

**Fifty-seventh Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 9, 2001**

HOUSE BILL NO. 1108  
(Human Services Committee)  
(At the request of the Department of Human Services)

AN ACT to create and enact a new section to chapter 50-09 of the North Dakota Century Code, relating to victims of domestic violence; to amend and reenact subsection 2 of section 50-01.2-00.1, sections 50-09-06, 50-09-06.1, and subsection 1 of section 50-09-29 of the North Dakota Century Code, relating to the temporary assistance for needy families program; and to repeal sections 50-06-01.8 and 50-09-26 of the North Dakota Century Code, relating to transition to the temporary assistance for needy families program.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. AMENDMENT.** Subsection 2 of section 50-01.2-00.1 of the North Dakota Century Code is amended and reenacted as follows:

2. "Local expenses of administration" includes costs for personnel, space, equipment, computer software, materials, travel, utilities, and related costs, and the indirect costs properly allocated to those costs. The term does not include initial acquisition of computers and related hardware approved by the department for the ~~training, education, employment, and management~~ temporary assistance for needy families program, custom computer programs, custom software development, computer operations undertaken at the direction of the department, and computer processing costs to the extent those costs exceed, in any calendar year, that county's costs of operation of the technical eligibility computer system in calendar year 1995 increased by the increase in the consumer price index for all urban consumers (all items, United States city average) after January 1, 1996, or, unless agreed to by the county social service board, any costs related to pilot programs before the programs are implemented on a statewide basis.

**SECTION 2. AMENDMENT.** Section 50-09-06 of the North Dakota Century Code is amended and reenacted as follows:

**50-09-06. Application for assistance —~~Assignment of support rights.~~** Application for assistance under this chapter must be made to the county agency in the manner and form prescribed by the state agency. The application must contain such information as the state agency may require, and the action of the state agency in approving and granting assistance or in disapproving and denying assistance is final and binding on the county agency. ~~An application for assistance under this chapter is deemed to create and effect an assignment of all rights of support, which exist or may come to exist for the benefit of the child, to the state agency and county agency. The assignment:~~

- ~~1. Is effective as to both current and accrued child support obligations.~~
- ~~2. Takes effect upon a determination of eligibility for assistance under this chapter.~~
- ~~3. Terminates when an applicant ceases to receive assistance under this chapter, except with respect to the amount of any unpaid support obligation accrued under the assignment.~~

**SECTION 3. AMENDMENT.** Section 50-09-06.1 of the North Dakota Century Code is amended and reenacted as follows:

**50-09-06.1. ~~Application for foster care for children—~~ Assignment of support rights.** ~~Application for foster care for children must be made to the county agency in the manner and form prescribed by the state agency. The application must contain such information as the state agency may require. An application for foster care for children under this chapter is deemed to create and~~

effect an assignment of all rights to support, which ~~the a family member or foster~~ child may have or come to have, to the state agency ~~and county agency~~. The assignment:

1. Is effective as to ~~both~~ all current and accrued ~~child~~ support obligations- and periods of eligibility;
2. ~~Takes effect upon a determination that the child is eligible for foster care for children.~~ Is limited to the total cost of benefits provided to the family or foster child; and
3. Terminates when ~~the child eligibility~~ ceases ~~to receive foster care for children~~, except with respect to ~~the amount of any unpaid support obligation accrued under the assignment unpaid at that time.~~

**SECTION 4. AMENDMENT.** Subsection 1 of section 50-09-29 of the North Dakota Century Code is amended and reenacted as follows:

1. Except as provided in subsections 2, 3, and 5 through 7, the department of human services, in its administration of temporary assistance for needy families ~~in the form of the training, education, employment, and management program~~, shall:
  - a. Provide assistance to otherwise eligible women in the third trimester of a pregnancy;
  - b. Except as provided in subdivision c, afford eligible households benefits for no more than sixty months;
  - c. Exempt up to twenty percent of the caseload from the requirements of subdivision b due to mental or physical disability of a parent or child, mental or physical incapacity of a parent, or other hardship including a parent subject to domestic violence as defined in section 14-07.1-01;
  - d. Unless an exemption, exclusion, or disregard is required by law, count income and assets whenever actually available;
  - e. Unless otherwise required by federal law, and except as provided in subdivision ~~m~~ k, provide no benefits to noncitizen immigrants who arrive in the United States after August 21, 1996, for the first five years of residence in the United States, and after five years of residence, until the immigrant has ten years of work history, provide benefits only after considering the income and assets of the immigrant's sponsor;
  - f. Limit eligibility to households with total available assets, not otherwise exempted or excluded, of a value established by the department not to exceed five thousand dollars for a one-person household and eight thousand dollars for a household of two or more;
  - g. ~~Seek approval of appropriate federal officials, and, if approved, use a simplified food stamp program to provide food stamp benefits to eligible households receiving temporary assistance for needy families;~~
  - ~~h.~~ Exclude one motor vehicle of any value in determining eligibility;
  - ~~i.~~ h. Require work activities as defined in section 14-08.1-05.1 for all household members not specifically exempted by the department of human services for reasons such as mental or physical disability of a parent or child or mental or physical incapacity of a parent;
  - ~~j.~~ i. Establish goals and take action to prevent and reduce the incidence of out-of-wedlock pregnancies and establish numerical goals for reducing the illegitimacy rate for the state for periods through calendar year 2005;
  - ~~k.~~ j. Conduct a program, designed to reach state and local law enforcement officials, the education system, and relevant counseling services, which provides education and

- training on the problem of statutory rape so that teenage pregnancy prevention programs may be expanded in scope to include men;
- ~~l.~~ ~~Afford otherwise eligible households that have resided in this state less than twelve months benefits subject to the lifetime limit of the household's immediately previous state of residence;~~
  - ~~m.~~ k. Provide benefits to otherwise eligible noncitizens who are lawfully present in the United States as refugees, asylees, veterans, active duty military personnel, spouses and dependents of active duty military personnel, and Cuban-Haitian entrants;
  - ~~n.~~ l. Establish and enforce standards against program fraud and abuse;
  - ~~o.~~ m. Establish procedures to screen and identify victims of domestic violence for referral to appropriate services which are to be incorporated into the training, education, employment, and management temporary assistance for needy families program assessment effective June 30, 1998;
  - ~~p.~~ n. Provide an employment placement program;
  - ~~q.~~ o. Implement, as soon as practicable, an electronic fund transfer system;
  - ~~r.~~ p. Consider exempting funds in individual development accounts;
  - ~~s.~~ q. Determine the unemployment rate of adults living ~~on an~~ in a county that includes Indian reservation lands and a significant population of Indian individuals by using ~~the~~ unemployment data provided by job service North Dakota;
  - ~~t.~~ r. When appropriate, require household members to complete high school;
  - ~~u.~~ s. Exempt single parents from required work activities as defined in section 14-08.1-05.1 if the exempted parent has a child under four months of age;
  - ~~v.~~ ~~Count only approved work activities as defined in section 14-08.1-05.1 for the purpose of measuring work participation rates;~~
  - ~~w.~~ t. Provide for ~~progressive~~ sanctions, including termination of assistance to the household, if a household member fails to cooperate with work requirements;
  - ~~x.~~ u. Provide for ~~progressive~~ sanctions, including termination of assistance to the household, if a household member fails, without good cause, to cooperate with child support activities;
  - ~~y.~~ v. Deny assistance with respect to a minor child absent from the household for more than one calendar month, except as specifically provided by the state agency for absences;
  - ~~z.~~ w. Require each household to participate in developing an individual responsibility plan and provide for ~~progressive~~ sanctions, including termination of assistance to the household, if adult or minor household members age sixteen or older fail to cooperate in developing an individual responsibility plan;
  - ~~aa.~~ x. Provide pre-pregnancy family planning services that are to be incorporated into the training, education, employment, and management temporary assistance for needy families program assessment effective June 30, 1998;
  - ~~bb.~~ y. Seek federal funding to assist in the evaluation of the program;
  - ~~cc.~~ ~~Seek the approval of the secretary to develop and use a single application form for all economic assistance programs administered by the county social service boards;~~

- ~~dd.~~ z. ~~After June 30, 1998, except~~ Except in cases of pregnancy resulting from rape or incest, not increase the assistance amount to recognize the increase in household size when a child is born to a household member who was a recipient of assistance under this chapter during the month of the child's probable conception;
- ~~ee.~~ aa. Disregard earned income as an incentive allowance for no more than twelve months; ~~and~~
- ~~ff.~~ bb. Except as otherwise may be permitted by federal law, not reduce or terminate benefits based on a refusal of an individual to work if the individual is a single custodial parent caring for a child who has not attained six years of age and the individual proves a demonstrated inability to obtain needed child care because of the:
  - (1) Unavailability of appropriate child care within a reasonable distance from the individual's home or work site;
  - (2) Unavailability or unsuitability of informal child care by a relative or under other arrangements; or
  - (3) Unavailability of appropriate and affordable formal child care arrangements; and
- cc. Consider, and if determined appropriate, authorize demonstration projects in defined areas which may provide benefits and services that are not identical to benefits and services provided elsewhere.

**SECTION 5.** A new section to chapter 50-09 of the North Dakota Century Code is created and enacted as follows:

**Victims of domestic violence - Duties of state agency.**

- 1. The state agency shall:
  - a. Inform all temporary assistance for needy families applicants and recipients of the options available under the domestic violence option;
  - b. Screen all applicants to determine who are past or present victims of domestic violence or at risk of further domestic violence;
  - c. Refer these individuals to a local domestic violence sexual assault organization for safety planning and supportive services; and
  - d. Determine if good cause exists to waive work requirements or time limits on receipt of benefits for victims of domestic violence.
- 2. For purposes of this section:
  - a. "Domestic violence option" means the provision of title IV-A under which a state may elect to implement a special program to serve victims of domestic violence.
  - b. "Domestic violence sexual assault organization" has the meaning provided in section 14-07.1-01.
  - c. "Victims of domestic violence" means a person subject to domestic violence as defined in section 14-07.1-01.

**SECTION 6. REPEAL.** Sections 50-06-01.8 and 50-09-26 of the North Dakota Century Code are repealed.

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Chief Clerk of the House

\_\_\_\_\_  
Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Fifty-seventh Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1108.

House Vote:      Yeas    95      Nays    0      Absent    3

Senate Vote:    Yeas    46      Nays    0      Absent    3

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Chief Clerk of the House

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 2001.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2001.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2001,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State