

Senate Study Bill 1153

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 revising family investment program requirements.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
3 TLSB 1247DP 82
4 jp/gg/14

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1 1 DIVISION I

1 2 GENERAL FAMILY INVESTMENT PROGRAM CHANGES

1 3 Section 1. Section 239B.1, subsection 10, Code 2007, is
1 4 amended to read as follows:

1 5 10. "Participant" means a person who is receiving full or
1 6 partial family investment program assistance. For the
1 7 purposes of sections 239B.8 and 239B.9, "participant" also
1 8 includes each individual who does not directly receive
1 9 assistance but who is required to be engaged in work or
1 10 training options specified in the participant's family
1 11 investment agreement entered into under section 239B.8.

1 12 Sec. 2. Section 239B.4, subsection 1, Code 2007, is
1 13 amended to read as follows:

1 14 1. The department is the state entity designated to
1 15 administer federal funds received for purposes of the family
1 16 investment program and the JOBS program under this chapter,
1 17 including, but not limited to, the funding received under the
1 18 federal temporary assistance for needy families block grant as
1 19 authorized under the federal Personal Responsibility and Work
1 20 Opportunity Reconciliation Act of 1996, Pub. L. No. 104=193,
1 21 as reauthorized under the federal Deficit Reduction Act of
1 22 2005, Pub. L. No. 109=171, and as codified in 42 U.S.C. } 601
1 23 et seq., and as such is the lead agency in preparing and

1 24 filing state plans, state plan amendments, and other reports
1 25 required by federal law.

1 26 Sec. 3. Section 239B.7, subsection 1, Code 2007, is
1 27 amended to read as follows:

1 28 1. WORK EXPENSE DEDUCTION. If an individual's earned
1 29 income is considered by the department, the individual shall
1 30 be allowed a work expense deduction equal to twenty percent of
1 31 the earned income. The work expense deduction is intended to
1 32 include all work-related expenses other than child care.
1 33 These expenses shall include but are not limited to all of the
1 34 following: taxes, transportation, meals, uniforms, and other
1 35 work-related expenses. ~~However, the work expense deduction~~

~~2 1 shall not be allowed for an individual who is subject to a~~
~~2 2 sanction for failure to comply with family investment program~~
~~2 3 requirements.~~

2 4 Sec. 4. Section 239B.7, subsection 5, Code 2007, is
2 5 amended to read as follows:

2 6 5. INCOME CONSIDERATION. If an individual has timely
2 7 reported an absence of income to the department, consideration
2 8 of the individual's income shall cease beginning in the first
2 9 month the income is absent. ~~However, this provision shall not~~
~~2 10 apply to an individual who has quit employment without good~~
~~2 11 cause as defined in rules.~~

2 12 Sec. 5. Section 239B.8, subsection 2, Code 2007, is
2 13 amended to read as follows:

2 14 2. AGREEMENT OPTIONS. A family investment agreement shall
2 15 require an individual who is subject to the agreement to
2 16 participate engage in one or more of the work or training
2 17 options enumerated in this subsection. An individual's level
2 18 of participation engagement in one or more of the work or
2 19 training options shall be equivalent to the level of
2 20 commitment required for full-time employment or shall be

2 21 significant so as to move the individual's level of
2 22 ~~participation engagement~~ toward that level. The department
2 23 shall adopt rules for ~~each option~~ defining option requirements
2 24 and establishing assistance provisions for child care,
2 25 transportation, and other support services. A leave from
2 26 engagement in work or training options shall be offered to a
2 27 participant parent to address the birth of a child. If such a
2 28 leave is requested by the parent, the leave shall meet the
2 29 childbirth purpose standard and the combined duration of the
2 30 leave shall not exceed the minimum leave duration, as outlined
2 31 in the federal Family and Medical Leave Act of 1993, } 102(a)
2 32 and (b)(1), as codified in 29 U.S.C. } 2612(a) and (b)(1).

2 33 The terms of the leave shall be incorporated into the family
2 34 investment agreement. The work or training options shall
2 35 include but are not limited to all of the following:
3 1 a. Employment. Full-time or part-time employment.
3 2 b. Employment search. Active job search.
3 3 c. JOBS. Participation in the JOBS program.
3 4 d. Education. Participation in other education or
3 5 training programming.
3 6 e. Family development. Participation in a family
3 7 development and self-sufficiency grant program under section
3 8 217.12 or other family development program.
3 9 f. Work experience. Work experience placement.
3 10 g. Community service. Unpaid community service.
3 11 Community service shall be authorized in any nonprofit
~~3 12 association which has been determined under section 501(c)(3)~~
~~3 13 of the Internal Revenue Code to be exempt from taxation or in~~
~~3 14 any government agency. Upon request, the department shall~~
~~3 15 provide a listing of potential community service placements to~~
~~3 16 an individual. However, an individual shall locate the~~
~~3 17 individual's own placement and perform the number of hours~~
~~3 18 required by the agreement. The individual shall file a~~
~~3 19 monthly report with the department which is signed by the~~
~~3 20 director of the community service placement verifying the~~
~~3 21 community service hours performed by the individual during~~
~~3 22 that month. The department shall develop a form for this~~
~~3 23 purpose.~~

3 24 h. Any other Parenting skills. Participation in an
3 25 arrangement which would strengthen the individual's ability to
3 26 be a better parent, including but not limited to participation
3 27 in a parenting education program. Parental leave from
~~3 28 employment shall be authorized for a parent of a child who is~~
~~3 29 less than three months of age. An opportunity to participate~~
~~3 30 in a parental education program shall also be authorized for~~
~~3 31 such a parent. An individual who is not a parent who is~~
~~3 32 nineteen years of age or younger or a parent of a child who is~~
~~3 33 less than three months of age shall simultaneously participate~~
~~3 34 in at least one other option enumerated in this subsection.~~

3 35 i. Family or domestic violence. Participation in a safety
4 1 plan to address or prevent family or domestic violence. The
4 2 safety plan may include a temporary waiver period from
4 3 required participation in the JOBS program or other
4 4 employment-related activities, as appropriate for the
4 5 situation of the applicant or participant. All applicants and
4 6 participants shall be informed regarding the existence of this
4 7 option. Participation in this option shall be subject to
4 8 review in accordance with administrative rule.
4 9 j. Incremental family investment agreements. If an
4 10 individual participant or the entire family has an
4 11 acknowledged barrier, the individual's or family's plan for
4 12 self-sufficiency may be specified in one or more incremental
4 13 family investment agreements.

4 14 DIVISION II

4 15 FAMILY INVESTMENT PROGRAM WORK INCENTIVE

4 16 DISREGARD

4 17 Sec. 6. Section 239B.7, subsection 2, Code 2007, is
4 18 amended to read as follows:

4 19 2. WORK=AND=EARN INCENTIVE. If an individual's earned
4 20 income is considered by the department, the individual shall
4 21 be allowed a work=and=earn incentive. The incentive shall be
4 22 equal to ~~fifty~~ fifty=eight percent of the amount of earned
4 23 income remaining after all other deductions are applied. The
4 24 department shall disregard the incentive amount when
4 25 considering the earned income available to the individual.
4 26 The incentive shall not have a time limit. The work=and=earn
4 27 incentive shall not be withdrawn as a penalty for failure to
4 28 comply with family investment program requirements.

4 29 EXPLANATION

4 30 This bill revises provisions administered by the department
4 31 of human services (DHS) under Code chapter 239B involving the

4 32 family investment program (FIP).
4 33 GENERAL FAMILY INVESTMENT PROGRAM CHANGES. This division
4 34 relates to general FIP changes. Code section 239B.1,
4 35 providing definitions for FIP, is amended to expand the
5 1 definition of the term "participant". Current law limits the
5 2 term to persons who receive full or partial FIP assistance.
5 3 The bill provides that for purposes of Code section 239B.8,
5 4 relating to family investment agreements, and Code section
5 5 239B.9, relating to limited benefit plans, the term also
5 6 refers to each individual who does not receive FIP cash
5 7 assistance directly but is required to be engaged in work or
5 8 training options under a family investment agreement.
5 9 Code section 239B.4, relating to the role of DHS regarding
5 10 FIP, is amended to update citations to the federal law
5 11 providing the federal funding for the program. This federal
5 12 law, known as the Temporary Assistance for Needy Families, or
5 13 TANF Block Grant, was reauthorized as part of the federal
5 14 Deficit Reduction Act of 2005.
5 15 Code section 239B.7, relating to income and resource
5 16 exemptions, deductions, and disregards used to determine FIP
5 17 program eligibility, is amended. The bill eliminates a
5 18 prohibition against allowing a work expense deduction for an
5 19 individual who is subject to a certain type of sanction. The
5 20 bill also eliminates an exception in a provision addressing
5 21 when a timely reported loss of income is considered.
5 22 Code section 239B.8, relating to family investment
5 23 agreement requirements, is amended in conformance with the
5 24 definition amendment made in Code section 239B.1. Terminology
5 25 is modified to utilize "engage" and "engagement" in place of
5 26 "participate" and "participation" when referring to required
5 27 involvement with an option.
5 28 Code section 239B.8 is also amended to clarify that
5 29 parental leave in the event of childbirth must conform to the
5 30 childbirth purpose standard and limit the duration of the
5 31 leave to the minimum duration outlined in the federal Family
5 32 and Medical Leave Act of 1993. The federal law requires that
5 33 the purpose of the leave is to care for a newborn son or
5 34 daughter, specifies a minimum period of 12 weeks within the
5 35 12-month period following the birth, and allows the leave
6 1 period to be taken intermittently within the 12-month period.
6 2 These provisions replace current law which authorizes as part
6 3 of an agreement option parental leave for a parent of a child
6 4 who is less than three months in age in combination with an
6 5 opportunity for parental education.
6 6 Code section 239B.8 is also amended to delete specific
6 7 requirements under the agreement option for performing unpaid
6 8 community service.
6 9 FAMILY INVESTMENT PROGRAM WORK INCENTIVE DISREGARD. This
6 10 division increases the amount of the FIP work-and-earn
6 11 incentive applied under Code section 239B.7 as part of FIP
6 12 eligibility determination from 50 to 58 percent. Under the
6 13 incentive, the indicated percentage of earned income remaining
6 14 after other deductions have been applied is disregarded.
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