

By Mr. Kollios of Millbury, petition of Paul Kollios and Joseph F. Wagner for legislation to make certain changes in the welfare system in the Commonwealth. Human Services and Elderly Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Five.

AN ACT RELATIVE TO THE REFORM OF THE WELFARE SYSTEM.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 118 of the Massachusetts General Laws is
2 hereby amended in section 2 by inserting after the second sentence,
3 the following:—

4 Aid shall be provided to any two parent family which includes a
5 needy child and meets the generally acceptable financial eligibility
6 requirements regardless of whether or not the principal wage earner
7 of such a family is employed for one hundred hours a month or
8 more, provided that the department shall seek a waiver to secure
9 federal financial participation for such aid and provided further that
10 such aid shall be paid even if federal financial aid is not available.

1 SECTION 2. Chapter 118 of the Massachusetts General Laws is
2 hereby amended by adding at the end the following new sections:—

3 Section 12. Persons who receive benefits under the Program Aid
4 to Families with Dependent Children who are employed, who have
5 in their care a dependent child and who lose eligibility for cash
6 benefits because of earnings from employment, and who receive
7 benefits in at least three of the six months proceeding the month of
8 cash benefits termination shall be eligible for subsidized child care
9 for up to twenty-four months after leaving such program provided
10 that they meet the financial eligibility criteria for such subsidized
11 care and contribute to the cost of such care in accordance with the
12 sliding fee scale formula established by the department for former
13 recipients of AFDC to families with dependent children.

14 Section 13. Persons who received benefits under this section who
15 are employed, who have in their care a dependent child and who
16 lose eligibility for cash benefits because of earnings from employ-
17 ment, and who received benefits under AFDC in at least three of the
18 six months preceding the month of case benefits termination shall be
19 eligible for medicaid benefits for up to twenty-four months after
20 leaving such program provided that the family meets the financial
21 requirements and complies with reporting requirements set forth in
22 department regulations for extended Medicaid for former recipients
23 for aid to families with dependent children.

24 Section 14. A family shall be eligible for assistance provided its
25 maximum countable resources shall not exceed two thousand five
26 hundred dollars and it meets all other eligibility criteria; provided,
27 however, that the portion of the fair market value of any licensed,
28 non-luxury, vehicle valued at less than five thousand dollars as
29 determined by the department of public welfare, not excluded under
30 federal law, shall not be attributed toward the assistance unit's
31 countable resources.

32 However, once a recipient is on welfare, the recipient or any
33 family member, used in calculating the asset limit, shall not buy or
34 accept a vehicle valued at more than three thousand dollars or else
35 the portion above \$3,000 would be attributed toward the assistance
36 unit's countable resources.

37 Section 15. A recipient, or an applicant who has received aid to
38 families with dependent children within the last four calendar
39 months, shall be eligible to have thirty dollars and one third of the
40 remaining gross earned income, after work related expenses, but
41 before dependent care deductions, disregarded, subject to the provi-
42 sions of 304 CMR 280 (c) department.

43 Section 16. (1) The department is authorized to develop and
44 implement a system of diversion payments to applicants for assis-
45 tance who are otherwise eligible for assistance. A diversion pay-
46 ment, for the purposes of this section, is a onetime payment equal to
47 the total payments the family would otherwise receive over a period
48 of time not to exceed three months. A family that receives a diver-
49 sion payment must withdraw its application for assistance in
50 exchange for the payment. If any member of the family applies sub-
51 sequently for assistance, s/he shall not receive any assistance for a
52 period of time that would have occurred had the total amount of the

53 diversion payment been paid instead at the rate of assistance regu-
54 larly paid to a family of the same size who did not receive a diver-
55 sion payment. The department shall provide diversion payments to
56 only those families the department determines, in its sole discretion,
57 as being likely not to need further assistance.

58 (2) In making this determination, the department shall consider
59 the circumstances of the family, including, but not limited to, the
60 likelihood of receipt of child support and/or earnings in an amount
61 in excess of the monthly grant amount, and the past receipt of public
62 assistance. No adult shall ever receive more than one diversion pay-
63 ment. The determination of whether a family is eligible for a diver-
64 sion payment shall not be subject to administrative or judicial
65 review under chapter 30A. The department shall seek any waivers
66 necessary to ensure eligibility of the family for benefits under the
67 programs of food stamps and medical assistance.

1 SECTION 3. The executive office of health and human services
2 and the department of public welfare shall apply and obtain all
3 exemptions and waivers from and amendments to federal statutes,
4 rules and regulations necessary to implement the provisions of this
5 act at the earliest possible date.

6 Upon obtaining all such exemptions, waivers, and amendments
7 referred to herein, the department shall adopt such changes to cur-
8 rent rules as may be required to implement said provisions, provided
9 that if the secretary determines that additional appropriations are
10 required to implement said provisions, the secretary shall seek sup-
11 plemental appropriations before implementing said waiver.

