WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5585

By Delegate Burkhammer

[Introduced February 12, 2024; Referred to the Committee on Health and Human Resources then the Judiciary]

A BILL to amend and reenact §9-9-9 of the Code of West Virginia, 1931, as amended, relating to removing the requirement of seeking child support in cases of kinship placements for benefits under the Temporary Assistance for Needy Families program.

Be it enacted by the Legislature of West Virginia:

ARTICLE 9. WV WORKS ACT.

§9-9-9. Personal responsibility contract.

(a)(1) Every eligible adult beneficiary and work eligible individual shall participate in a program orientation, family assessments and in the development, and subsequent revisions, of a personal responsibility contract. The contract shall be defined based on the program time limits, support services available, work requirements and family assessments.

(2) The participant's contract shall include the following requirements:

(A) That the participant develop and maintain, with the appropriate health care provider, a schedule of preventive care for his or her dependent child or children, including routine examinations and immunizations;

(B) Assurance of school attendance for school-age children under his or her care;

(C) Assurance of properly supervised child care, including after-school care;

(D) Establishment of paternity or active pursuit of child support, or both, if applicable and if considered necessary: ~~and~~ *Provided*, That any person seeking benefits who is acting as a kinship or other relative placement shall not be required to seek child support for the child or children on whose behalf these benefits are sought: *Provided, however,* That nothing in this section prevents the West Virginia Department of Human Services or a person providing a kinship or other relative placement from seeking child support for children placed in a kinship or other relative placement;

(E) Nutrition or other counseling, parenting or family-planning classes.

(3) If the participant is a teenage parent, he or she may work, but the contract shall include the requirements that the participant:

(A) Remain in an educational activity to complete high school, obtain a general equivalency diploma or obtain vocational training and make satisfactory scholastic progress;

(B) Attend parenting classes or participate in a mentorship program, or both, if appropriate; and

(C) Live at home with his or her parent or guardian or in some other adult-supervised arrangements if he or she is an unemancipated minor.

(4) If the participant is under the age of twenty years and does not have a high school diploma or its equivalent, the contract shall include requirements to participate in mandatory education or training which, if the participant is unemployed, may include a return to high school, with satisfactory scholastic progress required.

(b) In order to receive cash assistance, the participant shall enter into a personal responsibility contract. If the participant refuses to sign the personal responsibility contract, the participant and family members are ineligible to receive cash assistance: *Provided,* That a participant who alleges that the terms of a personal responsibility contract are inappropriate based on his or her individual circumstances may request and shall be provided a fair and impartial hearing in accordance with administrative procedures established by the department and due process of law. A participant who signs a personal responsibility contract or complies with a personal responsibility contract does not waive his or her right to request and receive a hearing under this subsection.

(c) Personal responsibility contracts shall be drafted by the department on a case-by-case basis; take into consideration the individual circumstances of each beneficiary; reviewed and reevaluated periodically, but not less than on an annual basis; and, in the discretion of the department, amended on a periodic basis.

NOTE: The purpose of this bill is to remove the requirement of seeking child support in cases of kinship placements for benefits under the Temporary Assistance for Needy Families program.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.