

GENERAL ASSEMBLY OF NORTH CAROLINA

EXTRA SESSION 1994

H

2

HOUSE BILL 80
Second Edition Engrossed 2/25/94

Short Title: Responsible Parenting Act/'94.

(Public)

Sponsors: Representatives Berry; Alphin, Bowman, Brawley, J. Brown, Brubaker, Church, Creech, Culp, Daughtry, Flaherty, Grady, Hall, Hayes, Lemmond, Nichols, C. Preston, J. Preston, Russell, Tallent, Thompson, Wilson, and Wood.

Referred to: Children, Youth, and Families.

February 11, 1994

A BILL TO BE ENTITLED

1
2 AN ACT TO EFFECT LONG-TERM CRIME PREVENTION BY ESTABLISHING
3 THE AID TO FAMILIES WITH DEPENDENT CHILDREN RESPONSIBLE
4 PARENTING AND EMPLOYMENT INCENTIVE ACT OF 1994 AND TO
5 APPROPRIATE FUNDS TO IMPLEMENT THIS ACT.

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

9 Whereas, rebuilding our families and securing our schools and communities
10 from acts of violence should be the first priority of State government, with the intended
11 goal of reforming welfare to achieve a substantial reduction in the number of
12 illegitimate births and residents of this State who are enrolled in the program of Aid to
13 Families with Dependent Children; and

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

17 Whereas, removing incentives that may exist for increasing family size and
18 providing family planning services reduces or eliminates unwanted childbearing and
19 helps women and their partners to plan the number and spacing of their children is a
20 policy that is both practical and compassionate; and

1 Whereas, rebuilding the work ethic by implementing incentives to encourage
2 recipients to seek and maintain employment while on welfare is beneficial to the
3 recipient and to the State; and

4 Whereas, welfare must be a mutual responsibility agreement between the
5 recipient and the welfare agency; Now, therefore,
6 The General Assembly of North Carolina enacts:

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

9 **"§ 108A-29.1. Parenting responsibility; limitations on assistance.**

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

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

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

26 (d) Any dependent infant remains a dependent for purposes of this Part and
27 remains eligible for all assistance for which it is eligible.

28 (e) The limitations prescribed in subsections (a) and (b) of this section do not
29 apply if a recipient female conceives an additional dependent child after the female
30 parent chose Norplant or a similar implanted device and had the implantation or chose
31 sterilization by tubal ligation and had the procedure.

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

38 **"§ 108A-29.2. Parenting responsibility.**

39 (a) When their eligibility for assistance is determined, the parent and dependent
40 teenaged child shall be given the opportunity to choose an appropriate method of birth
41 control and advised of each of the methods' contraindications, potential side effects, and
42 effective rates as follows:

43 (1) Abstinence – one hundred percent (100%) effective;

- 1 (2) Norplant Implant System – ninety-nine and ninety-nine hundredths
2 percent (99.99%);
3 (3) Sterilization – ninety-nine and ninety-six hundredths percent
4 (99.96%);
5 (4) Birth Control Pills – ninety-seven percent (97%);
6 (5) Condoms and Spermicide – ninety-five percent (95%);
7 (6) Intrauterine Device – ninety-four percent (94%); and
8 (7) Additional appropriate birth control methods as they are developed and
9 made available.

10 The parent and dependent child shall also be advised on the prevention of sexually
11 transmitted diseases.

12 The dependent teenaged child may give consent for medical health services for the
13 prevention of pregnancy pursuant to G.S. 90-21.5.

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

19 (b) The parent and dependent teenaged child shall sign a statement that the
20 effective rate, the contraindications, and the potential side effects of all the birth control
21 methods were understood, and that they were advised of the prevention of sexually
22 transmitted diseases.

23 (c) The Department shall ensure that families already receiving assistance as of
24 the effective date of this section receive the birth control opportunities and advice on the
25 prevention of sexually transmitted diseases required by this section within six months of
26 this date, except that families already receiving assistance by this date who contain a
27 parent or a teenaged dependent child who is pregnant as of this date shall be given the
28 birth control opportunities and advice on the prevention of sexually transmitted diseases
29 required by this section within one month of the baby's birth.

30 (d) No State or local governmental employee and no State or local governmental
31 agency shall be liable for any liability arising as a result of Norplant implantation or
32 implantation of a similar birth control device or of sterilization, when these methods are
33 chosen as a result of this section if the employee or agency acted in good faith and was
34 not grossly negligent.

35 **"§ 108A-29.3. Employment incentives.**

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

41 (b) Notwithstanding any law to the contrary, the Department shall ensure that all
42 income earned by a dependent child is excluded both as income and as resources in
43 determining eligibility of the family for assistance if the employed dependent child is

1 attending school at least eighty percent (80%) of the time, as required by the
2 Compulsory Attendance Law.

3 The Department shall ensure that local departments of social services that receive
4 reports of acts of school violence from local boards of education pursuant to G.S. 115C-
5 47(36) identify from these reports those dependent children who have committed any
6 of these acts so as to permit adequate and timely action to enable the families of these
7 children to guide their children in such a way as to prevent further violence.

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

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

18 Sec. 2. If it considers that it will be necessary to obtain a waiver from the
19 federal government to implement Section 1 of this act without the risk of a substantial
20 monetary sanction, the Department shall immediately, as of the effective date of this
21 section, prepare and apply for the waiver. If the federal government denies the waiver
22 before the effective date of Sections 1 and 3 of this act or if the waiver has not been
23 accepted by the effective date of these sections, these sections shall not become
24 effective unless the General Assembly, in the next appropriations act passed after the
25 denial, appropriates sufficient funds to make up for the loss of federal funds, in which
26 case, they shall become effective on the effective date of this appropriations act. If the
27 waiver is denied or has not been accepted by the effective date of these sections, funds
28 appropriated by Section 4 of this act shall be held by the State Treasurer in a special
29 fund, which shall be released as appropriated if the General Assembly does meet this
30 condition.

31 Sec. 3. G.S. 115C-47(36), as enacted by Chapter 321 of the 1993 Session
32 Laws, reads as rewritten:

33 "(36) To Report All Acts of School Violence. – Local boards of education
34 shall report all acts of school violence to the State Board of Education
35 in accordance with G.S. 115C-12(21) and shall at the same time report
36 all such acts to the local departments of social services."

37 Sec. 4. This act shall not become effective unless funds are appropriated by
38 the 1993 General Assembly, Extra Session 1994, to fund it.

39 Sec. 5. Except for, and subject to the conditions set forth in, Section 2 of this
40 act, this act becomes effective October 1, 1994, and applies to initial determinations of
41 assistance, to determinations of continuing assistance, and to discontinuations of
42 assistance on or after that date. Section 2 of this act becomes effective July 1, 1994.