

CHAPTER 1088**FAMILY INVESTMENT PROGRAM — MISCELLANEOUS PROVISIONS**

S.F. 2368

AN ACT relating to the family investment program and associated provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 217.30, subsection 4, paragraph c, Code 1999, is amended by striking the paragraph.

Sec. 2. Section 239B.2, subsection 3, Code Supplement 1999, is amended to read as follows:

3. UNEMPLOYMENT. A determination of eligibility for a family with an unemployed parent shall not include consideration of either parent's number of hours of employment ~~except to establish the date assistance would begin in accordance with rules. However, both~~ Both parents must enter into and participate in a family investment agreement and participate in JOBS program activities unless good cause not to participate is established in accordance with rules. ~~For the purposes of this chapter, an applicant family with a parent who is partially or totally unemployed under any of the following circumstances shall not be considered to be unemployed:~~

~~a. The period of unemployment is less than thirty days prior to commencing participation under this chapter.~~

~~b. The parent is partially or totally unemployed due to a work stoppage which exists because of a labor dispute at the factory, establishment, or other premises at which the parent is or was last employed.~~

~~c. At any time during the thirty day period prior to commencing participation under this chapter, the parent has not been available for employment, has not actively sought employment, or has without good cause refused any bona fide offer of employment or training for employment. Any of the following reasons for refusing employment or training are not good cause:~~

~~(1) a. Unsuitable or unpleasant work or training, if the parent is able to perform the work or training without unusual danger to the parent's health.~~

~~(2) b. The amount of wages or compensation, unless the wages for employment are below the amount customary for the same work in the community.~~

~~d. The parent has not registered for work with the state employment service established pursuant to section 96.12, or after registration has failed to report at an employment office in accordance with regulations prescribed pursuant to section 96.4, subsection 1.~~

~~e. The parent is eligible but refuses to apply for or to draw upon unemployment benefits.~~

~~f. The parent or family fails to meet other requirements adopted by the department applicable to the applicant parent or family. The other requirements shall be limited to those necessary to meet federal requirements and may be in addition to or in lieu of the requirements of this subsection, for eligibility under this chapter to children whose parents are partially or totally unemployed.~~

Sec. 3. Section 239B.8, subsection 1, Code Supplement 1999, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. The individual is not a United States citizen and is not a qualified alien as defined in 8 U.S.C. § 1641.

Sec. 4. Section 239B.9, subsection 1, paragraph b, subparagraph (3), Code Supplement 1999, is amended to read as follows:

(3) For a two-parent family in which both parents are responsible for a family investment agreement, a first or subsequent limited benefit plan shall remain applicable until both parents complete significant contact with or action in regard to the JOBS program. A limited benefit plan applied more than once to the same two-parent family shall be treated as a subsequent limited benefit plan.

Sec. 5. Section 239B.11, subsection 2, Code Supplement 1999, is amended to read as follows:

2. A diversion program subaccount is created within the family investment program account. The subaccount may be used to provide incentives to divert applicants' participation in the family investment program if the applicants meet income eligibility requirements for assistance. Incentives may be provided in the form of payment or services with a focus on helping applicants to obtain or retain employment. The diversion program subaccount may also be used for payments to participants as necessary to cover the expenses of removing barriers to employment. In addition, the diversion program subaccount may be used for funding of services and payments for persons whose family investment program eligibility has ended, in order to help the persons to stabilize or improve their employment status.

Sec. 6. Section 239B.14, Code 1999, is amended to read as follows:

239B.14 FRAUDULENT PRACTICES — RECOVERY OF OVERPAYMENTS.

1. An individual who obtains, or attempts to obtain, or aids or abets an individual to obtain, by means of a willfully false statement or representation, by knowingly failing to disclose a material fact, or by impersonation, or any fraudulent device, any assistance or other benefits under this chapter to which the individual is not entitled, commits a fraudulent practice.

2. An individual who commits a fraudulent practice under this section is personally liable for the amount of assistance or other benefits fraudulently obtained. The amount of the assistance or other benefits may be recovered from the offender or the offender's estate in an action brought or by claim filed in the name of the state and the recovered funds shall be deposited in the family investment program account. The action or claim filed in the name of the state shall not be considered an election of remedies to the exclusion of other remedies.

3. The department shall adopt rules pursuant to chapter 17A as necessary to recover overpayments of assistance and benefits provided under this chapter. The recovery methods shall include but are not limited to reducing the amount of assistance or benefits provided.

Sec. 7. Section 239B.17, subsection 2, Code 1999, is amended by adding the following new paragraph:

NEW PARAGRAPH. e. Providing services and payments for persons whose family investment program eligibility has ended, in order to help the persons to stabilize or improve their employment status.

Sec. 8. Section 239B.18, Code 1999, is amended to read as follows:

239B.18 JOBS PROGRAM PARTICIPATION.

Except for participants who are exempt from the requirement to enter into a family investment agreement under section 239B.8, a participant in the family investment program shall participate in JOBS program activities as provided in the participant's family investment agreement. A Except for an individual who is not a United States citizen and is not a qualified alien and exempt from the requirement to enter into a family investment agreement under section 239B.8, subsection 1, paragraph "d", a participant who is exempt may voluntarily participate in the JOBS program.