

*Doddicker, Ch*  
*Boal*  
*Laege*

**HSB 609**  
HUMAN RESOURCES  
Introduced By  
**SF 1** 2325

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
HUMAN SERVICES BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the family investment program and associated  
2 provisions.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24

Successor  
7/1/92

1 Section 1. Section 217.30, subsection 4, paragraph c, Code  
2 1999, is amended by striking the paragraph.

3 Sec. 2. Section 239B.2, subsection 3, Code Supplement  
4 1999, is amended to read as follows:

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

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

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

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

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

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

1 ~~d.--The parent has not registered for work with the state~~  
2 ~~employment service established pursuant to section 96.127 or~~  
3 ~~after registration has failed to report at an employment~~  
4 ~~office in accordance with regulations prescribed pursuant to~~  
5 ~~section 96.47, subsection 1.~~

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

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

15 Sec. 3. Section 239B.8, subsection 1, Code Supplement  
16 1999, is amended by adding the following new paragraph:

17 NEW PARAGRAPH. d. The individual is not a United States  
18 citizen and is not a qualified alien as defined in 8 U.S.C. §  
19 1641.

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

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

30 Sec. 5. Section 239B.11, subsection 2, Code Supplement  
31 1999, is amended to read as follows:

32 2. A diversion program subaccount is created within the  
33 family investment program account. The subaccount may be used  
34 to provide incentives to divert applicants' participation in  
35 the family investment program if the applicants meet income

1 eligibility requirements for assistance. Incentives may be  
2 provided in the form of payment or services with a focus on  
3 helping applicants to obtain or retain employment. The  
4 diversion program subaccount may also be used for payments to  
5 participants as necessary to cover the expenses of removing  
6 barriers to employment. In addition, the diversion program  
7 subaccount may be used for funding of services and payments  
8 for persons whose family investment program eligibility has  
9 ended, in order to help the persons to stabilize or improve  
10 their employment status.

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

13 239B.14 FRAUDULENT PRACTICES -- RECOVERY OF OVERPAYMENTS.

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

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

31 3. The department shall adopt rules pursuant to chapter  
32 17A as necessary to recover overpayments of assistance and  
33 benefits provided under this chapter. The recovery methods  
34 shall include but are not limited to reducing the amount of  
35 assistance or benefits provided.

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

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

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

9 239B.18 JOBS PROGRAM PARTICIPATION.

10 Except for participants who are exempt from the requirement  
11 to enter into a family investment agreement under section  
12 239B.8, a participant in the family investment program shall  
13 participate in JOBS program activities as provided in the  
14 participant's family investment agreement. A Except for  
15 individuals who are not a United States citizen and are not a  
16 qualified alien and exempt from the requirement to enter into  
17 a family investment agreement under section 239B.8, subsection  
18 1, paragraph "d", a participant who is exempt may voluntarily  
19 participate in the JOBS program.

20 EXPLANATION

21 This bill relates to the family investment program (FIP)  
22 and associated provisions.

23 Code section 217.30, subsection 4, paragraph "c", relating  
24 to confidentiality of records of persons receiving assistance  
25 through the department of human services, is stricken. The  
26 stricken provision requires the department to file a quarterly  
27 report in local and county offices showing the names and last  
28 known addresses of persons receiving assistance under Code  
29 chapter 249, state supplementary assistance; Code chapter  
30 239B, family investment program; and Code chapter 249A,  
31 medical assistance (Medicaid).

32 Code section 239B.2, relating to conditions of eligibility  
33 for FIP, is amended. The bill strikes various restrictions  
34 and requirements regarding the unemployment status of parents  
35 in a two-parent family.

1 Code section 239B.8, relating to policy requirements for  
2 family investment agreements, is amended. The bill provides a  
3 new exemption to the requirements for participation in a  
4 family investment agreement for persons who are not United  
5 States citizens and are not qualified aliens as defined in  
6 federal law.

7 Code section 239B.9, relating to limited benefit plans  
8 under FIP, is amended. The bill specifies that any limited  
9 benefit plan applied to a two-parent family more than once is  
10 to be treated as a subsequent limited benefit plan. A  
11 subsequent limited benefit plan is a defined term requiring a  
12 six-month period of eligibility for reduced assistance or  
13 ineligibility for cash assistance, followed by an  
14 indeterminate period until the individual participant  
15 completes significant contact with or action in regard to the  
16 JOBS program.

17 Code section 239B.11, relating to the family investment  
18 program account, is amended to expand the uses of the program  
19 diversion subaccount. Under the bill, the subaccount can be  
20 used to provide services and payments for persons whose family  
21 investment program eligibility has ended, in order to help the  
22 persons to stabilize or improve their employment status. The  
23 bill provides a similar authorization in Code section 239B.17,  
24 relating to activities required to be provided as part of the  
25 JOBS program under FIP.

26 Code section 239B.14, relating to fraudulent practices  
27 under FIP, is amended to refer to recovery of overpayments in  
28 the section headnote and to direct the department to adopt  
29 rules for such recovery. The rules are to include provision  
30 for withholding of cash assistance or other FIP benefits.

31 Code section 239B.18, relating to required participation in  
32 the JOBS program for FIP participants, is amended. Under  
33 current law, those exempt from the requirement to enter into a  
34 family investment agreement may choose to voluntarily  
35 participate in the JOBS program. However, under the bill,

1 this choice is not available to a participant who is not a  
2 United States citizen and is not a qualified alien as defined  
3 in federal law.

4

5

6

7

8

9

10

11

12

13

14

15

16

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33



THOMAS J. VILSACK, GOVERNOR  
SALLY J. PEDERSON, LT. GOVERNOR

DEPARTMENT OF HUMAN SERVICES  
JESSIE K. RASMUSSEN, DIRECTOR

Date: January 25, 2000  
TO: Members of the General Assembly  
FROM: Karla Fultz McHenry

The Department of Human Services (DHS) is proposing legislation relating to the Family Investment Program (FIP).

Section 1 of the bill amends Iowa Code Section 217.30, subsection 4, Code 1999, by deleting paragraph "c." Current law at 217.30(4)"c" requires the Department to make available for public viewing a quarterly report listing the names and addresses of Family Investment Program, Medicaid and State Supplementary Insurance recipients. The Department's Welfare Reform Advisory Group recommended to eliminate the report to protect the confidentiality of families receiving assistance under the aforementioned programs. Eliminating the report also protects the safety and privacy of DHS assistance program recipients who are victims of domestic violence. The requested amendment implements the group's recommendation.

Section 2 of the bill amends Iowa Code Section 239B.2, subsection 3, Code Supplement 1999, to eliminate the special eligibility requirements for FIP-Unemployed Parent families and align the Unemployed Parent program with the regular Family Investment Program. Eliminating the current special requirements simplifies program policies and procedures, thereby expediting the eligibility determination and service delivery.

Section 3 of the bill amends Iowa Code Section 239B.8, subsection 1, Code Supplement 1999, by adding a new exemption from participating in PROMISE JOBS and the family investment agreement for persons who are not United States citizens and are not qualified aliens as defined in federal law. Federal law prohibits Temporary Assistance for Needy Family (TANF) funds from being used to provide PROMISE JOBS services for the following alien classifications:

- Nonqualified aliens without legal status
- Nonqualified aliens with one of the following legal statuses:
  - (a) nonimmigrants under the Immigration and Nationality Act (INA)
  - (b) aliens paroled into the United States under Section 212(d)(5) of the INA for less than one year
  - (c) temporary residents under the Immigration Reform and Control Act



- (d) aliens with protected status, such as PRUCOLS (permanently residing in the United States under color of law)
- (e) aliens in deferred action status

However, federal law does allow use of state-only maintenance of effort (MOE) funds to serve aliens without legal status if the state passes a law specifically allowing this. At the present time, Iowa does not have such a law. The state could also use state-only MOE funds to serve nonqualified aliens with legal status in categories (a) and (b), above. However, federal law does not allow the state to use any state funds to serve legal nonqualified aliens in categories (c) through (e), above. The Department believes that serving some nonqualified aliens and not serving others would be very confusing to citizens, applicants and participants, and to staff. There would be a great likelihood of error. Also, some of these aliens are not allowed to work in the United States. Therefore, the Department is proposing to exempt all nonqualified aliens from PROMISE JOBS and family investment agreement activities.

Section 4 of the bill amends Iowa Code Section 239B.9, subsection 1, paragraph "b," subparagraph (3), Code Supplement 1999, to specify that a limited benefit plan applied to the same family more than once must be treated as a subsequent limited benefit plan. This amendment does not represent a change in policy but clarifies existing policy.

Section 5 of the bill amends Iowa Code Section 239B.11, subsection 2, Code Supplement 1999, to provide statutory authority for expanding the uses of the program diversion subaccount to former FIP participants to stabilize or improve their employment.

Section 6 of the bill amends Iowa Code Section 239B.14, Code 1999, to add language which gives DHS the explicit authority to use grant reduction as a method for recovering FIP overpayments. The amendment has no impact on service delivery as the method is currently in use in accordance with DHS' administrative rules.

Section 7 of the bill amends Iowa Code Section 239B.17, subsection 2, Code 1999, to add a new paragraph which gives DHS statutory authority to provide PROMISE JOBS services and payments to families whose FIP eligibility has ended to help them stabilize or improve their employment status.

Section 8 of the bill amends Iowa Code Section 239B.18, Code 1999, to eliminate the voluntary participation in PROMISE JOBS of persons who are exempt because they are not United States citizens and are not qualified aliens as defined in federal law. See the explanation in Section 3 for additional information.

For additional information regarding this proposal, or other questions, please contact Karla McHenry, Legislative Liaison at 281-4848, or e-mail at [kmchenr@dhs.state.ia.us](mailto:kmchenr@dhs.state.ia.us).

Substituted for by SF 2368

3/16/00 Unfinished Business Calendar

3-30-00

P. 1140 FEB 17 2000

Place On Calendar

HOUSE FILE **2325**  
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HSB 609)

**WITHDRAWN**

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the family investment program and associated  
2 provisions.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

HF 2325

1 Section 1. Section 217.30, subsection 4, paragraph c, Code  
2 1999, is amended by striking the paragraph.

3 Sec. 2. Section 239B.2, subsection 3, Code Supplement  
4 1999, is amended to read as follows:

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

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

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

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

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

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

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

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

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

15    Sec. 3. Section 239B.8, subsection 1, Code Supplement  
16    1999, is amended by adding the following new paragraph:

17    NEW PARAGRAPH. d. The individual is not a United States  
18    citizen and is not a qualified alien as defined in 8 U.S.C. §  
19    1641.

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

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

30    Sec. 5. Section 239B.11, subsection 2, Code Supplement  
31    1999, is amended to read as follows:

32    2. A diversion program subaccount is created within the  
33    family investment program account. The subaccount may be used  
34    to provide incentives to divert applicants' participation in  
35    the family investment program if the applicants meet income

1 eligibility requirements for assistance. Incentives may be  
2 provided in the form of payment or services with a focus on  
3 helping applicants to obtain or retain employment. The  
4 diversion program subaccount may also be used for payments to  
5 participants as necessary to cover the expenses of removing  
6 barriers to employment. In addition, the diversion program  
7 subaccount may be used for funding of services and payments  
8 for persons whose family investment program eligibility has  
9 ended, in order to help the persons to stabilize or improve  
10 their employment status.

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

13 239B.14 FRAUDULENT PRACTICES -- RECOVERY OF OVERPAYMENTS.

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

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

31 3. The department shall adopt rules pursuant to chapter  
32 17A as necessary to recover overpayments of assistance and  
33 benefits provided under this chapter. The recovery methods  
34 shall include but are not limited to reducing the amount of  
35 assistance or benefits provided.



1 Code section 239B.8, relating to policy requirements for  
2 family investment agreements, is amended. The bill provides a  
3 new exemption to the requirements for participation in a  
4 family investment agreement for persons who are not United  
5 States citizens and are not qualified aliens as defined in  
6 federal law.

7 Code section 239B.9, relating to limited benefit plans  
8 under FIP, is amended. The bill specifies that any limited  
9 benefit plan applied to a two-parent family more than once is  
10 to be treated as a subsequent limited benefit plan. A  
11 subsequent limited benefit plan is a defined term requiring a  
12 six-month period of eligibility for reduced assistance or  
13 ineligibility for cash assistance, followed by an  
14 indeterminate period until the individual participant  
15 completes significant contact with or action in regard to the  
16 JOBS program.

17 Code section 239B.11, relating to the family investment  
18 program account, is amended to expand the uses of the program  
19 diversion subaccount. Under the bill, the subaccount can be  
20 used to provide services and payments for persons whose family  
21 investment program eligibility has ended, in order to help the  
22 persons to stabilize or improve their employment status. The  
23 bill provides a similar authorization in Code section 239B.17,  
24 relating to activities required to be provided as part of the  
25 JOBS program under FIP.

26 Code section 239B.14, relating to fraudulent practices  
27 under FIP, is amended to refer to recovery of overpayments in  
28 the section headnote and to direct the department to adopt  
29 rules for such recovery. The rules are to include provision  
30 for withholding of cash assistance or other FIP benefits.

31 Code section 239B.18, relating to required participation in  
32 the JOBS program for FIP participants, is amended. Under  
33 current law, those exempt from the requirement to enter into a  
34 family investment agreement may choose to voluntarily  
35 participate in the JOBS program. However, under the bill,

1 this choice is not available to a participant who is not a  
2 United States citizen and is not a qualified alien as defined  
3 in federal law.

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35