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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2718 Session of  
2012

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INTRODUCED BY SWANGER, CALTAGIRONE, GILLEN, GILLESPIE, HARRIS  
AND TOBASH, OCTOBER 17, 2012

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REFERRED TO COMMITTEE ON HUMAN SERVICES, OCTOBER 17, 2012

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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," providing for eligibility  
4 and determination of need related to recipients of temporary  
5 assistance to needy families.

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

8 Section 1. Section 432.12 of the act of June 13, 1967  
9 (P.L.31, No.21), known as the Public Welfare Code, is amended by  
10 adding subsections to read:

11 Section 432.12. Determination of Need.--\* \* \*

12 (d) In determining the amount of assistance payments to a  
13 recipient family of benefits under the Temporary Assistance to  
14 Needy Families (TANF) Program, the department shall revise the  
15 schedule of benefits to be paid to the recipient family by  
16 eliminating the increment in benefits under the program for  
17 which that family would otherwise be eligible as a result of the  
18 birth of a child conceived during the period in which the family  
19 is eligible for benefits under the TANF Program, or during a

1 temporary period in which the family or recipient is ineligible  
2 for benefits under the TANF Program pursuant to a penalty  
3 imposed by the department for failure to comply with benefit  
4 eligibility requirements, subsequent to which the family or  
5 recipient is again eligible for benefits. The department shall  
6 provide instead that a recipient family in which the recipient  
7 parents an additional child conceived during the recipient's  
8 period of eligibility for benefits under the TANF Program, or  
9 during a temporary penalty period of ineligibility for benefits,  
10 may receive additional benefits only pursuant to subsection (e),  
11 except in the case of a general increase in the amount of  
12 benefits under the TANF Program which is provided to all program  
13 recipients and provide that any child support paid for the  
14 excluded child should be paid to the family for the benefit of  
15 the excluded child and should be disregarded in computing the  
16 amount of financial assistance which is available to the rest of  
17 the family.

18 (e) In the case of a family that receives benefits under the  
19 TANF Program in which the recipient parents an additional child  
20 conceived during the period in which the family is eligible for  
21 benefits under the TANF Program, or during a temporary penalty  
22 period of ineligibility for benefits subsequent to which the  
23 family of the recipient again becomes eligible for benefits, the  
24 department, subject to Federal approval, shall, in addition to  
25 eliminating the increase in the benefit as provided in  
26 subsection (d), provide that in computing the amount of  
27 financial assistance which is available to the family that  
28 receives benefits under the TANF Program, the monthly earned  
29 income disregard for each employed person in the family shall  
30 increase by an amount equal to that which the family would have

1 otherwise received by parenting an additional child, adjusted  
2 for family size.

3 (f) Elimination of benefits under subsection (d) shall not  
4 apply to any child conceived as a result of rape or incest if  
5 the department:

6 (1) receives a non-notarized, signed statement from the  
7 pregnant woman stating that she was a victim of rape or incest,  
8 as the case may be, and that she reported the crime, including  
9 the identity of the offender, if known, to a law enforcement  
10 agency having the requisite jurisdiction or, in the case of  
11 incest where a pregnant minor is the victim, to the county child  
12 protective service agency and stating the name of the law  
13 enforcement agency or child protective service agency to which  
14 the report was made and the date such report was made;

15 (2) receives the signed statement of the pregnant woman  
16 which is described in this subsection. The statement shall bear  
17 the notice that any false statements made therein are punishable  
18 by law and shall state that the pregnant woman is aware that  
19 false reports to law enforcement authorities are punishable by  
20 law; and

21 (3) verifies with the law enforcement agency or child  
22 protective service agency named in the statement of the pregnant  
23 woman whether a report of rape or incest was filed with the  
24 agency in accordance with the statement. The Commonwealth agency  
25 shall report any evidence of false statements or of fraud in the  
26 procurement or attempted procurement of any payment from Federal  
27 or State funds appropriated by the Commonwealth pursuant to this  
28 subsection to the district attorney of appropriate jurisdiction  
29 and, where appropriate, to the Attorney General.

30 Section 2. This act shall take effect in 60 days.