

Fifty-seventh
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1108

Introduced by

Human Services Committee

(At the request of the Department of Human Services)

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

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

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

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

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

1 **50-09-06. Application for assistance –Assignment of support rights.** Application
2 for assistance under this chapter must be made to the county agency in the manner and form
3 prescribed by the state agency. The application must contain such information as the state
4 agency may require, and the action of the state agency in approving and granting assistance or
5 in disapproving and denying assistance is final and binding on the county agency. ~~An~~
6 ~~application for assistance under this chapter is deemed to create and effect an assignment of~~
7 ~~all rights of support, which exist or may come to exist for the benefit of the child, to the state~~
8 ~~agency and county agency. The assignment:~~

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

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

16 **50-09-06.1. Application for foster care for children– Assignment of support**
17 **rights.** ~~Application for foster care for children must be made to the county agency in the~~
18 ~~manner and form prescribed by the state agency. The application must contain such~~
19 ~~information as the state agency may require. An application for foster care for children under~~
20 ~~this chapter~~ is deemed to create and effect an assignment of all rights to support, which ~~the a~~
21 family member or foster child may have or come to have, to the state agency ~~and county~~
22 ~~agency.~~ The assignment:

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

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

- 3 1. Except as provided in subsections 2, 3, and 5 through 7, the department of human
4 services, in its administration of temporary assistance for needy families ~~in the~~
5 ~~form of the training, education, employment, and management~~ program, shall:
- 6 a. Provide assistance to otherwise eligible women in the third trimester of a
7 pregnancy;
- 8 b. Except as provided in subdivision c, afford eligible households benefits for no
9 more than sixty months;
- 10 c. Exempt up to twenty percent of the caseload from the requirements of
11 subdivision b due to mental or physical disability of a parent or child, mental
12 or physical incapacity of a parent, or other hardship including a parent subject
13 to domestic violence as defined in section 14-07.1-01;
- 14 d. Unless an exemption, exclusion, or disregard is required by law, count
15 income and assets whenever actually available;
- 16 e. Unless otherwise required by federal law, and except as provided in
17 subdivision ~~m~~ k, provide no benefits to noncitizen immigrants who arrive in
18 the United States after August 21, 1996, for the first five years of residence in
19 the United States, and after five years of residence, until the immigrant has
20 ten years of work history, provide benefits only after considering the income
21 and assets of the immigrant's sponsor;
- 22 f. Limit eligibility to households with total available assets, not otherwise
23 exempted or excluded, of a value established by the department not to
24 exceed five thousand dollars for a one-person household and eight thousand
25 dollars for a household of two or more;
- 26 g. ~~Seek approval of appropriate federal officials, and, if approved, use a~~
27 ~~simplified food stamp program to provide food stamp benefits to eligible~~
28 ~~households receiving temporary assistance for needy families;~~
- 29 ~~h.~~ Exclude one motor vehicle of any value in determining eligibility;
- 30 i. h. Require work activities as defined in section 14-08.1-05.1 for all household
31 members not specifically exempted by the department of human services for

- 1 reasons such as mental or physical disability of a parent or child or mental or
2 physical incapacity of a parent;
- 3 ~~j.~~ i. Establish goals and take action to prevent and reduce the incidence of
4 out-of-wedlock pregnancies and establish numerical goals for reducing the
5 illegitimacy rate for the state for periods through calendar year 2005;
- 6 ~~k.~~ j. Conduct a program, designed to reach state and local law enforcement
7 officials, the education system, and relevant counseling services, which
8 provides education and training on the problem of statutory rape so that
9 teenage pregnancy prevention programs may be expanded in scope to
10 include men;
- 11 ~~l.~~ ~~Afford otherwise eligible households that have resided in this state less than~~
12 ~~twelve months benefits subject to the lifetime limit of the household's~~
13 ~~immediately previous state of residence;~~
- 14 ~~m.~~ k. Provide benefits to otherwise eligible noncitizens who are lawfully present in
15 the United States as refugees, asylees, veterans, active duty military
16 personnel, spouses and dependents of active duty military personnel, and
17 Cuban-Haitian entrants;
- 18 ~~n.~~ l. Establish and enforce standards against program fraud and abuse;
- 19 ~~o.~~ m. Establish procedures to screen and identify victims of domestic violence for
20 referral to appropriate services which are to be incorporated into the ~~training,~~
21 ~~education, employment, and management~~ temporary assistance for needy
22 families program assessment ~~effective June 30, 1998;~~
- 23 ~~p.~~ n. Provide an employment placement program;
- 24 ~~q.~~ o. Implement, as soon as practicable, an electronic fund transfer system;
- 25 ~~r.~~ p. Consider exempting funds in individual development accounts;
- 26 ~~s.~~ q. Determine the unemployment rate of adults living ~~on an~~ in a county that
27 includes Indian reservation lands and a significant population of Indian
28 individuals by using ~~the~~ unemployment data provided by job service North
29 Dakota;
- 30 ~~t.~~ r. When appropriate, require household members to complete high school;

- tt. 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;~~
- ww. 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;
- yy. 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;
- zz. 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;
- aaa. 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;~~
- ~~bbb.~~ y. Seek federal funding to assist in the evaluation of the program;
- ~~ccc.~~ ~~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;~~
- ddd. 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:

- 1 a. "Domestic violence option" means the provision of title IV-A under which a
2 state may elect to implement a special program to serve victims of domestic
3 violence.
- 4 b. "Domestic violence sexual assault organization" has the meaning provided in
5 section 14-07.1-01.
- 6 c. "Victims of domestic violence" means a person subject to domestic violence
7 as defined in section 14-07.1-01.

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