

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 1438

Short Title: Responsible Parenting Act/'93.

(Public)

Sponsors: Representatives Berry, Creech, Hall; Balmer, J. Brown, Brubaker, Culp, Daughtry, DeVane, Flaherty, Gamble, Grady, Hayes, Holmes, H. Hunter, Ives, James, Joye, Justus, McLawhorn, Mercer, Mitchell, Nichols, C. Preston, J. Preston, Russell, Tallent, G. Thompson, Weatherly, and P. Wilson.

Referred to: Appropriations.

May 17, 1993

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE AID TO FAMILIES WITH DEPENDENT CHILDREN RESPONSIBLE PARENTING AND EMPLOYMENT INCENTIVE ACT OF 1993 AND TO APPROPRIATE FUNDS TO IMPLEMENT THIS ACT.

Whereas, the welfare system was developed in our country to assist families unable to provide for their basic needs and to provide a foundation for families to better themselves; and

Whereas, welfare reform should be one of the major priorities of State government, with the intended goal of achieving a substantial reduction in the number of residents of this State who are enrolled in the program of Aid to Families with Dependent Children (AFDC); and

Whereas, a growth in family size and the commensurate automatic increase in benefits make it more difficult for families to overcome the obstacles to economic achievement and to escape permanently the bonds of welfare dependency; and

Whereas, the protection afforded recipients of AFDC through the provision of health care coverage under the Medicaid Program is a major disincentive to public assistance recipients who are considering employment because, in North Carolina, employment almost always means the loss of Medicaid while rarely offering other health care coverage; and

Whereas, the federal government has recognized the relationship between medical coverage and successful employment initiatives through its policy of allowing

1 requesting states limited extensions of Medicaid to former AFDC recipients who would
2 otherwise lose eligibility for Medicaid as well as AFDC when they become gainfully
3 employed because of strict income eligibility requirements; and

4 Whereas, removing incentives that may exist for increasing family size and
5 implementing incentives to encourage recipients to seek and maintain employment
6 while on welfare and thereby aiding families in leaving welfare is a policy that is both
7 practical and compassionate; Now, therefore,

8 The General Assembly of North Carolina enacts:

9 Section 1. Part 2 of Article 2 of Chapter 108A is amended by adding the
10 following new sections to read:

11 **"§ 108A-29.1. Parenting responsibility; limitations on assistance.**

12 (a) Notwithstanding any law to the contrary, the Department shall ensure that
13 increases in assistance other than general increases provided to all recipients are not
14 provided to a recipient family for any additional dependent child born while the family
15 is receiving assistance.

16 (b) Except as authorized by subsection (c) of this section, a dependent child who
17 does not reside with a parent, guardian, caretaker, or spouse shall not receive any
18 increase in assistance other than general increases provided to all recipients for any
19 child born while receiving assistance. A dependent child who does reside with a parent,
20 guardian, caretaker, or spouse shall receive assistance for only the first child born while
21 the family is receiving assistance.

22 (c) The denial of any increase in assistance for the first child born to a dependent
23 child who does not reside with a parent, guardian, caretaker, or spouse does not apply if
24 the county department of social services determined that an abusive situation exists in
25 that family, regardless of whether abuse has actually taken place. In that case, the
26 dependent child shall receive the assistance for the first child born while receiving
27 assistance.

28 (d) Any dependent infant born after its family began to receive assistance
29 remains a dependent for purposes of this Part and remains eligible for all assistance for
30 which it is eligible.

31 (e) The limitations prescribed in subsections (a) and (b) of this section do not
32 apply if a recipient female conceives an additional dependent child after the counselling
33 prescribed by G.S. 108A-29.2 and after the female parent chose Norplant or a similar
34 implanted device and had the implantation or chose sterilization by tubal ligation and
35 had the procedure.

36 (f) Notwithstanding any law to the contrary, the Department shall ensure that a
37 family who discontinues receiving assistance for any reason and who subsequently
38 reapplies for assistance shall not have included any more children in the family size for
39 the purpose of determining the amount of assistance than were included in the family
40 size at the time the assistance was discontinued, unless the family did not receive
41 assistance for 24 months or more.

42 **"§ 108A-29.2. Parenting responsibility; additional requirements for assistance.**

43 (a) In addition to any other requirements for assistance required by law and
44 notwithstanding any law to the contrary, the Department shall ensure that any parent

1 and any dependent teenaged child, whether male or female, of a family who is eligible
2 for assistance receive the following counselling and opportunities by the time the family
3 begins receiving assistance:

4 (1) The parent and dependent teenaged child shall be counselled on the
5 responsibilities of parenthood and on birth control options, including
6 abstinence. The parent and dependent teenaged child shall also receive
7 counselling on the prevention of sexually transmitted diseases,
8 including the HIV virus that causes AIDS; and

9 (2) The parent and dependent teenaged child shall be given the
10 opportunity to choose an appropriate method of birth control and
11 advised of each of the methods' contraindications, potential side
12 effects, and effective rates as follows:

13 a. Abstinence - one hundred percent (100%) effective;

14 b. Norplant Implant System - ninety-nine and ninety-nine
15 hundredths percent (99.99%);

16 c. Sterilization - ninety-nine and ninety-six hundredths percent
17 (99.96%);

18 d. Birth Control Pills - ninety-seven percent (97%);

19 e. Condoms and Spermicide - ninety-five percent (95%);

20 f. Intrauterine Device - ninety-four percent (94%); and

21 g. Additional appropriate birth control methods as they are
22 developed and made available.

23 The dependent teenaged child shall receive the counselling and
24 opportunities required by this subsection regardless of whether the
25 parent consents. The dependent teenaged child may give consent for
26 medical health services for the prevention of pregnancy pursuant to
27 G.S. 90-21.5.

28 The Department shall ensure that all appropriate forms of birth control are available at
29 no charge to any parent of a recipient family, whether male or female, and to any
30 dependent teenaged child. If a family contains both a male and a female parent, the
31 Department shall ensure that both parents receive counselling and the opportunity to
32 choose a method of birth control pursuant to this section.

33 (b) The parent and dependent teenaged child shall sign a statement that the
34 counselling prescribed by this section was received and that the effective rate, the
35 contraindications, and the potential side effects of the chosen birth control method were
36 understood.

37 (c) The Department shall ensure that families already receiving assistance as of
38 the effective date of this section receive the counselling and opportunities required by
39 this section within six months of this date, except that families already receiving
40 assistance by this date who contain a parent or a teenaged dependent child who is
41 pregnant as of this date shall be given the counselling and opportunities required by this
42 section within one month of the baby's birth.

43 (d) No State or local governmental employee and no State or local governmental
44 agency shall be liable for any liability arising as a result of Norplant implantation or

1 implantation of a similar birth control device or of sterilization, when these methods are
2 chosen as a result of this section if the employee or agency acted in good faith and was
3 not grossly negligent.

4 **"§ 108A-29.3. Employment incentives.**

5 (a) Notwithstanding any law to the contrary, the Department shall ensure that the
6 current thirty dollar (\$30.00)/one-third income disregard shall be replaced with
7 continuous disregard of two hundred dollars (\$200.00) plus twenty percent (20%) of the
8 remainder of earnings, which includes the ninety dollar (\$90.00) standard income
9 deduction. There is no time limit on this deduction.

10 (b) Notwithstanding any law to the contrary, the Department shall ensure that all
11 income earned by a dependent child is excluded both as income and as resources in
12 determining eligibility of the family for assistance if the employed dependent child is
13 attending school at least eighty percent (80%) of the time, as required by the
14 Compulsory Attendance Law.

15 (c) Notwithstanding any law to the contrary, the Department shall ensure that
16 Medicaid coverage for a family made ineligible for assistance shall be provided for 24
17 months if:

- 18 (1) The family received assistance for three of the last six months prior to
19 becoming ineligible for assistance; and
20 (2) The family would have continued to be eligible for assistance except
21 for the family's income or hours of employment.

22 (d) Notwithstanding any law to the contrary, the Department shall ensure that
23 assistance continues to 'unemployed parent' families in which the principal wage earner
24 works 100 hours or more per month, as long as the family meets all the rules for
25 continuing eligibility. The Department shall request the federal government to grant a
26 waiver of the 100 Hour Rule in AFDC-Unemployed Parent cases.

27 (e) Notwithstanding any law to the contrary, the Department shall ensure that the
28 requirement of an employment history, which requires that, in a two-parent family, one
29 parent shall have worked and earned at least fifty dollars (\$50.00) in six of 13 calendar
30 quarters prior to the date of application for assistance, is not applied to keep families
31 that are otherwise eligible to receive assistance from receiving this assistance.

32 **"§ 108A-29.4. Parenting responsibility; moving into State.**

33 Notwithstanding any law to the contrary, any recipient family who moves to North
34 Carolina who has not resided in North Carolina continuously for 12 months
35 immediately prior to application for assistance shall receive an amount of assistance
36 equal to the lesser of the amount of aid paid by North Carolina or the maximum
37 payment, not counting special needs, of the state from which it moved, until the family
38 has completed 12 months' continuous residence, at which time it is eligible for the full
39 North Carolina amount."

40 Sec. 2. If it considers that it will be necessary to obtain a waiver from the
41 federal government to implement Section 1 of this act without the risk of a substantial
42 monetary sanction, the Department shall immediately, as of the effective date of this
43 section, prepare and apply for the waiver. If the federal government denies the waiver
44 before the effective date of Sections 1 and 3 of this act or if the waiver has not been

1 accepted by the effective date of these sections, these sections shall not become
2 effective unless the General Assembly in the next appropriations act passed after the
3 denial appropriated sufficient funds to make up for the loss of federal funds, in which
4 case, they shall become effective on the effective date of this appropriations act. If the
5 waiver is denied or has not been accepted by the effective date of these sections, funds
6 appropriated by Section 3 of this act shall be held by the State Treasurer in a special
7 fund, which shall be released as appropriated if the General Assembly does meet this
8 condition.

9 Sec. 3. There is appropriated to the Department of Human Resources, the
10 sum of seventeen million four hundred twenty-four thousand three hundred thirty
11 dollars (\$17,424,330) for the 1993-94 fiscal year and the sum of seventeen million four
12 hundred twenty-four thousand three hundred thirty dollars (\$17,424,330) for the 1994-
13 95 fiscal year to implement this act. These funds shall be allocated as follows:

- 14 (1) For fiscal year 1993-94, \$2,429,714 to the Division of Social Services
15 and \$14,994,616 to the Division of Medical Assistance; and
16 (2) For fiscal year 1994-95, \$2,429,714 to the Division of Social Services
17 and \$14,994,616 to the Division of Medical Assistance.

18 Sec. 4. Except for, and subject to the conditions set forth in, Section 2 of this
19 act, this act becomes effective October 1, 1993, and applies to initial determinations of
20 assistance, to determinations of continuing assistance, and to discontinuations of
21 assistance on or after that date. Section 2 of this act becomes effective July 1, 1993.