective payments as defined in section 408.2.

(d) Wilful failure or refusal to disclose such facts or any changes to such facts shall render the recipient ineligible for aid and subject to action to recover any resulting overpayments.

Section 408.22. Purpose and Management of Assistance Payments.--(a) It is the intent of the General Assembly that all payments of aid to dependent children be utilized and managed in such a manner as to support the needy child and his eligible caretaker. Such payments include current payments as well as any portion of past payments returned to a current or former recipient.

(b) Whenever the department has reason to believe that any payment of aid to dependent children is not being or may not be used in the best interests of the child, the department shall provide that continued failure to so use such payments will result in substitution therefor of protective payments, the appointment of a guardian or legal representative as provided in the Federal Social Security Act or referral to law enforcement officials for appropriate action.

Section 408.23. Misuse of Public Assistance Payments.--Any person, other than a needy child, who wilfully and knowingly receives or uses any part of a payment of aid to dependent children for a purpose other than support of the needy children and any eligible caretaker is guilty of a misdemeanor of the third degree.

Section 408.24. Recovery of Overpayments.--(a) The department shall take such action as is necessary, in accordance with provisions set forth herein, to effect the recoupment of overpayments of assistance, including any overpayments resulting

1 from assistance paid pending the rendering of a hearing
2 decision.

3 (b) The total recoupment shall be limited to the amount of
4 overpayments made during the twelve months preceding the month
5 in which the overpayment was discovered, except where the
6 overpayment was caused by the recipient's wilful withholding of
7 information regarding his income, resources, or other
8 circumstances necessary to a correct determination of
9 eligibility and grant. In such cases the total recoupment shall
10 not be limited to the aforementioned twelve-month period.

11 (c) Current assistance grants may be reduced to cover prior
12 overpayments:

13 (i) only if the recipient has income or resources currently
14 available (exclusive of current assistance payments) in the
15 amount by which the agency proposes to reduce such payment or
16 payments, except that

17 (ii) prior overpayments may be recouped from current
18 assistance grants irrespective of current income or resources
19 where the overpayment was caused by the recipient's wilful
20 failure to meet his reporting responsibility as set forth in
21 section 408.21 or where the overpayment was caused by a wilful
22 withholding of information as defined in applicable Federal
23 regulations governing the State plan under Title IV, Part A of
24 the Social Security Act. In no event, however, shall the grant
25 to a needy child be reduced unless the parents or other
26 responsible persons have sufficient available income or
27 resources to meet the needs of the dependent child according to
28 department standards during the period of reduction. Where
29 recoupment is made from the current assistance grant, the
30 department shall insure that the reduction does not cause undue

1 hardship on recipients.

2 (d) In any case in which the overpayment is due to the
3 recipient's failure to meet his reporting responsibility or
4 wilful withholding of information, a suit for restitution shall
5 be permitted concurrently with any grant adjustment, and
6 recovery of overpayment by adjustment shall reduce by the amount
7 of such recovery the extent of liability for restitution.

8 (e) Prior to effecting any reduction of a current grant, the
9 recipient shall be advised of the proposed reduction by timely
10 and adequate notice as provided in section 408.25.

11 Section 408.25. Timely and Adequate Notice Defined.--The
12 department shall provide timely and adequate notice in all cases
13 of intended action to discontinue, terminate, suspend or reduce
14 an assistance grant except in those cases where adequate notice
15 alone would be consistent with the requirements of Federal law
16 or regulation.

17 "Timely notice" means notice which is mailed at least ten
18 days before the intended change would be effective.

19 "Adequate notice" means a written notice that includes a
20 statement of what action the agency intends to take, the reasons
21 for the intended action, the specific regulations or statutes
22 supporting such action, an explanation of the individual's right
23 to request an administrative hearing on the propriety of the
24 intended action and the circumstances under which assistance is
25 continued if a hearing is requested. Adequate notice shall be
26 sent not later than the date of action.

27 Section 408.26. Identification Card.--(a) In order to
28 expedite the identification of a recipient of aid to dependent
29 children for the purpose of facilitating hospitalization or
30 other medical treatment, and the issuance and cashing of

assistance checks, the department shall issue an identification card to each such recipient.

(b) The department shall make available and keep each county supplied with sufficient identification card forms as required by such county. The county shall complete the card and explain its purpose at the time of certification of initial eligibility, or in the case of current recipients not holding such card, at the next redetermination of eligibility. The card shall be completed and delivered to the recipient not later than thirty days following his certification or redetermination of eligibility.

(c) The identification card shall contain the following information:

(1) Name and address of the recipient, embossed;

(2) Social Security number, embossed;

(3) Case number, embossed;

(4) In the case of recipients aged six years or over, a color photograph of the recipient to be taken by the issuing office;

(5) Name of county office issuing the card;

(6) Date of issuance.

(d) The card, bearing the Great Seal of the Commonwealth of Pennsylvania, shall be two and one-eighth by three and three-eighths inches in size, and shall be headed "Commonwealth of Pennsylvania - Department of Public Welfare - Identification Card." Both sides of the card may be used for additional information and instructions.

(e) In the event an identification card issued pursuant to this section is lost or destroyed, the county shall prepare and issue a duplicate card to the recipient. To facilitate this

process, the county shall retain copies of photographs of recipients in a size suitable for attachment to the identification card.

Section 408.27. Assistance Payments; Lost, Stolen, Destroyed or Not Received.--(a) In the event that a recipient of aid to dependent children or general assistance does not receive an assistance check, or if such check is lost, stolen or destroyed after receipt but before it is cashed, the county office may authorize a one-time grant from the Emergency Fund in the amount of the original check provided that the following conditions are met:

(1) The recipient reports the non-receipt of the check, loss, or theft of an unendorsed check or destruction of an endorsed check within ten calendar days of the date of the original check. The report of a loss or theft of a check shall be reported by the county office to the appropriate police department.

(2) The recipient is a resident of Pennsylvania.

(3) The recipient files an affidavit, under penalty of perjury, stating the facts of the loss, theft, destruction or non-receipt of the check and setting forth all material facts relative to its loss, theft, destruction or non-receipt. The affidavit shall further witness the recipient's understanding of his obligation, should the lost, stolen, destroyed or non-received check come into his possession, to return such check immediately to the county office and that cashing or attempting to cash such check constitutes fraud.

Section 408.28. Central Registry.--(a) A central registry of records shall be maintained in the department showing, as far as it is known, with respect to any parent who has deserted or

1 abandoned any child receiving aid to dependent children:

2 (1) The full and true name of such parent together with any
3 known aliases;

4 (2) Date and place of birth;

5 (3) Physical description;

6 (4) Social Security number;

7 (5) Occupation and any special skills he may have;

8 (6) Military status and Veterans' Administration or military
9 service serial number;

10 (7) Last known address and the date thereof;

11 (8) The number of the driver's license; and

12 (9) Any further information that may be of assistance in
13 locating the person.

14 (b) To effectuate the purposes of this section, the
15 department may request and shall receive from all departments,
16 bureaus, boards or other agencies of this Commonwealth, or any
17 of its political subdivisions, and the same are authorized to
18 provide, such assistance and data as will enable the department
19 and other public agencies to carry out their duties to locate
20 deserting parents and to enforce their liability for the support
21 of their children. The department shall utilize the "Parent
22 Locator Service" pursuant to establishment in the Department of
23 Health, Education and Welfare by filing in accordance with
24 section 453(b) of the Social Security Act.

25 (c) Any records established pursuant to the provisions of
26 this section shall be available only to public welfare offices,
27 district attorneys, probation departments, central registries in
28 other states, and courts having jurisdiction in support or
29 abandonments proceedings or action and only for the purposes for
30 which the records have been established.

1 Section 408.29. Public Welfare Cooperative Support Program
2 Fund.--There is hereby created in the State Treasury a revolving
3 fund to be designated as the Public Welfare Cooperative Support
4 Program Fund which shall be used by the department in carrying
5 out the purposes specified in sections 408.29 through 408.32.
6 All moneys in said fund from time to time are hereby
7 appropriated to the department for such purposes and shall be
8 paid without further appropriation under requisition and warrant
9 drawn on the State Treasurer in the usual manner.

10 Section 408.30. Cooperative Support Program Agreements.--(a)
11 The Department of Public Welfare is hereby authorized and
12 empowered to enter into annual agreements with county
13 commissioners and the district attorney of the several counties
14 of the Commonwealth and the court of the judicial district
15 having jurisdiction in that county, to reimburse the contracting
16 county for a portion of the cost of developing and implementing
17 an improved domestic relations division program:

18 (1) For securing support for persons receiving State public
19 assistance and reimbursement of medical assistance from the
20 legally responsible relatives of such assistance recipients;

21 (2) For establishing paternity of children born out of
22 wedlock who are receiving aid to families with dependent
23 children and to secure support for them; and

24 (3) In the case of any child or other person receiving aid
25 to families with dependent children who is deserted or abandoned
26 by a parent or spouse, (i) for providing counseling services to
27 reunite and rehabilitate the families involved; (ii) for
28 securing support for such recipients of public aid; and (iii)
29 for such additional measures for the protection of the persons
30 and families of persons receiving aid to families with dependent

1 children, and the public which the department and the other
2 contracting parties may find desirable to undertake
3 cooperatively.

4 This fiscal incentive will be provided to counties for
5 collection of absent parent support. Such incentive shall be
6 seventy-five percent of the State's share of all moneys
7 recovered by county initiative as determined by the State
8 department. Such moneys will be paid to the counties on a
9 monthly basis and will be paid directly to the county general
10 fund.

11 Each county shall enter into a support enforcement agreement
12 with the department as a condition to receiving the fiscal
13 incentive.

14 (b) In any cooperative support program agreement entered
15 into pursuant to this section, the department, subject to
16 general conditions adopted and stated in the agreement by the
17 department to comply with State and Federal law and regulations
18 and which will reasonably achieve the objectives of this section
19 and made applicable to all contracting counties, may agree to
20 reimburse the contracting county in an amount up to seventy-five
21 percent of the total expenditures made or costs incurred during
22 the period of the agreement in the implementation of a domestic
23 relations division support enforcement program developed jointly
24 with the department to provide improved services by the domestic
25 relations division of the court for the benefit of children and
26 other persons receiving aid for families with dependent children
27 from the department. For every one dollar spent in
28 administrative costs, seventy-five percent shall be paid by the
29 Federal Government, fifteen percent by the State, and ten
30 percent by the county. Expenses for improvement of domestic

1 relations division services include those costs specified in a
2 plan approved by the department and incurred by the contracting
3 county during the period of the agreement for reasonably
4 required equipment for the use of the domestic relations
5 division and for salary and travel costs of a director and other
6 domestic relations service personnel (including assistant
7 district attorneys), and supporting clerical staff, assigned on
8 a full-time basis to the domestic relations division, who are
9 engaged in developing, planning, evaluating and implementing
10 support procurement services for persons receiving aid for
11 families with dependent children, and for persons receiving
12 State general assistance.

13 (c) Services by the domestic relations division staff and
14 assistant district attorneys, assigned to a domestic relations
15 division for the benefit of persons receiving aid for families
16 with dependent children or State general assistance and for the
17 department, which may be included in the department's
18 reimbursement agreement may include assistance in the location
19 and apprehension of deserting or putative fathers and other
20 legally responsible relatives; conferring and planning with
21 deserting or putative fathers, spouses, or other responsible
22 relatives; investigating and assessing ability to pay and
23 current earning capacity of the legally responsible relatives;
24 developing voluntary support or determining appropriate actions;
25 preparing and filing and presenting to the court necessary
26 support complaints or petitions on behalf of the assistance
27 clients and the department; preparing and conducting the
28 hearings on support complaints, and petitions; providing
29 counseling services to reunite and rehabilitate the families
30 involved and to secure adequate support; such additional

measures for the protection of families of persons receiving aid for families with dependent children or State general assistance and of the public which the department and the other parties to the agreement may find desirable to undertake cooperatively.

(d) Related costs of equipment used for, and of staffing performing services in the domestic relations division other than services for the benefit of persons receiving aid to families with dependent children and State general assistance, shall be reimbursable to the extent that such costs represent that portion of the equipment use-time or staff members time utilized in supplying or supporting services to persons receiving aid to families with dependent children and State general assistance in paternity, desertion, and support cases. In the allocation of reimbursable costs of domestic relations division in providing services to persons receiving public assistance under its program agreements, the department may adopt a formula which will reasonably achieve the objectives of this section while qualifying Commonwealth expenditures under the program for any reimbursement available under Federal law which formula may be based on, but is not limited to either:

(1) The ratio of the total dollar amount of support payments collected by the domestic relations division, family court division, or probation office in cases involving persons currently receiving public assistance to the total amount of support collections of the division or probation office during the same period; or

(2) Percentage of actual staff time devoted to public welfare support cases derived from periodic time studies, or any combination of those factors.

(e) The county must maintain its pre-agreement fiscal effort

1 relative to the support enforcement operations of the domestic
2 relations division and/or the probation office of the court in
3 processing paternity desertion and nonsupport cases in the
4 contracting county.

5 Section 408.31. Parties to Agreements.--Any county (or
6 first-class city) desiring to obtain the benefits of
7 appropriations from the Public Welfare Support Reimbursement
8 Fund shall be required to secure the formal joinder of the
9 district attorney of the county (or first-class city) and of the
10 court having jurisdiction of support cases in that county in a
11 joint plan and a cooperative support program agreement with the
12 department, and the execution of a cooperative support program
13 agreement by the several courts of the Commonwealth, and the
14 commissioners and district attorneys of the several counties is
15 hereby authorized. In any county (or first-class city) in which
16 the court elects to appoint one or more full-time domestic
17 relations attorneys in lieu of the full-time assignment of
18 assistant district attorneys to the domestic relations division
19 staff, the agreement will become effective upon its execution by
20 the county commissioners, the court and the department.

21 Section 408.32. Annual Plans and Computation of Grants.--(a)
22 The department shall prescribe the time at, and the form on
23 which the counties and judicial districts shall submit to the
24 department annual plans for the total staff and equipment needs,
25 and annual estimates of the expenditures of the county for the
26 staffing and operations of its domestic relations division for
27 the coming agreement year.

28 (b) Upon approval of an annual plan of total domestic
29 relations division staff and the estimated expenditures for an
30 improved domestic relations division program, the department

1 shall enter into a contract pursuant to section 408.30.

2 Section 408.33. Reports to General Assembly.--Two copies of
3 all reports required by the National Center for Social
4 Statistics of the Department of Health, Education and Welfare
5 shall be furnished to the Senate Public Health and Welfare
6 Committee and the Health and Welfare Committee of the House of
7 Representatives when they are submitted to the Federal
8 Government. Similar reports prepared concerning General
9 Assistance, the State Blind Pension and State Supplemental
10 Assistance shall be similarly furnished to the committees.

11 Section 3. Subsection (b) of section 3, act of June 24, 1937
12 (P.L.2045, No.397), known as "The Support Law," is repealed in
13 so far as it is inconsistent herewith.

14 Section 4. This act shall take effect in 90 days.