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of the Department of Defense to locate said Finance and Accounting Services Facility in the town of Southbridge or after final approval by the United States Congress of a recommendation from the United States Defense Base Closure and Realignment Commission to enhance or expand other United States Department of Defense facilities in the commonwealth. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Federal Facilities Enhancement Act of 1995, and shall be issued for such maximum term of years, not exceeding thirty years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth; provided, however, that all such bonds shall be payable not later than December thirty-first, two thousand and thirty. Notwithstanding any other provision of this act, bonds, and the interest thereon, issued under the authority of this section shall be general obligations of the commonwealth.

Section 8B. The state treasurer may borrow from time to time on the credit of the commonwealth such sums of money as may be necessary for the purposes of meeting payments as authorized by this act and may issue and renew from time to time notes of the commonwealth therefor, bearing interest payable at such time and at such rates as shall be fixed by the state treasurer. Such notes shall be issued and may be renewed one or more times for such term, not exceeding one year, as the governor may recommend to the general court in accordance with Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth, but the final maturities of such notes, whether original or renewal, shall not be later than June thirtieth, two thousand and seven. Notwithstanding any other provision of this act, notes and interest thereon issued under the authority of this act shall be general obligations of the commonwealth.

SECTION 15. Section 9 of said chapter 300 is hereby amended by inserting after the word "Southbridge", in line 3, the following words:- or to enhance or expand other United States Department of Defense facilities in the commonwealth.

SECTION 16. Said section 9 of said chapter 300 is hereby further amended by striking out, in line 4, the word "ninety-four" and inserting in place thereof the following word:- ninety-six.

SECTION 17. Nothing in this act shall be construed to preclude the town of Southbridge from accessing funds from the proceeds of any bonds issued pursuant to this act.

Approved February 9, 1995.

Chapter 5. AN ACT REFORMING THE WELFARE SYSTEM AND MAKING SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND NINETY-FIVE.

Be it enacted, etc., as follows:

SECTION 1. To provide for supplementing certain items in the general appropriation act for the fiscal year ending June thirtieth, nineteen hundred and ninety-five,

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the sums set forth in section two are hereby appropriated from the General Fund, for the several purposes and subject to the conditions specified in said items as appearing in chapter sixty of the acts of nineteen hundred and ninety-four, and subject to the provisions of law regulating the disbursement of public funds and the conditions pertaining to appropriations in said act, the sums so appropriated to be in addition to any amounts previously made available for said purposes.

SECTION 2.

JUDICIARY

Supreme Judicial Court

0320-0001	.....	\$19,101
	<i>Appeals Court</i>	
0322-0100	.....	\$39,282
	<i>Trial Court</i>	
0330-0100	.....	\$961,878

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

4000-0200	.....	\$14,483,963
4000-0201	.....	\$3,900,000
4000-0210	.....	\$1,213,143
4000-0220	.....	\$3,000,000

DEPARTMENT OF PUBLIC WELFARE

4401-1000	.....	\$3,933,732
4403-2000	.....	\$221,330,124

SECTION 3. Section 125 of chapter 6 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by striking out, in line 5, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 4. Section 126 of said chapter 6, as so appearing, is hereby amended by striking out, in lines 3 and 4, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 5. Section 16 of chapter 6A of the General Laws is hereby amended by striking out, in line 16, as so appearing, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 6. Section 34 of said chapter 6A, as so appearing, is hereby amended by striking out, in line 3, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 7. Chapter 18 of the General Laws is hereby amended by striking out the caption preceding section 1, as so appearing, and inserting in place thereof the following caption:- Department of Transitional Assistance.

SECTION 8. Said section 1 of said chapter 18, as so appearing, is hereby further

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amended by striking out, in line 1, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 9. Section 2 of said chapter 18, is hereby amended by striking out, in line 2, as so appearing, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 10. Said section 2 of said chapter 18 is hereby further amended by striking out, in lines 24, 27, 29 and 31, as so appearing, the words "public welfare" and inserting in place thereof, in each instance, the following words:- transitional assistance.

SECTION 11. The last paragraph of subsection (1) of said section 2 of said chapter 18, as so appearing, is hereby amended by striking out, in line 155, the word "and",- by striking out, in line 158, the word "utilization." and inserting in place thereof the following word:- utilization;,- and by adding the following two clauses:-

(e) subject to federal approval of any necessary waivers, use of the warrant management system established pursuant to section twenty-three A of chapter two hundred and seventy-six; and, in accordance with section fifteen D of chapter twenty-two and the rules and regulations of the fraudulent claims commission, the department shall forward the name of any applicant or beneficiary of public assistance who, according to said warrant management system, has an outstanding default warrant issued against him; and the department shall comply with existing state and federal law applicable to time standards for review and determination of eligibility, and all notice and hearing requirements afforded to applicants and beneficiaries under its public assistance programs; and

(f) the department shall not issue a check or grant any benefits of any kind to or on behalf of an applicant for or recipient of public assistance benefits against whom an outstanding default warrant has issued by any court of the commonwealth. Evidence of the outstanding default warrant appearing in said warrant management system shall be sufficient grounds for such action by the department.

SECTION 12. Section 3 of said chapter 18, as so appearing, is hereby amended by striking out, in line 2, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 13. Section 5 of said chapter 18, as so appearing, is hereby amended by striking out, in lines 4 and 14, the words "public welfare" and inserting in place thereof, in each instance, the following words:- transitional assistance.

SECTION 14. Said chapter 18 is hereby further amended by striking out section 5F, as so appearing, and inserting in place thereof the following section:-

Section 5F. A father who leaves his family for the purpose of qualifying them for assistance under any of the programs administered by the department shall be punished by a fine of not less than two hundred nor more than five hundred dollars or by imprisonment for not more than three months.

SECTION 15. Section 6 of said chapter 18 is hereby amended by striking out, in line 21, as so appearing, the word "welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 16. Section 7 of said chapter 18, as so appearing, is hereby amended by

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striking out, in lines 30 and 31, and in lines 34 and 37, the words "public welfare" and inserting in place thereof, in each instance, the following words:- transitional assistance.

SECTION 17. Section 11 of said chapter 18, as so appearing, is hereby amended by inserting after the word "assistance", in line 6, the following words:- ; provided, however, that nothing in this section shall be construed to prohibit disclosure to or access by the bureau of special investigations to the department's records or files for the purposes of fraud detection and control.

SECTION 18. Section 15 of said chapter 18, as so appearing, is hereby amended by striking out, in line 10, the word "fifty" and inserting in place thereof the following words:- five hundred.

SECTION 19. Section 17 of said chapter 18, as so appearing, is hereby amended by striking out, in line 12, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 20. Said chapter 18 is hereby further amended by inserting after section 18 the following section:-

Section 18A. The department shall impose the sanction required by federal law for any applicant or recipient of public assistance who fails, without good cause as defined by federal law, to cooperate and to continue to cooperate with the IV-D agency set forth in chapter one hundred and nineteen A to establish paternity or to establish, modify or enforce a child support order. An applicant or recipient may contest such sanction at a hearing before the department, but shall have the burden to prove cooperation with the IV-D agency by a preponderance of the evidence.

The IV-D agency shall determine whether an applicant or recipient has cooperated, and is continuing to cooperate, with the IV-D agency. An applicant or recipient shall be deemed not to have cooperated if the applicant or recipient fails, without such good cause, to furnish a sworn statement setting forth sufficient verifiable information about the noncustodial parent or, if more than one person may be the noncustodial parent, about each such person. Such information shall include the name and the social security number of the noncustodial parent, or the name of the noncustodial parent and at least two of the following items for the noncustodial parent: date of birth; address; telephone number; name and address of employer; names of parents; and the manufacturer, model and license number of any motor vehicle owned by the noncustodial parent. An applicant or recipient who knowingly provides false information to the IV-D agency shall be subject to prosecution for perjury.

SECTION 21. Section 21 of said chapter 18, as so appearing, is hereby amended by striking out the fourth paragraph.

SECTION 22. Section 28 of said chapter 18, as appearing in the 1992 Official Edition, is hereby amended by striking out, in line 18, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 23. Said chapter 18 is hereby further amended by adding the following two sections:-

Section 29. (a)(1) Whenever, by virtue of an investigation by the bureau of special

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investigations pursuant to section fifteen D of chapter twenty-two, a person, hereinafter called an obligor, agrees to repay the commonwealth an amount of fraudulently or wrongfully received payments or services, or a court of competent jurisdiction orders that such an amount be repaid, such amount, including any accrued interest, shall be a lien in favor of the commonwealth upon all property and rights to property, whether real or personal, belonging to such obligor. The lien shall arise at the time the agreement to repay is executed by the obligor or on the date of the order or judgment of a court of competent jurisdiction and shall continue until the liability for the amount owed to the commonwealth, including any accrued interest, is satisfied or shall terminate not later than six years from the date it was created, whichever first occurs; provided that, the lien may be renewed by the commonwealth if the amount owed to the commonwealth and accrued interest is not satisfied after said six years.

(2) The lien imposed by this section shall not be valid as against any mortgagee, pledgee, purchaser, or judgment creditor until notice thereof has been filed by the bureau of special investigations (A) with respect to real property or fixtures, in the registry of deeds of the county wherein such property is situated, or (B) with respect to personal property, in the office of the state secretary. The filing of a notice of any such lien or of a waiver or release of any such lien shall be received and registered or recorded without payment of any fee.

(3) Even though notice of a lien as provided in this section has been filed in the manner prescribed in subparagraph (2) of paragraph (a), such lien shall not be valid with respect to a security, as hereinafter defined, as against any mortgagee, pledgee or purchaser of such security, for an adequate and full consideration in money or money's worth if, at the time of such mortgage, pledge or purchase, such mortgagee, pledgee, or purchaser is without notice or knowledge of the existence of such lien. As used in this subsection, the term "security" shall mean any bond, debenture, note or certificate or other evidence of indebtedness issued by a corporation, including one issued by a governmental or political subdivision thereof, with interest coupons or in registered form, share of stock, voting trust certificate or any certificate of interest or participation in, certificate of deposit or receipt for, temporary or interim certificate for, warrant or right to subscribe to or purchase, or any of the foregoing, or any negotiable instrument or money.

(4) Where notice of a lien has been filed pursuant to subparagraph (2) of paragraph (a), the bureau of special investigations may provide, by regulation, the extent to which, and the conditions under which, information as to the amount of the outstanding obligation secured by such lien may be disclosed.

(5) The bureau of special investigations may issue a waiver or release of any lien imposed by this section. Such waiver or release shall be conclusive evidence that such lien upon the property covered by the waiver or release is extinguished.

(b)(1) The bureau of special investigations may collect such amounts of fraudulently or wrongfully received payment or services referred to in subparagraph (1) of paragraph (a) including any interest accrued thereon, and such further sums as shall be sufficient to cover the expenses of the levy, by levy upon all property or rights to property, whether real or per-

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sonal, belonging to the obligor pursuant to chapters two hundred and thirty-five and two hundred and thirty-six. A levy shall extend only to property possessed and obligations existing at the time of such levy. Property specified in subsection (a) of section fifty-five A of chapter sixty-two C shall be exempt from levy hereunder. In any case in which the bureau of special investigations may levy upon property or rights to property, said bureau may seize and sell such property or rights to property, whether real or personal, tangible or intangible.

(2) Except as otherwise provided in this subsection, any person in possession of, or obligated with respect to, property or rights to property subject to levy upon which a levy has been made shall, upon the demand of the bureau of special investigations, surrender such property or rights, or discharge such obligation to the bureau of special investigations, except such part of the property or rights as is, at the time of such demand, subject to an attachment or execution under any judicial process. A levy on an organization with respect to a life insurance or endowment contract issued by such organization shall, without necessity for the surrender of the contract document, constitute a demand by the bureau of special investigations for payment of the amount described in subparagraph (1) of paragraph (a) and the exercise of the right of the obligor to the advance of such amount. Such organization shall pay such amount within ninety days after service of such notice of levy. Such notice shall include a certification by the bureau of special investigations that a copy of such notice has been mailed to the obligor at his last known address. Such levy shall be deemed to be satisfied if such organization pays over to the bureau of special investigations the amount the obligor could have had advanced to him by such organization on the date prescribed herein for the satisfaction of such levy, increased by the amount of any advance, including contractual interest thereon, made to such person on or after the date such organization had notice or actual knowledge.

(3) Whenever any property or right to property upon which levy has been made is not sufficient to satisfy the claim of the commonwealth for which levy is made, the bureau of special investigations may, thereafter, and as often as may be necessary, proceed to levy pursuant to chapters two hundred and thirty-five and two hundred and thirty-six in like manner upon any other property liable to levy of the obligor against whom such claim exists until the amount due from the obligor, together with all expenses, is fully paid.

(4) Any person who fails or refuses to surrender any property or rights to property, subject to levy, upon demand by the bureau of special investigations, shall be liable in his own person and estate to the commonwealth in a sum equal to the value of the property or rights not so surrendered but not exceeding the amount due under subparagraph (1) of paragraph (a) for which such levy has been made, together with the costs and interests on such sum at the rate of eight percent per annum from the date of such levy. Any amount, other than costs, recovered under this paragraph shall be credited against the liability for the amount due under said subparagraph (1) of said paragraph (a) for the collection of which such levy was made. In addition, if any person required to surrender property or rights to property fails or refuses to surrender such property or rights to property, without reasonable cause, such person shall be liable for a civil penalty equal to twenty-five percent of the amount recoverable. No part of such civil penalty shall be credited against the liability for

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the amount due under said subparagraph (1) of said paragraph (a) for the collection of which such levy was made.

(5) Any person in possession of, or obligated with respect to, property or rights to property subject to levy upon which a levy has been made who, upon demand by the bureau of special investigations, surrenders such property or rights to property or discharges such obligation to the bureau of special investigations or who pays a liability under subparagraph (2), shall be discharged from any obligation or liability to the obligor with respect to such property or rights to property arising from such surrender or payment.

(c) In any case where there has been a refusal or neglect to pay any amount due under this section, or to discharge any liability in respect thereof, whether or not levy has been made, the attorney general on behalf of the bureau of special investigations, in addition to other modes of relief, may file a civil action in the superior court department of the trial court to enforce the lien under this section or to subject any property, of whatever nature, of the obligor or in which the obligor has any right, title or interest, to the payment of any amounts due under this section.

(d) At the time of any lien, or levy or seizure of any property or rights to property, real or personal, belonging to the obligor, the bureau of special investigations shall send a written notice to the obligor of the action taken which shall specify the amount due and the steps to be followed to release the property so levied, seized or placed under lien.

(e) A notice given pursuant to this section shall be sufficient if sent by first class mail to the obligor's last known address as appearing in the records of the bureau of special investigations.

Section 30. (a) This section shall apply to the collection of overpayments of financial assistance paid by the department to persons receiving benefits under any program of such assistance administered by the department. An overpayment obligation is one established by a judgment or order of a court, by an administrative hearing decision of the department, or by voluntary agreement.

Whenever this section provides for a hearing, said hearing shall mean a proceeding before the court in which the overpayment obligation was established unless the overpayment obligation was established by the division of hearings established under section sixteen of this chapter or by voluntary agreement, in which case the hearing shall be before said division.

The amount of an overpayment obligation, once established, shall not be the subject of any subsequent hearing.

Any judgment or order of court requiring repayment to the department of financial assistance, any overpayment obligation established by the administrative hearing, and any voluntary agreement to repay such overpayment shall include an assignment to the department of a portion of the obligor's salaries, wages, earnings, or other periodic income, in an aggregate amount sufficient to comply with the judgment, order, decision or agreement as limited by section thirty-four of chapter two hundred and thirty-five.

In establishing the periodic amount of an assignment, except those determined by voluntary agreement, a court or hearing officer shall consider the following factors in deter-

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mining the amount of the assignment: the amount of assistance to be reimbursed, the income and reasonable expenses of the obligor, and other factors found by the court or hearing officer to be relevant to the obligor's ability to repay the overpayment of financial assistance.

Nothing in this section shall affect the availability of any other method for collecting repayment of financial assistance received.

(b) At the time of the assignment, the obligor shall inform the department of the name and address of his employer, and shall notify the employer of the existence of the assignment. The department shall then notify the employer whether the assignment is in effect under subsection (c). When the obligor changes employers, the obligor shall notify the department, within three days after beginning the new employment, and shall notify the employer of the assignment. The department shall then transfer the assignment to the subsequent employer.

If an assignment is in effect under said subsection (c), but cannot be implemented because the obligor has no employer, the obligor shall notify the department of any employment as soon as it is obtained, and the department shall transfer the assignment to such employer.

If the obligor is self-employed, the assignment shall be ordered in compliance with said subsection (c).

(c) Such assignment shall take effect immediately when the obligor is found in violation or contempt of an order, judgment, hearing decision or agreement. Such assignment shall also take effect immediately in all other cases, unless the court or the department finds good cause exists to order that the assignment be suspended and makes written findings in support of suspension. If the department suspends such assignment, the department shall inform the obligor that under the provisions of subsection (d), such assignment, even if suspended, will take effect without further hearing if an arrearage accrues as described in subparagraph (1) or (2).

In the event that an assignment is suspended in the first instance, it shall take effect:

(1) when a total arrearage equaling the amount owed for a sixty-day period has accrued; or

(2) in cases where payment is to be made once per month, thirty days after the payment is missed; or,

(3) at the request of the obligor at any time prior to the accrual of an arrearage described in subparagraph (1) or (2).

Assignments pursuant to this section shall terminate when the underlying obligation terminates and all arrears are paid.

(d) When the department determines that an arrearage has accrued it shall immediately send the notice of assignment to the obligor's employer and shall send a notice to the obligor.

The notice of assignment sent to an employer shall contain notice of subparagraphs (1) to (5), inclusive, of this subsection, and shall also state the amount of income to be withheld.

(1) The assignment shall begin on the first payment of income that occurs more than

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three days after an employer receives notice of the assignment and shall continue until the obligor ceases employment or the employer is notified by the department that the assignment should be terminated.

(2) An employer shall send the amount required by the assignment to the department within three days after the day the obligor is paid.

(3) An employer may deduct from said earnings a sum not exceeding one dollar per pay period per obligor as reimbursement for costs incurred in processing any assignment, and may submit to the department a single check covering all employees whose income is assigned along with a statement enumerating each employee's obligation and amount paid.

(4) If any employer fails to comply with an order of income assignment executed pursuant to this section the court may summon the employer to appear in court and show cause why the employer should not be held in civil contempt for failure to obey said order. Said employer shall also be liable to the department in a civil action, action for contempt, or other appropriate proceeding for the full amount of the income assigned and a civil penalty of five hundred dollars.

(5) If the obligor ceases employment, the employer shall notify the department of the employee's departure and any subsequent employer, if known, prior to the time that the next payment to the department is due. Any subsequent employer of the obligor shall, upon notice of an income assignment, comply with the provisions of this section.

(e)(1) If the obligor requests a hearing to challenge the revocation of the suspension of an assignment, a hearing shall be held within fifteen days from receipt of the request. If at the hearing the obligor establishes that no arrearage satisfying the requirements of subparagraph (1) or (2) of subsection (c) existed at the time notice was given or at any time thereafter, or that the obligor is not the person owing such arrearage, the court or hearing officer may order that such assignment be suspended until such an arrearage does accrue.

A suspension shall not be ordered upon any other grounds, including the fact that an arrearage satisfying said subparagraph (1) or (2) of subsection (c) does not exist at the time of the hearing if such an arrearage existed at the time when the notice was mailed or any time thereafter.

If the court or hearing officer orders that the assignment be suspended, the department shall promptly notify the employer.

(2) The obligor may also request a hearing, under the same procedure and with the same notice, if the obligor contends that the total arrears owing is incorrect. If the court or hearing officer determines at the hearing that the total amount of arrears calculated is erroneous, the amount calculated shall be adjusted to correct the amount.

(f) Each obligor making payments to the department under this section shall be sent a notice describing: the obligor's duty to report changes in address or employment under subsection (b), the suspended income assignment under subsection (c), the obligor's right to a hearing under subsection (e), and the obligor's right to access to the information compiled on this case at the time when the obligation was established, and once each year thereafter.

SECTION 24. The first paragraph of section 15D of chapter 22 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by striking out clause (5)

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and inserting in place thereof the following three clauses:-

(5) Examine any information contained on the warrant management system established by section twenty-three A of chapter two hundred and seventy-six, and receive information from the department of transitional assistance in accordance with clause (e) of the last paragraph of subsection (D) of section two of chapter eighteen;

(5A) Report to the attorney general, a district attorney, the department of state police, or any of their agents, each case referred to the bureau of special investigations by the department of transitional assistance pursuant to said clause (e), and arrange for a proper place and time for appropriate arrest of any applicant or beneficiary, and refer any dependent of said applicant or beneficiary to the department of social services for appropriate action pursuant to chapter eighteen B and section twenty-three A of chapter one hundred and nineteen; provided, however, that said bureau shall not so report any information other than the information referred to in this clause or on the warrant management system;

(5B) Report to the attorney general or a district attorney, for such action as they may deem proper, any case in which, after investigation, he finds there is probable cause that a fraudulent claim or payment has been made;

SECTION 25. Section 1 of chapter 62D of the General Laws, as so appearing, is hereby amended by inserting after the word "training", in line 5, the following words:- , the department of transitional assistance.

SECTION 26. Said section 1 of said chapter 62D, as so appearing, is hereby further amended by inserting after the word "training", in line 17, the following words:- ; unpaid amounts owed the department of transitional assistance by recipients, or former recipients, of public assistance.

SECTION 27. The definition of "Debtor" in said section 1 of said chapter 62D, as so appearing, is hereby amended by inserting after the word "training", in lines 24 and 25, the following words:- , any individual owing money to the department of transitional assistance for overpayments of public assistance.

SECTION 28. Section 3 of said chapter 62D, as so appearing, is hereby amended by striking out, in lines 15 and 16, and in line 20, the words "public welfare" and inserting in place thereof, in each instance, the following words:- transitional assistance.

SECTION 29. Section 10 of said chapter 62D, as so appearing, is hereby amended by striking out, in line 8, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 30. Section 13 of said chapter 62D is hereby amended by striking out clauses (v) and (vi), inserted by section 11 of chapter 315 of the acts of 1994, and inserting in place thereof the following three clauses:- (v) the higher education coordinating council; (vi) other debts as defined in section one in the order certified by the comptroller; and (vii) the department of transitional assistance.

SECTION 31. Section 5 of chapter 62E of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by striking out, in lines 29 and 30, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 32. Section 17A of chapter 66 of the General Laws, is hereby amended

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by striking out, in line 1, and in lines 14 and 15, as so appearing, the words "public welfare" and inserting in place thereof, in each instance, the following words:- transitional assistance,- and by striking out, in line 22, the word "welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 33. Said section 17A of said chapter 66, as so appearing, is hereby further amended by inserting after the word "agent", in line 27, the following words:- ; provided, however, that nothing in this section shall be construed to prohibit disclosure to or access by the bureau of special investigations to the department's records or files for the purposes of fraud detection and control.

SECTION 34. Section 2 of chapter 66A of the General Laws, as so appearing, is hereby amended by inserting after the word "fee", in line 30, the following words:- ; provided, however, that nothing in this section shall be construed to prohibit disclosure to or access by the bureau of special investigations to the records or files of the department of transitional assistance for the purposes of fraud detection and control.

SECTION 35. Section 12B of chapter 71B of the General Laws, as so appearing, is hereby amended by striking out, in line 13, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 36. Section 7 of chapter 76 of the General Laws, as so appearing, is hereby amended by adding the following paragraph:-

The names and addresses of foster children enrolled in a school system and the designation of a student as a foster child or ward of the commonwealth shall be confidential and shall not be disclosed by any employee of the commonwealth or of any political subdivision thereof, except for the purpose of reporting to the commissioner of education pursuant to this section.

SECTION 37. Section 52A of chapter 93 of the General Laws, as so appearing, is hereby amended by striking out, in line 9, the word "seventy-three A" and inserting in place thereof the following word:- nine D.

SECTION 38. Section 69F of chapter 111 of the General Laws, as so appearing, is hereby amended by striking out, in line 2, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 39. Section 69G of said chapter 111, as so appearing, is hereby amended by striking out, in line 4, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 40. Section 69I of said chapter 111, as so appearing, is hereby amended by striking out, in line 16, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 41. Section 1 of chapter 118 of the General Laws, as so appearing, is hereby amended by striking out, in line 21, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 42. Section 4B of said chapter 118, as so appearing, is hereby amended by striking out, in line 11, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

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SECTION 43. Section 1 of chapter 118A of the General Laws, as so appearing, is hereby amended by striking out, in line 1, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 44. Section 3 of said chapter 118A, as so appearing, is hereby amended by striking out, in line 1, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 45. Section 2 of chapter 118E of the General Laws, as so appearing, is hereby amended by striking out, in line 9, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 46. Section 4 of said chapter 118E, as so appearing, is hereby amended by striking out, in line 23, the word "welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 47. Section 4B of said chapter 118E, as so appearing, is hereby amended by striking out, in line 47, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 48. Section 7 of said chapter 118E, as so appearing, is hereby amended by striking out, in line 16, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 49. Section 22 of said chapter 118E, as so appearing, is hereby amended by striking out, in line 11, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 50. Section 27 of said chapter 118E, as so appearing, is hereby amended by striking out, in line 6, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 51. Section 14 of chapter 118F of the General Laws, as so appearing, is hereby amended by striking out, in line 12, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 52. Section 14A of said chapter 118F, as so appearing, is hereby amended by striking out, in line 12, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 53. Section 15 of said chapter 118F, as so appearing, is hereby amended by striking out, in lines 61 and 62, lines 63, 65, 71, and in line 74, the words "public welfare" and inserting in place thereof, in each instance, the following words:- transitional assistance.

SECTION 54. Section 17A of said chapter 118F is hereby amended by striking out, in line 57, as so appearing, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 55. Section 28 of chapter 119 of the General Laws, as so appearing, is hereby amended by striking out, in line 25, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 56. Section 2 of chapter 119A of the General Laws is hereby amended by striking out, in lines 14 and 20, as so appearing, the words "public welfare" and inserting in place thereof, in each instance, the following words:- transitional assistance.

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SECTION 57. Said section 2 of said chapter 119A is hereby further amended by striking out, in lines 27 to 29, inclusive, as so appearing, the words "child support guidelines, if any, established by the chief administrative justice of the trial court" and inserting in place thereof the following words:- the child support guidelines established by the chief justice for administration and management of the trial court.

SECTION 58. Section 3 of said chapter 119A, as so appearing, is hereby amended by striking out, in lines 40 and 41, the words "under chapter two hundred and seventy-three A" and inserting in place thereof the following words:- or register an order under chapter two hundred and nine D.

SECTION 59. Section 4 of said chapter 119A, as so appearing, is hereby amended by striking out, in lines 10 and 17, the words "public welfare" and inserting in place thereof, in each instance, the following words:- transitional assistance.

SECTION 60. Section 5 of said chapter 119A is hereby amended by striking out, in lines 12, 20, 22 and 32, as so appearing, the words "public welfare" and inserting in place thereof, in each instance, the following words:- transitional assistance.

SECTION 61. The second paragraph of said section 5 of said chapter 119A, inserted by section 28 of chapter 460 of the acts of 1993, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- Thereafter the IV-D agency may, in accordance with regulations promulgated under this chapter, transfer the undisbursed payments to the department of transitional assistance to reimburse the commonwealth for arrears due for any period that public assistance was provided to the obligee or may return to the obligor any payments received by it that cannot be disbursed to the obligee because such obligee's whereabouts are unknown.

SECTION 62. Section 6 of said chapter 119A is hereby amended by inserting after the word "nine", in line 18, the following word:- or,- and by striking out, in lines 18 and 19, as so appearing, the words "two hundred and seventy-three A" and inserting in place thereof the following words:- received, entered or registered pursuant to chapter two hundred and nine D.

SECTION 63. Said chapter 119A is hereby further amended by striking out section 7, as so appearing, and inserting in place thereof the following section:-

Section 7. (a) If the IV-D agency is providing services to an obligee or to an obligor, it may enforce an income assignment by sending notice of the assignment to the child support enforcement agency of the jurisdiction in which the obligor derives income, or directly to the obligor's employer or other source of income in that jurisdiction. The notice may be transmitted by any method including, but not limited to, paper, facsimile, magnetic tape or other electronic means. The notice shall be accompanied by a certification by the IV-D agency that the information contained in the notice accurately reflects its records.

(b) Upon receiving notice of a subsequent modification, the IV-D agency shall send notice of the order as modified to the child support enforcement agency of the jurisdiction in which the obligor derives income, or to the obligor's employer or other source of income.

SECTION 64. Said chapter 119A is hereby further amended by striking out section 8, as so appearing, and inserting in place thereof the following section:-

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Section 8. A child support enforcement agency in a jurisdiction outside the commonwealth may request the IV-D agency to enforce a child support order issued by a court or administrative agency in another jurisdiction, or a lien arising under the law of another jurisdiction. The order or lien shall be accorded full faith and credit and the order or lien shall be enforced as if the order was issued or the lien arose in the commonwealth, without the necessity of registering the order with the court.

SECTION 65. Section 12 of said chapter 119A is hereby amended by striking out, in line 4, as so appearing, the words "and two hundred and seventy-three A" and inserting in place thereof the following words:- or received, entered or registered pursuant to chapter two hundred and nine D.

SECTION 66. Subsection (a) of said section 12 of said chapter 119A is hereby further amended by adding the following sentence:- For the purposes of this chapter, employer shall mean any source of periodic income paid to the obligor.

SECTION 67. Said section 12 of said chapter 119A is hereby amended by striking out, in line 29, as appearing in the 1992 Official Edition, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 68. Subsection (d) of section 13 of said chapter 119A, as appearing in section 53 of chapter 460 of the acts of 1993, is hereby amended by striking out the words "and two hundred and seventy-three A" and inserting in place thereof the following words:- and two hundred and seventy-nine D.

SECTION 69. Section 10 of chapter 120 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by striking out, in lines 25 and 26, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 70. Section 12 of said chapter 120, as so appearing, is hereby amended by striking out, in line 28, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 71. Section 11 of chapter 122 of the General Laws, as so appearing, is hereby amended by striking out, in line 3, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 72. Section 12 of said chapter 122, as so appearing, is hereby amended by striking out, in lines 3 and 4, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 73. Section 13 of said chapter 122, as so appearing, is hereby amended by striking out, in line 11, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 74. Section 46 of chapter 151A of the General Laws, as so appearing, is hereby amended by striking out, in line 23, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 75. Section 46A of chapter 152 of the General Laws, as so appearing, is hereby amended by striking out, in lines 18, 22, 28, and 33, the words "public welfare" and inserting in place thereof, in each instance, the following words:- transitional assistance.

SECTION 76. The second paragraph of said section 46A of said chapter 152, as

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amended by section 22 of chapter 161 of the acts of 1993, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- When a lump sum settlement is proposed and the employee and the lienholder are unable to agree on a fair and reasonable amount to discharge a lien against the lump sum settlement under the provisions of this section the reviewing board shall have the right to determine the fair and reasonable amount to be paid out of the lump sum settlement to discharge the lien; provided, however, that if the amount of the award or lump sum is insufficient to satisfy in full any competing claims of both the department of transitional assistance and the division of medical assistance, the department and the division each shall be entitled to its respective pro rata share of such award or lump sum.

SECTION 77. Section 47 of said chapter 152 is hereby amended by striking out the words "or two hundred and seventy-three A", inserted by section 55 of chapter 460 of the acts of 1993, and inserting in place thereof the following words:- or two hundred and seventy-nine D.

SECTION 78. Subsection (a) of section 32F of chapter 209 of the General Laws, as amended by section 65 of said chapter 460, is hereby further amended by striking out the fourth sentence and inserting in place thereof the following sentence:- The court shall have jurisdiction to order a sum to be paid periodically for the current support of a child or of a spouse and child or of a spouse and shall have jurisdiction to order a spouse or parent to reimburse the other spouse or the IV-D agency on behalf of the department of transitional assistance or the department of social services for past support including medical expenses, provided to his spouse or child, notwithstanding the fact that at the time of the hearing the parties are no longer receiving public assistance.

SECTION 79. Said subsection (a) of said section 32F of said chapter 209, as amended by said section 65 of said chapter 460, is hereby further amended by striking out the sixth sentence and inserting in place thereof the following sentence:- When the action is commenced on behalf of such department of transitional assistance or said department of social services or anyone other than the spouse or parent of a child entitled to receive support, the court shall ensure that such spouse and all parties are notified of the action and of any motions for temporary orders for support.

SECTION 80. Said section 32F of said chapter 209 of the General Laws is hereby amended by adding the following subsection:-

(h) Any action pursuant to this chapter that is pending or was previously adjudicated in the district court or Boston municipal court departments may be transferred to the probate and family court department by any party or by the IV-D agency as set forth in chapter one hundred and nineteen A. An action shall be transferred upon the filing of the following documents with the probate and family court:- (1) a copy of the petition, if any, and any accompanying documents; (2) a copy of the order of the district court or Boston municipal court, if any; (3) a copy of the findings of the court, if any; (4) a copy of the financial statements submitted by the parties, if any; (5) a copy of the worksheet used to calculate the amount of the child support order pursuant to the child support guidelines, if any; and (6) a copy of the docket maintained by the district court or the Boston municipal court, if any.

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Once transferred, the order of the district court or the Boston municipal court shall have the same force and effect, and shall be subject to the same procedures and defenses as an order of the probate and family court and may be enforced or modified in the same manner available to enforce or modify any judgment or order of the probate and family court. Transfer of an order pursuant to this section shall not limit the use of any enforcement remedy, whether judicial or administrative, that may be available and the probate and family court shall preserve all arrears that have accrued pursuant to the order of the district or Boston municipal court departments.

SECTION 81. The fifth paragraph of section 7 of chapter 209A of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by adding the following sentences:- If the court determines that the violation was in retaliation for the defendant being reported by the plaintiff to the department of revenue for failure to pay child support payments or for the establishment of paternity, the defendant shall be punished by a fine of not less than one thousand dollars and not more than ten thousand dollars and by imprisonment for not less than sixty days; provided, however, that the sentence shall not be suspended, nor shall any such person be eligible for probation, parole, or furlough or receive any deduction from his sentence for good conduct until he shall have served sixty days of such sentence.

SECTION 82. Subsection (a) of section 9 of chapter 209C of the General Laws is hereby amended by striking out the last sentence, as amended by section 73 of chapter 460 of the acts of 1993, and inserting in place thereof the following sentence:- An order may be entered requiring a parent chargeable with support to reimburse the mother or the department of transitional assistance for medical expenses attributable to the child or associated with childbirth or resulting from the pregnancy.

SECTION 83. Subsection (b) of said section 9 of said chapter 209C, as appearing in the 1992 Official Edition, is hereby amended by striking out, in lines 23 and 24, the words "public welfare" and inserting in place thereof, in each instance, the following words:- transitional assistance.

SECTION 84. Subsection (e) of said section 9 of said chapter 209C, as so appearing, is hereby amended by striking out, in line 56, the words "public welfare" and inserting in place thereof, in each instance, the following words:- transitional assistance.

SECTION 85. Section 19 of chapter 209C of the General Laws, as so appearing, is hereby amended by inserting after the word "eight," in line 15, the following word:- and,- striking out, in lines 15 and 16, the words ", and two hundred and seventy-three A" and inserting in place thereof the following words:- or received, entered or registered pursuant to chapter two hundred and nine D.

SECTION 86. Subsection (b) of section 22 of said chapter 209C, as so appearing, is hereby amended by striking out, in lines 6 and 10, the word "seventy-three A" and inserting in place thereof, in each instance, the following word:- nine D.

SECTION 87. The General Laws are hereby further amended by inserting after chapter 209C the following chapter:-

CHAPTER 209D.

UNIFORM INTERSTATE FAMILY SUPPORT ACT.

ARTICLE I. GENERAL PROVISIONS.

Section 1-101. Definitions. In this chapter:

(1) "Child" means an individual, whether over or under the age of majority, who is or is alleged to be owed a duty of support by the individual's parent or who is or is alleged to be the beneficiary of a support order directed to the parent.

(2) "Child support order" means a support order for a child, including a child who has attained the age of majority under the law of the issuing state.

(3) "Duty of support" means an obligation imposed or imposable by law to provide support for a child, spouse, or former spouse, including an unsatisfied obligation to provide support.

(4) "Home state" means the state in which a child lived with a parent or a person acting as parent for at least six consecutive months immediately preceding the time of filing of a petition or comparable pleading for support and, if a child is less than six months old, the state in which the child lived from birth with any of them. A period of temporary absence of any of them is counted as part of the six-month or other period.

(5) "Income" includes earnings or other periodic entitlements to money from any source and any other property subject to withholding for support under the law of the commonwealth.

(6) "Income-withholding order" means an order or other legal process directed to an obligor's employer, other source of periodic income, as defined by section twelve of chapter one hundred and nineteen A, or other debtor to withhold support from the income of the obligor.

(7) "Initiating state" means a state in which a proceeding under this chapter or a law substantially similar to this chapter, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act is filed for forwarding to a responding state.

(8) "Initiating tribunal" means the authorized tribunal in an initiating state.

(9) "Issuing state" means the state in which a tribunal issues a support order or renders a judgment determining parentage.

(10) "Issuing tribunal" means the tribunal that issues a support order or renders a judgment determining parentage.

(11) "Law" includes decisional and statutory law and rules and regulations having the force of law.

(12) "Obligee" means:

(i) an individual to whom a duty of support is or is alleged to be owed or in whose favor a support order has been issued or a judgment determining parentage has been rendered;

(ii) a state or political subdivision to which the rights under a duty of support or support order have been assigned or which has independent claims based on financial assistance provided to an individual obligee; or

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(iii) an individual seeking a judgment determining parentage of the individual's child.

(13) "Obligor" means an individual, or the estate of a decedent:

(i) who owes or is alleged to owe a duty of support,

(ii) who is alleged but has not been adjudicated to be a parent of a child; or

(iii) who is liable under a support order.

(14) "Register" means to file a support order or judgment determining parentage in a tribunal.

(15) "Registering tribunal" means a tribunal in which a support order is registered.

(16) "Responding state" means a state to which a proceeding is forwarded under this chapter or a law substantially similar to this chapter, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act.

(17) "Responding tribunal" means the authorized tribunal in a responding state.

(18) "Spousal-support order" means a support order for a spouse or former spouse of the obligor.

(19) "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or insular possession subject to the jurisdiction of the United States. The term "state" includes an Indian tribe and includes a foreign jurisdiction that has established procedures for issuance and enforcement of support orders which are substantially similar to the procedures under this chapter.

(20) "Support enforcement agency" means a public official or agency authorized to seek:

(i) enforcement of support orders or laws relating to the duty of support;

(ii) establishment or modification of child support;

(iii) determination of parentage; or

(iv) to locate obligors or their assets.

(21) "Support order" means a judgment, decree, or order, whether temporary, final, or subject to modification, for the benefit of a child, a spouse, or a former spouse, which provides for monetary support, health care, arrearages, or reimbursement, and may include related costs and fees, interest, income withholding, attorney's fees, and other relief.

(22) "Tribunal" means a court, administrative agency, or quasi-judicial entity authorized to establish, enforce, or modify support orders or to determine parentage.

Section 1-102. Tribunals of the commonwealth. The probate and family court, the district court and the Boston municipal court departments of the trial court shall be the tribunals of the commonwealth.

Section 1-103. Remedies cumulative. Remedies provided by this chapter are cumulative and do not affect the availability of remedies under other law.

ARTICLE 2. JURISDICTION

PART A. EXTENDED PERSONAL JURISDICTION

Section 2-201. Bases for jurisdiction over nonresident. In a proceeding to establish, enforce, or modify a support order or to determine parentage, a tribunal of the commonwealth may exercise personal jurisdiction over a nonresident individual or the indi-

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vidual's guardian or conservator pursuant to the provisions of chapter two hundred and twenty-three A or under this section. Personal jurisdiction may be exercised under this chapter if:

- (1) the individual is personally served with a notice within the commonwealth;
- (2) the individual submits to the jurisdiction of the commonwealth by consent, by entering a general appearance, or by filing a responsive document having the effect of waiving any contest to personal jurisdiction;
- (3) the individual resided with the child in the commonwealth;
- (4) the individual resided in the commonwealth and provided prenatal expenses or support for the child;
- (5) the child resides in the commonwealth as a result of the acts or directives of the individual;
- (6) the individual engaged in sexual intercourse in the commonwealth and the child may have been conceived by that act of intercourse;
- (7) the individual asserted parentage under the provisions of chapter forty-six or chapter two hundred and nine C; or
- (8) there is any other basis consistent with the constitutions of the commonwealth and the United States for the exercise of personal jurisdiction.

Section 2-202. Procedure when exercising jurisdiction over nonresident. A tribunal of the commonwealth exercising personal jurisdiction over a nonresident under Section 2-201 may apply Section 3-316 (Special Rules of Evidence and Procedure) to receive evidence from another state, and Section 3-318 (Assistance with Discovery) to obtain discovery through a tribunal of another state. In all other respects, Articles 3 through 7 do not apply and the tribunal shall apply the procedural and substantive law of the commonwealth, including the rules on choice of law other than those established by this chapter.

PART B. PROCEEDINGS INVOLVING TWO OR MORE STATES

Section 2-203. Initiating and responding tribunal of the commonwealth. Under this chapter, a tribunal of the commonwealth may serve as an initiating tribunal to forward proceedings to another state and as a responding tribunal for proceedings initiated in another state.

Section 2-204. Simultaneous proceedings in another state.

(a) A tribunal of the commonwealth may exercise jurisdiction to establish a support order if the petition or comparable pleading is filed after a petition or comparable pleading is filed in another state only if:

- (1) the petition or comparable pleading in the commonwealth is filed before the expiration of the time allowed in the other state for filing a responsive pleading challenging the exercise of jurisdiction by the other state;
 - (2) the contesting party timely challenges the exercise of jurisdiction in the other state; and
 - (3) if relevant, the commonwealth is the home state of the child.
- (b) A tribunal of the commonwealth may not exercise jurisdiction to establish a sup-

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port order if the petition or comparable pleading is filed before a petition or comparable pleading is filed in another state if:

(1) the petition or comparable pleading in the other state is filed before the expiration of the time allowed in the commonwealth for filing a responsive pleading challenging the exercise of jurisdiction by the commonwealth;

(2) the contesting party timely challenges the exercise of jurisdiction in the commonwealth; and

(3) if relevant, the other state is the home state of the child.

Section 2-205. Continuing, exclusive jurisdiction.

(a) A tribunal of the commonwealth issuing a support order consistent with the law of the commonwealth has continuing, exclusive jurisdiction over a child support order:

(1) as long as the commonwealth remains the residence of the obligor, the individual obligee, or the child for whose benefit the support order is issued; or

(2) until each individual party has filed written consent with the tribunal of the commonwealth for a tribunal of another state to modify the order and assume continuing, exclusive jurisdiction.

(b) A tribunal of the commonwealth issuing a child support order consistent with the law of the commonwealth may not exercise its continuing jurisdiction to modify the order if the order has been modified by a tribunal of another state pursuant to a law substantially similar to this chapter.

(c) If a child support order of the commonwealth is modified by a tribunal of another state pursuant to a law substantially similar to this chapter, a tribunal of the commonwealth loses its continuing, exclusive jurisdiction with regard to prospective enforcement of the order issued in the commonwealth, and may only:

(1) enforce the order that was modified as to amounts accruing before the modification;

(2) enforce nonmodifiable aspects of that order; and

(3) provide other appropriate relief for violations of that order which occurred before the effective date of the modification.

(d) A tribunal of the commonwealth shall recognize the continuing, exclusive jurisdiction of a tribunal of another state which has issued a child support order pursuant to a law substantially similar to this chapter.

(e) A temporary support order issued ex parte or pending resolution of a jurisdictional conflict does not create continuing, exclusive jurisdiction in the issuing tribunal.

(f) A tribunal of the commonwealth issuing a support order consistent with the law of the commonwealth has continuing, exclusive jurisdiction over a spousal support order throughout the existence of the support obligation. A tribunal of the commonwealth may not modify a spousal support order issued by a tribunal of another state having continuing, exclusive jurisdiction over that order under the law of that state.

Section 2-206. Enforcement and modification of support order by tribunal having continuing jurisdiction.

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(a) A tribunal of the commonwealth may serve as an initiating tribunal to request a tribunal of another state to enforce or modify a support order issued in that state.

(b) A tribunal of the commonwealth having continuing, exclusive jurisdiction over a support order may act as a responding tribunal under this chapter to enforce or modify the order. If a party subject to the continuing, exclusive jurisdiction of the tribunal no longer resides in the issuing state, in subsequent proceedings the tribunal may apply Section 3-316 (Special Rules of Evidence and Procedure) to receive evidence from another state and Section 3-318 (Assistance with Discovery) to obtain discovery through a tribunal of another state.

(c) A tribunal of the commonwealth which lacks continuing, exclusive jurisdiction over a spousal support order may not serve as a responding tribunal to modify a spousal support order of another state.

PART C. RECONCILIATION WITH ORDERS OF OTHER STATES.

Section 2-207. Recognition of child support orders.

(a) If a proceeding is brought under this chapter, and one or more child support orders have been issued in the commonwealth or another state with regard to an obligor and a child, a tribunal of the commonwealth shall apply the following rules in determining which order to recognize for purposes of continuing, exclusive jurisdiction:

(1) If only one tribunal has issued a child support order, the order of that tribunal must be recognized.

(2) If two or more tribunals have issued child support orders for the same obligor and child, and only one of the tribunals would have continuing, exclusive jurisdiction under this chapter, the order of that tribunal must be recognized.

(3) If two or more tribunals have issued child support orders for the same obligor and child, and more than one of the tribunals would have continuing, exclusive jurisdiction under this chapter, an order issued by a tribunal in the current home state of the child must be recognized, but if an order has not been issued in the current home state of the child, the order most recently issued must be recognized.

(4) If two or more tribunals have issued child support orders for the same obligor and child, and none of the tribunals would have continuing, exclusive jurisdiction under this chapter, the tribunal of the commonwealth may issue a child support order, which must be recognized.

(b) The tribunal that has issued an order recognized under subsection (a) is the tribunal having continuing, exclusive jurisdiction.

(c) Any action pursuant to former chapter two hundred and seventy-three A that is pending or was previously adjudicated in the district court or Boston municipal court departments may be transferred to the probate and family court department by any party or by the IV-D agency as set forth in chapter one hundred and nineteen A. An action shall be transferred upon the filing of the following documents with the probate and family court:-

(1) a copy of the petition, if any, and any accompanying documents; (2) a copy of the order of the district court or Boston municipal court, if any; (3) a copy of the findings of the court, if any; (4) a copy of the financial statements submitted by the parties, if any; (5) a copy of

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the worksheet used to calculate the amount of the child support order pursuant to the child support guidelines, if any; and (6) a copy of the docket maintained by the district court or the Boston municipal court, if any. Once transferred, the order of the district court or the Boston municipal court shall have the same force and effect, and shall be subject to the same procedures and defenses an order of the probate and family court and may be enforced or modified in the same manner available to enforce or modify any judgment or order of the probate and family court. Upon transfer, the provisions of this chapter shall apply. Transfer of an order pursuant to this section shall not limit the use of any enforcement remedy, whether judicial or administrative, that may be available and the probate and family court shall preserve all arrears that have accrued pursuant to the order of the district or Boston municipal court departments.

Section 2-208. Multiple child support orders for two or more obligees. In responding to multiple registrations or petitions for enforcement of two or more child support orders in effect at the same time with regard to the same obligor and different individual obligees, at least one of which was issued by a tribunal of another state, a tribunal of the commonwealth shall enforce those orders in the same manner as if the multiple orders had been issued by a tribunal of the commonwealth.

Section 2-209. Credit for payments. Amounts collected and credited for a particular period pursuant to a support order issued by a tribunal of another state must be credited against the amounts accruing or accrued for the same period under a support order issued by the tribunal of the commonwealth.

ARTICLE 3. CIVIL PROVISIONS OF GENERAL APPLICATION

Section 3-301. Proceedings under this chapter.

(a) Except as otherwise provided in this chapter, this article applies to all proceedings under this chapter.

(b) This chapter provides for the following proceedings:

(1) establishment of an order for spousal support or child support pursuant to Article 4;

(2) enforcement of a support order and income-withholding order of another state without registration pursuant to Article 5;

(3) registration of an order for spousal support or child support of another state for enforcement pursuant to Article 6;

(4) modification of an order for child support or spousal support issued by a tribunal of the commonwealth pursuant to Article 2, Part B;

(5) registration of an order for child support of another state for modification pursuant to Article 6;

(6) determination of parentage pursuant to Article 7; and

(7) assertion of jurisdiction over nonresidents pursuant to Article 2, Part A.

(c) An individual petitioner or a support enforcement agency may commence a proceeding authorized under this chapter by filing a petition in an initiating tribunal for forwarding to a responding tribunal or by filing a petition or a comparable pleading directly in a tribunal of another state which has or can obtain personal jurisdiction over the respon-

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dent.

Section 3-302. Action by minor parent. A minor parent, or a guardian or other legal representative of a minor parent, may maintain a proceeding on behalf of or for the benefit of the minor's child.

Section 3-303. Application of law of the commonwealth. Except as otherwise provided by this chapter, a responding tribunal of the commonwealth:

(1) shall apply the procedural and substantive law, including the rules on choice of law, generally applicable to similar proceedings originating in the commonwealth and may exercise all powers and provide all remedies available in those proceedings; and

(2) shall determine the duty of support and the amount payable in accordance with the law and support guidelines of the commonwealth.

Section 3-304. Duties of initiating tribunal. Upon the filing of a petition authorized by this chapter, an initiating tribunal of the commonwealth shall forward three copies of the petition and its accompanying documents:

(1) to the responding tribunal or appropriate support enforcement agency in the responding state; or

(2) if the identity of the responding tribunal is unknown, to the state information agency of the responding state with a request that they be forwarded to the appropriate tribunal and that receipt be acknowledged.

Section 3-305. Duties and powers of responding tribunal.

(a) When a responding tribunal of the commonwealth receives a petition or comparable pleading from an initiating tribunal or directly pursuant to Section 3-301(c) (Proceedings Under this Chapter), it shall cause the petition or pleading to be filed and notify the petitioner by first class mail where and when it was filed.

(b) A responding tribunal of the commonwealth, to the extent otherwise authorized by law, may do one or more of the following:

(1) issue or enforce a support order, modify a child support order, or render a judgment to determine parentage;

(2) order an obligor to comply with a support order, specifying the amount and the manner of compliance;

(3) order income withholding;

(4) determine the amount of any arrearages, and specify a method of payment;

(5) enforce orders by civil or criminal contempt, or both;

(6) set aside property for satisfaction of the support order;

(7) place liens and order execution on the obligor's property;

(8) order an obligor to keep the tribunal informed of the obligor's current residential address, telephone number, employer, address of employment, and telephone number at the place of employment;

(9) issue a *capias* or a bench warrant for an obligor who has failed after proper notice to appear at a hearing ordered by the tribunal and enter the *capias* or the bench warrant in any local and state computer systems for criminal warrants;

(10) order the obligor to seek appropriate employment by specified methods;

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(11) award reasonable attorney's fees and other fees and costs; and

(12) grant any other available remedy.

(c) A responding tribunal of the commonwealth shall include in a support order issued under this chapter, or in the documents accompanying the order, the calculations on which the support order is based.

(d) A responding tribunal of the commonwealth may not condition the payment of a support order issued under this chapter upon compliance by a party with provisions for visitation.

(e) If a responding tribunal of the commonwealth issues an order under this chapter, the tribunal shall send a copy of the order by first class mail to the petitioner and the respondent and to the initiating tribunal, if any.

Section 3-306. Inappropriate tribunal. If a petition or comparable pleading is received by an inappropriate tribunal of the commonwealth, it shall forward the pleading and accompanying documents to an appropriate tribunal in the commonwealth or another state and notify the petitioner by first class mail where and when the pleading was sent.

Section 3-307. Duties of support enforcement agency.

(a) A support enforcement agency of the commonwealth, upon request, shall provide services to a petitioner in a proceeding under this chapter.

(b) A support enforcement agency that is providing services to the petitioner as appropriate shall:

(1) take all steps necessary to enable an appropriate tribunal in the commonwealth or another state to obtain jurisdiction over the respondent;

(2) request an appropriate tribunal to set a date, time, and place for a hearing;

(3) make a reasonable effort to obtain all relevant information, including information as to income and property of the parties;

(4) within five days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of a written notice from an initiating, responding, or registering tribunal, send a copy of the notice by first class mail to the petitioner;

(5) within five days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of a written communication from the respondent or the respondent's attorney, send a copy of the communication by first class mail to the petitioner; and

(6) notify the petitioner if jurisdiction over the respondent cannot be obtained.

(c) This chapter does not create or negate a relationship of attorney and client or other fiduciary relationship between a support enforcement agency or the attorney for the agency and the individual being assisted by an agency.

Section 3-308. Duty of attorney general. If the Attorney General determines that the support enforcement agency is neglecting or refusing to provide services to an individual, the Attorney General may order the agency to perform its duties under this chapter or may provide those services directly to the individual.

Section 3-309. Private counsel. An individual may employ private counsel to represent the individual in proceedings authorized by this chapter.

Section 3-310. Duties of state information agency.

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(a) The commonwealth shall establish a state information agency under this chapter.

(b) The state information agency shall:

(1) compile and maintain a current list, including addresses, of the tribunals in the commonwealth which have jurisdiction under this chapter and any support enforcement agencies in the commonwealth and transmit a copy to the state information agency of every other state;

(2) maintain a register of tribunals and support enforcement agencies received from other states;

(3) forward to the appropriate tribunal in the place in the commonwealth in which the individual obligee or the obligor resides, or in which the obligor's property is believed to be located, all documents concerning a proceeding under this chapter received from an initiating tribunal or the state information agency of the initiating state; and

(4) obtain information concerning the location of the obligor and the obligor's property within the commonwealth not exempt from execution, by such means as postal verification and federal or state locator services, examination of telephone directories, requests for the obligor's address from employers, and examination of governmental records, including, to the extent not prohibited by other law, those relating to real property, vital statistics, law enforcement, taxation, motor vehicles, driver's licenses, and social security.

Section 3-311. Pleadings and accompanying documents.

(a) A petitioner seeking to establish or modify a support order or to determine parentage in a proceeding under this chapter must verify the petition. Unless otherwise ordered under Section 3-312 (Nondisclosure of Information in Exceptional Circumstances), the petition or accompanying documents must provide, so far as known, the name, residential address, and social security numbers of the obligor and the obligee, and the name, sex, residential address, social security number, and date of birth of each child for whom support is sought. The petition must be accompanied by a certified copy of any support order in effect. The petition may include any other information that may assist in locating or identifying the respondent.

(b) The petition must specify the relief sought. The petition and accompanying documents must conform substantially with the requirements imposed by the forms mandated by federal law for use in cases filed by a support enforcement agency.

Section 3-312. Nondisclosure of information in exceptional circumstances. Upon a finding, which may be made *ex parte*, that the health, safety, or liberty of a party or child would be unreasonably put at risk by the disclosure of identifying information, or if an existing order so provides, a tribunal shall order that the address of the child or party or other identifying information not be disclosed in a pleading or other document filed in a proceeding under this chapter.

Section 3-313. Costs and fees.

(a) The petitioner may not be required to pay a filing fee or other costs.

(b) If an obligee prevails, a responding tribunal may assess against an obligor filing fees, reasonable attorney's fees, other costs, and necessary travel and other reasonable expenses incurred by the obligee and the obligee's witnesses. The tribunal may not assess

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fees, costs, or expenses against the obligee or the support enforcement agency of either the initiating or the responding state, except as provided by other law. Attorney's fees may be taxed as costs, and may be ordered paid directly to the attorney, who may enforce the order in the attorney's own name. Payment of support owed to the obligee has priority over fees, costs and expenses.

(c) The tribunal shall order the payment of costs and reasonable attorney's fees if it determines that a hearing was requested primarily for delay. In a proceeding under Article 6 (Enforcement and Modification of Support Order After Registration), a hearing is presumed to have been requested primarily for delay if a registered support order is confirmed or enforced without change.

Section 3-314. Limited immunity of petitioner.

(a) Participation by a petitioner in a proceeding before a responding tribunal, whether in person, by private attorney, or through services provided by the support enforcement agency, does not confer personal jurisdiction over the petitioner in another proceeding.

(b) A petitioner is not amenable to service of civil process while physically present in the commonwealth to participate in a proceeding under this chapter.

(c) The immunity granted by this section does not extend to civil litigation based on acts unrelated to a proceeding under this chapter committed by a party while present in the commonwealth to participate in the proceeding.

Section 3-315. Nonparentage as defense. A party whose parentage of a child has been previously determined by or pursuant to law may not plead nonparentage as a defense to a proceeding under this chapter.

Section 3-316. Special rules of evidence and procedure.

(a) The physical presence of the petitioner in a responding tribunal of the commonwealth is not required for the establishment, enforcement, or modification of a support order or the rendition of a judgment determining parentage.

(b) A verified petition, affidavit, document substantially complying with federally mandated forms, and a document incorporated by reference in any of them, not excluded under the hearsay rule if given in person, is admissible in evidence if given under oath by a party or witness residing in another state.

(c) A copy of the record of child support payments certified as a true copy of the original by the custodian of the record may be forwarded to a responding tribunal. The copy is evidence of facts asserted in it, and is admissible to show whether payments were made.

(d) Copies of bills for testing for parentage, and for prenatal and postnatal health care of the mother and child, furnished to the adverse party at least ten days before trial, are admissible in evidence to prove the amount of the charges billed and that the charges were reasonable, necessary, and customary.

(e) Documentary evidence transmitted from another state to a tribunal of the commonwealth by telephone, telecopier, or other means that do not provide an original writing may not be excluded from evidence on an objection based on the means of transmission.

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(f) In a proceeding under this chapter, a tribunal of the commonwealth may permit a party or witness residing in another state to be deposed or to testify by telephone, audiovisual means, or other electronic means at a designated tribunal or other location in that state. A tribunal of the commonwealth shall cooperate with tribunals of other states in designating an appropriate location for the deposition or testimony.

(g) If a party called to testify at a civil hearing refuses to answer on the ground that the testimony may be self-incriminating, the trier of fact may draw an adverse inference from the refusal.

(h) A privilege against disclosure of communications between spouses does not apply in a proceeding under this chapter.

(i) The defense of immunity based on the relationship of husband and wife or parent and child does not apply in a proceeding under this chapter.

Section 3-317. Communications between tribunals. A tribunal of the commonwealth may communicate with a tribunal of another state in writing, or by telephone or other means, to obtain information concerning the laws of that state, the legal effect of a judgment, decree, or order of that tribunal, and the status of a proceeding in the other state. A tribunal of the commonwealth may furnish similar information by similar means to a tribunal of another state.

Section 3-318. Assistance with discovery. A tribunal of the commonwealth may:

- (1) request a tribunal of another state to assist in obtaining discovery; and
- (2) upon request, compel a person over whom it has jurisdiction to respond to a discovery order issued by a tribunal of another state.

Section 3-319. Receipt and disbursement of payments. A support enforcement agency or tribunal of the commonwealth shall disburse promptly any amounts received pursuant to a support order, as directed by the order. The agency or tribunal shall furnish to a requesting party or tribunal of another state a certified statement by the custodian of the record of the amounts and dates of all payments received.

ARTICLE 4. ESTABLISHMENT OF SUPPORT ORDER

Section 4-401. Petition to establish support order.

(a) If a support order entitled to recognition under this chapter has not been issued, a responding tribunal of the commonwealth may issue a support order if:

- (1) the individual seeking the order resides in another state; or
- (2) the support enforcement agency seeking the order is located in another state.

(b) The tribunal may issue a temporary child support order if:

- (1) the respondent has signed a verified statement acknowledging parentage;
- (2) the respondent has been determined by or pursuant to law to be the parent; or
- (3) there is other clear and convincing evidence that the respondent is the child's parent.

(c) Upon finding, after notice and opportunity to be heard, that an obligor owes a duty of support, the tribunal shall issue a support order directed to the obligor and may issue other orders pursuant to Section 3-305 (Duties and Powers of Responding Tribunal).

ARTICLE 5. DIRECT ENFORCEMENT OF ORDER OF ANOTHER STATE WITHOUT REGISTRATION.

Section 5-501. Recognition of income-withholding order of another state.

(a) An income-withholding order issued in another state may be sent by first class mail to the person or entity defined as the obligor's employer under section twelve of chapter one hundred and nineteen A without first filing a petition or comparable pleading or registering the order with a tribunal of the commonwealth. Upon receipt of the order, the employer shall:

- (1) treat an income-withholding order issued in another state which appears regular on its face as if it had been issued by a tribunal of the commonwealth;
- (2) immediately provide a copy of the order to the obligor; and
- (3) distribute the funds as directed in the withholding order.

(b) An obligor may contest the validity or enforcement of an income-withholding order issued in another state in the same manner as if the order had been issued by a tribunal of the commonwealth. Section 6-604 (Choice of Law) applies to the contest. The obligor shall give notice of the contest to any child support enforcement agency providing services to the obligee and to:

- (1) the person or agency designated to receive payments in the income-withholding order; or
- (2) if no person or agency is designated, the obligee.

Section 5-502. Administrative enforcement of orders.

(a) A party seeking to enforce a support order or an income-withholding order, or both, issued by a tribunal of another state may send the documents required for registering the order to a support enforcement agency of the commonwealth.

(b) Upon receipt of the documents, the support enforcement agency, without initially seeking to register the order, shall consider and, if appropriate, use any administrative procedure authorized by the law of the commonwealth to enforce a support order or an income-withholding order, or both. If the obligor does not contest administrative enforcement, the order need not be registered. If the obligor contests the validity or administrative enforcement of the order, the support enforcement agency shall register the order pursuant to this chapter.

ARTICLE 6. ENFORCEMENT AND MODIFICATION OF SUPPORT ORDER AFTER REGISTRATION.

PART A. REGISTRATION AND ENFORCEMENT OF SUPPORT ORDER.

Section 6-601. Registration of order for enforcement. A support order or an income-withholding order issued by a tribunal of another state may be registered in the commonwealth for enforcement.

Section 6-602. Procedure to register order for enforcement.

(a) A support order or income-withholding order of another state may be registered in the commonwealth by sending the following documents and information to the appropriate tribunal in the commonwealth:

- (1) a letter of transmittal to the tribunal requesting registration and enforcement;

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(2) two copies, including one certified copy, of all orders to be registered, including any modification of an order;

(3) a sworn statement by the party seeking registration or a certified statement by the custodian of the records showing the amount of any arrearage;

(4) the name of the obligor and, if known:

(i) the obligor's address and social security number;

(ii) the name and address of the obligor's employer and any other source of income of the obligor; and

(iii) a description and the location of property of the obligor in the commonwealth not exempt from execution; and

(5) the name and address of the obligee and, if applicable, the agency or person to whom support payments are to be remitted.

(b) On receipt of a request for registration, the registering tribunal shall cause the order to be filed as a foreign judgment, together with one copy of the documents and information, regardless of their form.

(c) A petition or comparable pleading seeking a remedy that must be affirmatively sought under other law of the commonwealth may be filed at the same time as the request for registration or later. The pleading must specify the grounds for the remedy sought.

Section 6-603. Effect of registration for enforcement.

(a) A support order or income-withholding order issued in another state is registered when the order is filed in the registering tribunal of the commonwealth.

(b) A registered order issued in another state is enforceable in the same manner and is subject to the same procedures as an order issued by a tribunal of the commonwealth.

(c) Except as otherwise provided in this article, a tribunal of the commonwealth shall recognize and enforce, but may not modify, a registered order if the issuing tribunal had jurisdiction.

Section 6-604. Choice of law.

(a) The law of the issuing state governs the nature, extent, amount, and duration of current payments and other obligations of support and the payment of arrearages under the order.

(b) In a proceeding for arrearages, the statute of limitation under the laws of the commonwealth or of the issuing state, whichever is longer, applies.

PART B. CONTEST OF VALIDITY OR ENFORCEMENT.

Section 6-605. Notice of registration of order.

(a) When a support order or income-withholding order issued in another state is registered, the registering tribunal shall notify the nonregistering party. Notice must be given by first class, certified, or registered mail or by any means of personal service authorized by the law of the commonwealth. The notice must be accompanied by a copy of the registered order and the documents and relevant information accompanying the order.

(b) The notice must inform the nonregistering party:

(1) that a registered order is enforceable as of the date of registration in the same manner as an order issued by a tribunal of the commonwealth;

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(2) that a hearing to contest the validity or enforcement of the registered order must be requested within twenty days after the date of mailing or personal service of the notice;

(3) that failure to contest the validity or enforcement of the registered order in a timely manner will result in confirmation of the order and enforcement of the order and the alleged arrearages and precludes further contest of that order with respect to any matter that could have been asserted; and

(4) of the amount of any alleged arrearages.

(c) Upon registration of an income-withholding order for enforcement, the registering tribunal shall notify the obligor's employer pursuant to section twelve of chapter one hundred and nineteen A.

Section 6-606. Procedure to contest validity or enforcement of registered order.

(a) A nonregistering party seeking to contest the validity or enforcement of a registered order in the commonwealth shall request a hearing within twenty days after the date of mailing or personal service of notice of the registration. The nonregistering party may seek to vacate the registration, to assert any defense to an allegation of noncompliance with the registered order, or to contest the remedies being sought or the amount of any alleged arrearages pursuant to Section 6-607 (*Contest of Registration or Enforcement*).

(b) If the nonregistering party fails to contest the validity or enforcement of the registered order in a timely manner, the order is confirmed by operation of law.

(c) If a nonregistering party requests a hearing to contest the validity or enforcement of the registered order, the registering tribunal shall schedule the matter for hearing and give notice to the parties by first class mail of the date, time, and place of the hearing.

Section 6-607. Contest of registration or enforcement.

(a) A party contesting the validity or enforcement of a registered order or seeking to vacate the registration has the burden of proving one or more of the following defenses:

(1) the issuing tribunal lacked personal jurisdiction over the contesting party;

(2) the order was obtained by fraud;

(3) the order has been vacated, suspended, or modified by a later order;

(4) the issuing tribunal has stayed the order pending appeal;

(5) there is a defense under the law of the commonwealth to the remedy sought;

(6) full or partial payment has been made; or

(7) the statute of limitation under Section 6-604 (*Choice of Law*) precludes enforcement of some or all of the arrearages.

(b) If a party presents evidence establishing a full or partial defense under subsection (a), a tribunal may stay enforcement of the registered order, continue the proceeding to permit production of additional relevant evidence, and issue other appropriate orders. An uncontested portion of the registered order may be enforced by all remedies available under the law of the commonwealth.

(c) If the contesting party does not establish a defense under subsection (a) to the validity or enforcement of the order, the registering tribunal shall issue an order confirming the order.

Section 6-608. Confirmed order. Confirmation of a registered order, whether by

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operation of law or after notice and hearing, precludes further contest of the order with respect to any matter that could have been asserted at the time of registration.

PART C. REGISTRATION AND MODIFICATION OF CHILD SUPPORT ORDER

Section 6-609. Procedure to register child support order of another state for modification. A party or support enforcement agency seeking to modify, or to modify and enforce, a child support order issued in another state shall register that order in the commonwealth in the same manner provided in Part A of this article if the order has not been registered. A petition for modification may be filed at the same time as a request for registration, or later. The pleading must specify the grounds for modification.

Section 6-610. Effect of registration for modification. A tribunal of the commonwealth may enforce a child support order of another state registered for purposes of modification, in the same manner as if the order had been issued by a tribunal of the commonwealth, but the registered order may be modified only if the requirements of Section 6-611 (*Modification of Order of Another State*) have been met.

Section 6-611. Modification of child support order of another state.

(a) After a child support order issued in another state has been registered in the commonwealth, the responding tribunal of the commonwealth may modify that order only if, after notice and hearing, it finds that:

(1) the following requirements are met:

(i) the child, the individual obligee, and the obligor do not reside in the issuing state;
(ii) a petitioner who is a nonresident of the commonwealth seeks modification; and
(iii) the respondent is subject to the personal jurisdiction of the tribunal of the commonwealth; or

(2) an individual party or the child is subject to the personal jurisdiction of the tribunal and all of the individual parties have filed a written consent in the issuing tribunal providing that a tribunal of the commonwealth may modify the support order and assume continuing, exclusive jurisdiction over the order.

(b) Modification of a registered child support order is subject to the same requirements, procedures, and defenses that apply to the modification of an order issued by a tribunal of the commonwealth and the order may be enforced and satisfied in the same manner.

(c) A tribunal of the commonwealth may not modify any aspect of a child support order that may not be modified under the law of the issuing state.

(d) On issuance of an order modifying a child support order issued in another state, a tribunal of the commonwealth becomes the tribunal of continuing, exclusive jurisdiction.

(e) Within thirty days after issuance of a modified child support order, the party obtaining the modification shall file a certified copy of the order with the issuing tribunal which had continuing, exclusive jurisdiction over the earlier order, and in each tribunal in which the party knows that earlier order has been registered.

Section 6-612. Recognition of order modified in another state. A tribunal of the commonwealth shall recognize a modification of its earlier child support order by a tribunal

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of another state which assumed jurisdiction pursuant to a law substantially similar to this chapter and, upon request, except as otherwise provided in this chapter, shall:

- (1) enforce the order that was modified only as to amounts accruing before the modification;
- (2) enforce only nonmodifiable aspects of that order;
- (3) provide other appropriate relief only for violations of that order which occurred before the effective date of the modification; and
- (4) recognize the modifying order of the other state, upon registration, for the purpose of enforcement.

ARTICLE 7. DETERMINATION OF PARENTAGE.

Section 7-701. Proceeding to determine parentage.

(a) A tribunal of the commonwealth may serve as an initiating or responding tribunal in a proceeding brought under this chapter or a law substantially similar to this chapter, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act to determine that the petitioner is a parent of a particular child or to determine that a respondent is a parent of that child.

(b) In a proceeding to determine parentage, a responding tribunal of the commonwealth shall apply the procedural and substantive law of the commonwealth and the rules of the commonwealth on choice of law.

ARTICLE 8. INTERSTATE RENDITION

Section 8-801. Grounds for rendition.

(a) For purposes of this article, "governor" includes an individual performing the functions of governor or the executive authority of a state covered by this chapter.

(b) The governor of the commonwealth may:

- (1) demand that the governor of another state surrender an individual found in the other state who is charged criminally in the commonwealth with having failed to provide for the support of an obligee; or
- (2) on the demand by the governor of another state, surrender an individual found in the commonwealth who is charged criminally in the other state with having failed to provide for the support of an obligee.

(c) A provision for extradition of individuals not inconsistent with this chapter applies to the demand even if the individual whose surrender is demanded was not in the demanding state when the crime was allegedly committed and has not fled therefrom.

Section 8-802. Conditions of rendition.

(a) Before making demand that the governor of another state surrender an individual charged criminally in the commonwealth with having failed to provide for the support of an obligee, the governor of the commonwealth may require a prosecutor of the commonwealth to demonstrate that at least sixty days previously the obligee had initiated proceedings for support pursuant to this chapter or that the proceeding would be of no avail.

(b) If, under this chapter or a law substantially similar to this chapter, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act, the governor of another state makes a demand that the governor of the com-

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monwealth surrender an individual charged criminally in that state with having failed to provide for the support of a child or other individual to whom a duty of support is owed, the governor may require a prosecutor to investigate the demand and report whether a proceeding for support has been initiated or would be effective. If it appears that a proceeding would be effective but has not been initiated, the governor may delay honoring the demand for a reasonable time to permit the initiation of a proceeding.

(c) If a proceeding for support has been initiated and the individual whose rendition is demanded prevails, the governor may decline to honor the demand. If the petitioner prevails and the person whose rendition is demanded is subject to a support order, the governor may decline to honor the demand if the individual is complying with the support order.

ARTICLE 9. MISCELLANEOUS PROVISIONS.

Section 9-901. Uniformity of application and construction. This chapter shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this chapter among states enacting it.

Section 9-902. Short title. This chapter may be cited as the Uniform Interstate Family Support Act.

SECTION 88. Section 4 of chapter 215 of the General Laws is hereby amended by striking out the words "chapter two hundred and seventy-three A", inserted by section 85 of chapter 460 of the acts of 1993, and inserting in place thereof the following word:- two hundred and seventy-nine D.

SECTION 89. Section 19 of chapter 218 of the General Laws, as appearing in the 1992 Official Edition, is hereby amended by striking out the fourth sentence and inserting in place thereof the following sentence:- The Boston municipal and district court departments shall have original jurisdiction concurrent with the probate and family court department of proceedings under chapter two hundred and nine D.

SECTION 90. Section 26 of said chapter 218 is hereby amended by inserting after the word "sixty-six", in line 17, as so appearing, the following words:- , and sections one, fifteen and fifteen A of chapter two hundred and seventy-three.

SECTION 91. Section 3 of chapter 221B of the General Laws, as so appearing, is hereby amended by striking out, in line 8, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 92. Section 4 of chapter 221B of the General Laws, as so appearing, is hereby amended by striking out, in lines 7 to 9, inclusive, the words "and complaints under chapter two hundred and seven, two hundred and eight, two hundred and nine, two hundred and nine C or two hundred and seventy-three A" and inserting in place thereof the following words:- complaints under chapter two hundred and seven, two hundred and eight, two hundred and nine, or two hundred and nine C, petitions pursuant to chapter two hundred and nine D.

SECTION 93. Section 7 of said chapter 221B, as so appearing, is hereby amended by striking out, in line 8, the word "seventy-three A" and inserting in place thereof the following word:- nine D.

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SECTION 94. Section 20 of chapter 233 of the General Laws, as so appearing, is amended by striking, in line 7, the word "seventy-three A" and inserting in place thereof the following word:- nine D.

SECTION 95. Section 43 of chapter 271 of the General Laws, as so appearing, is hereby amended by striking out, in lines 5, 14, and 19 the words "public welfare" and inserting in place thereof, in each instance, the following words:- transitional assistance.

SECTION 96. Section 98B of chapter 272 of the General Laws, as so appearing, is hereby amended by striking out, in line 4, the words "public welfare" and inserting in place thereof the following words:- transitional assistance.

SECTION 97. Section 1 of chapter 273 of the General Laws, as so appearing, is hereby amended by striking out, in line 12, the word "and", the second time it appears, and inserting in place thereof the following word:- or.

SECTION 98. Said section 1 of said chapter 273 is hereby further amended by striking out, in lines 15 to 17, as so appearing, the words ", two hundred and seventy-three or two hundred and seventy-three A or" and inserting in place thereof the following words:- or two hundred and seventy-three, or received, entered or registered pursuant to chapter two hundred and nine D, or entered.

SECTION 99. Section 15 of said chapter 273 is hereby amended by striking out, in line 8, as so appearing, the word "and", the second time it appears, and inserting in place thereof the following word:- or.

SECTION 100. Said first paragraph of said section 15 of said chapter 273 is hereby further amended by striking out the words ", two hundred and seventy-three or two hundred and seventy-three A or" and inserting in place thereof the following words:- or two hundred and seventy-three, or received, entered or registered pursuant to chapter two hundred and nine D, or entered.

SECTION 101. Section 15A of said chapter 273, as so appearing, is hereby amended by inserting after the word "imprisonment", in line 2, the following words:- or by both fine and imprisonment.

SECTION 102. Said section 15A of said chapter 273 is hereby further amended by striking out, in line 9, as so appearing, the word "seventy-three A" and inserting in place thereof the following word:- nine D.

SECTION 103. Subsection (2) of said section 15A of said chapter 273 is hereby further amended by striking out the words "shall be penalized by a fine not to exceed five thousand dollars or five years imprisonment in a state prison, or both" and inserting in place thereof the following words:- shall be punished by imprisonment in the state prison for not more than five years or by imprisonment in jail or the house of correction for not more than two and one-half years, or by a fine of not more than five thousand dollars, or by both such fine and imprisonment.

SECTION 104. Subsection (3) of said section 15A of said chapter 273, as amended by section 94 of chapter 460 of the acts of 1993, is hereby further amended by striking out the words "shall be penalized by a fine not to exceed ten thousand dollars or ten years imprisonment in a state prison, or both" and inserting in place thereof the following

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words:- shall be punished by imprisonment in the state prison for not more than ten years or by imprisonment in jail or the house of correction for not more than two and one-half years, or by a fine of not more than ten thousand dollars, or by both such fine and imprisonment.

SECTION 105. Chapter two hundred and seventy-three A of the General Laws is hereby repealed.

SECTION 106. Item 4000-0200 in section 2 of chapter 60 of the acts of 1994 is hereby amended by striking out the wording and inserting in place thereof the following wording:-

For voucher and contracted day care programs; provided, that the MASSJOBS day care program shall be available for recipients of benefits provided under the program of aid to families with dependent children and the absent parents of said recipients; provided further, that the day care program shall be available to participants within up to one year of termination of their aid to families with dependent children benefits due to employment; provided further, that unless otherwise authorized to be expended, any federal reimbursements received for this purpose shall be credited to the General Fund; provided further, that day care slots shall be distributed geographically in a manner which provides fair and adequate access to day care for all eligible individuals; provided further, that four hundred and ninety-five thousand dollars shall be expended to provide one hundred slots for the provision of day care by the department of public welfare for children who are recipients of benefits provided under the aid to families with dependent children and who are in the custody and care of grandparents due to the incapacity or absence of the parents; provided further, that all day care providers that are part of a public school system shall be required to accept from recipients day care vouchers provided through these appropriations; provided further, that the department is hereby authorized to provide day care benefits to parents currently enrolled in a job training program who are under the age of eighteen and who would qualify for benefits under the provisions of chapter one hundred and eighteen of the General Laws but for the deeming of the grandparents' income; provided further, that not more than four million sixty-six thousand five hundred and forty-four dollars shall be expended for MASSJOBS contracted day care; provided further, that not more than thirty-seven million five hundred and seventy-eight thousand eight hundred and sixty-five dollars shall be expended for MASSJOBS voucher day care; provided further, that not more than three million six hundred thousand dollars shall be expended for the operating expenses of the MASSJOBS voucher management system; provided further, that two hundred thousand dollars shall be expended for the provision of operating support for community-based child care resource and referral programs that provide direct services to parents; provided further, that three million eight hundred and ten thousand five hundred and four dollars shall be expended for contracted day care slots for teen parents and their children; provided further, that not more than thirty-three million seven hundred and sixty-nine thousand and three dollars shall be expended for contracted day care slots for income eligible parents; and, provided further, that not more than two million seven hundred and thirty-nine thousand one hundred and sixty-one dollars shall be expended for voucher

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day care for income eligible parents.

SECTION 107. Item 4000-0210 in said section 2 of said chapter 60 is hereby amended by striking out the wording and inserting in place thereof the following wording:-

The secretariat may expend for purposes of the MASSJOBS day care program an amount not to exceed five million two hundred thirteen thousand one hundred and forty-three dollars from the monies received from title IV-A reimbursements; provided, however, that three million three hundred thousand dollars shall be expended for voucher day care services for participants in the MASSJOBS program and for former participants within up to one year of the termination of their aid to families with dependent children benefits due to employment; provided, further, that not more than one million nine hundred thirteen thousand one hundred and forty-three dollars shall be expended for contracted day care services for participants in the MASSJOBS program and for former participants within up to one year of the termination of their aid to families with dependent children benefits due to employment; and provided, further, that no funds from this item shall be expended for "extended vouchers", so-called.

SECTION 108. Item 4000-0220 in said section 2 of said chapter 60 is hereby amended by striking out the wording and inserting in place thereof the following wording:-

For the provision and management of the informal child care program; provided, however, that not more than two dollars per child per hour shall be paid for such services; and provided, further, that not more than seven million dollars in total shall be expended for independent child care services.

SECTION 109. Item 4400-1000 in said section 2 of said chapter 60 is hereby amended by inserting after the word "department", in line 11, the following words:- ; provided, further, that the department of transitional assistance shall maintain welfare offices in Falmouth, Lynn, Hyannis, Orleans, Provincetown, Westfield, Gloucester, at 294 Bowdoin street in the Dorchester section of the city of Boston, and the city of Northampton.

SECTION 110. The program of aid to families with dependent children established by chapter one hundred and eighteen of the General Laws is hereby modified by this act for the purposes of promoting the principles of family unity, individual responsibility and self-reliance and to structure financial and economic incentives and disincentives that promote such principles in the administration of said program. It is the intent of the general court that the modifications to said program effectuated by this act shall take effect as soon as practicable in the fiscal year beginning on July first, nineteen hundred and ninety-five.

(a) For purposes of this act the following words shall, unless the context clearly requires otherwise, have the following meanings:-

"Assistance", cash grants, special needs assistance, and other benefits funded jointly by the commonwealth and the federal government which are available from the program.

"Child of record", the youngest child of a recipient on July first, nineteen hundred and ninety-five or at the time a family first applies for assistance after July first, nineteen hundred and ninety-five; provided, however, that a child born to a woman who was pregnant on July first, nineteen hundred and ninety-five or at the time of first applying for assistance

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shall be the child of record; provided, further, that the commissioner shall establish exemptions to allow a later-born child to be the child of record if such child was born as a result of rape, incest, or other extraordinary circumstances as determined by the commissioner which may include, at the commissioner's discretion, renewed eligibility for assistance after a thirty-six month period of ineligibility. Unless the commissioner grants an exemption, the designation of child of record shall not change, even if said child no longer lives in the household, or subsequent children are born to the parent.

"Commissioner", the commissioner of the department.

"Department", the department of transitional assistance known previously as the department of public welfare established by chapter eighteen of the General Laws.

"Dependent child", "dependent children", "child" or "children", the children of recipients eligible to receive assistance from the program.

"Family", the household unit consisting of dependent children and a recipient or recipients determined eligible for assistance from said program.

"Program", the program of aid to families with dependent children established by chapter one hundred and eighteen of the General Laws and as modified by this act.

"Recipient", parents receiving or otherwise eligible to receive assistance from said program who are responsible for the care of dependent children.

(b) Subject to federal approval of a waiver, a family shall be eligible for assistance provided its maximum allowable countable resources do not exceed two thousand five hundred dollars and upon meeting all other eligibility criteria; provided, however, that the fair market value of any licensed motor vehicle of such family does not exceed five thousand dollars; provided, further, that any value in excess of said five thousand dollars shall be attributed toward said family's countable resources.

(c) Subject to federal approval of a waiver, the department shall not provide any increment in assistance because of the addition to a family of any child born after the "child of record". A caretaker or guardian who is not eligible for assistance but is caring for dependent children shall not be so affected by the limit on additional assistance imposed by this subsection, until said caretaker or guardian gives birth to a child that makes said caretaker or guardian initially eligible for assistance.

The department shall further seek a federal waiver of 42 USC 602(a)(38), so that, in cases in which the birth of a child after the child of record leads to increased payments of child support to the family, up to ninety dollars per month of said increased payments of child support paid on behalf of such after-born child shall not be assigned to the commonwealth and shall be retained by the family for the expense of said child.

(d) Subject to federal approval of a waiver, the department shall establish levels of assistance that vary according to whether families qualify for the exempt categories of assistance established in subsection (e). Families of comparable size and financial circumstances that are determined to qualify for said exempt categories of assistance shall be awarded a higher standard of payment than the assistance awarded to families not so qualifying. Said waiver shall seek to establish the lower payment standard at a level two and three-quarters percent below the level in effect in fiscal year nineteen hundred and ninety-

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five. Said waiver shall seek to establish an earnings disregard of thirty dollars and fifty percent of earned income for recipients subject to said lower payment standard during the entire period of eligibility for assistance and which shall otherwise be subject to the terms of subsection (g). Neither said lower payment standard nor said fifty percent disregard shall be effective unless the other provision is also effective. Said waiver applications shall provide that the provisions of this subsection do not alter the medically needy income eligibility standard of the medical assistance program administered pursuant to chapter one hundred and eighteen E of the General Laws and that said medically needy income eligibility standard shall remain at the level in effect in fiscal year nineteen hundred and ninety-five.

(e) Recipients meeting the following eligibility criteria shall be exempt from the provisions of subsections (d), (f), (h) and (j) until such time as their eligibility status has been determined by the department to have changed and they no longer conform to the criteria that define the following exempt categories of assistance:

(1) recipients who are disabled, as defined by regulations of the department, provided that in families with two parents, both parents must be disabled; provided, that to the extent permitted by federal law, the word "disabled" shall not include recipients who are alcohol- or drug-dependent or whose disability is based in whole or in part on previous dependency.

(2) recipients who must care for a disabled child or spouse;

(3) recipients in their third trimester of pregnancy, or recipients with a child of record under the age of two years or any child other than the child of record who is under the age of three months;

(4) recipients under the age of twenty years attending high school full time subject to the provisions of subsection (i); or

(5) caretakers of children in their care; provided, however, that the department shall provide a cash payment for only the children.

(f) Subject to the commonwealth's receiving a federal waiver, a family in which the recipient does not qualify for the exempt categories of assistance established by subsection (e) shall receive assistance for not more than a maximum and cumulative twenty-four months during a continuous sixty month period, unless an extension is granted by the commissioner. Upon receiving said assistance for twenty-four months, a recipient shall be ineligible for assistance for the thirty-six months following the twenty-fourth month. Said continuous period of sixty months shall commence from the date a recipient first becomes eligible for assistance as a parent or on July first, nineteen hundred and ninety-five, whichever is later. A recipient giving birth to a child during the thirty-six month period of ineligibility shall not be eligible for assistance pursuant to clause (3) of subsection (e) solely on the basis of said birth and shall not be eligible for assistance until the expiration of said continuous sixty month period.

In the event a recipient's eligibility status changes to an exempt category of assistance during said sixty month period, the calculation of the maximum assistance period of twenty-four months within said sixty month period shall be suspended and not resume until such time as the recipient is no longer eligible for said exempt status, at which time the cal-

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calculation shall resume.

The calculation of said twenty-four month period of eligibility for assistance shall be suspended when a recipient or a family unenrolls from said program. The calculation of said twenty-four month period shall resume when said recipient or family is determined upon reapplication to be eligible for assistance. Reapplication for assistance within said continuous sixty month period shall not be considered a new case for purposes of calculating the periods of eligibility and ineligibility for assistance under this subsection. Determinations of a recipient's exempt category status pursuant to this subsection shall be subject to fair hearings; provided, however, that the time during which any appeal is pending shall be calculated toward the period of maximum assistance eligibility. The commissioner shall establish a procedure by which a recipient may request an extension of benefits.

The commissioner shall establish criteria to be considered in making a determination that a recipient's benefits should be extended. Such criteria shall include, but not be limited to: (i) whether the recipient has received and or rejected offers of employment, has quit a job without good cause or has been fired for cause; (ii) the degree to which the recipient has cooperated, and is cooperating, with the agency in work-related activities. In making said determination, the commissioner shall, further, consider whether appropriate job opportunities actually exist locally at a given point in time for recipients. The commissioner may review and revise such determinations as he deems appropriate.

A recipient who, in order to remain eligible for benefits changes eligibility status, and said change in status is proven in a court of competent jurisdiction to be the result of fraud or deceit, shall not be eligible for any program of assistance provided by the commonwealth including, but not limited to, programs of assistance administered by said department, including programs administered jointly with the federal government or solely on the part of the commonwealth, or programs administered by the division of medical assistance, the department of public health or the department of social services, and shall be required to pay full restitution and any fine levied and shall not be eligible to receive assistance until such amounts have been so paid. Any recipient who participates in or assists in procuring payments from the department by falsely depicting himself as exempt as defined herein, shall be punished by a fine of not less than two hundred nor more than five thousand dollars or by imprisonment for not less than one year nor more than five years and in all cases repayment shall be ordered of the amount of any such payments procured in addition to and not in lieu of any penalties imposed pursuant to this section.

Notwithstanding the provisions of this section, a recipient who was participating in a MASSJOBS program on January first, nineteen hundred and ninety-five shall be allowed to complete such program and shall continue to receive assistance while participating in said program.

(g) Subject to federal approval and federal financial participation, a recipient, or an applicant who has received aid to families with dependent children within the last four calendar months, shall be eligible to have thirty dollars and one-third of the remaining gross earned income, after work-related expenses but before dependent care deductions, disregarded, subject to the provisions of 106 CMR 304.280(C), for the entire period that any

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such recipient is eligible for assistance; provided that the amount of said disregard shall be thirty dollars and one-half of said income for recipients subject to a reduction in assistance pursuant to subsection (d).

Subject to federal approval and federal financial participation, aid shall be provided to a two parent family which includes a needy child and meets the generally acceptable financial eligibility requirements regardless of whether the principal wage earner of such family is employed for one hundred hours a month or more; provided, however, that the department shall seek a waiver to secure federal financial participation for such aid; and provided, further, that such aid shall not be paid unless federal financial aid is available.

(h) Subject to appropriation, the department may develop for each recipient an employment development plan designed to enable said recipient to attain economic self-sufficiency. Said plans shall be prepared by the case manager with involvement of the recipient. The plan may include an in-depth assessment of the recipient's current employability and development of a strategy to return such parent to economic self-sufficiency. *The department shall determine program availability levels for each of the program components listed below, after considering the appropriations for said components, for assistance, and for day care services related to the program. Volunteers shall be given first priority for participation in all such program components. If the program availability level exceeds the number of volunteers for a program component, the department shall fill the available slots based on department and federal regulations and the employment development plan of a recipient. No parent shall be allowed to enroll in a program component if the number of participants already in such program component meets or exceeds the number established as the program availability level for that program component.*

Recipients not qualifying as exempt under the provisions of subsection (e) and whose child of record is at or over the age at which full-time school attendance is mandatory in the city or town in which such child resides shall participate in the work program established by subsection (j).

All recipients may participate in the following components of an employment development plan subject to the availability of program slots and funding; provided, however, that those subject to the provisions of subsection (j) shall fulfill the requirements of said subsection in addition to any participation in the following program components:

- (1) the full employment program established pursuant to subsection (i);
- (2) a recognized job training program;
- (3) a recognized educational program;
- (4) any other MASSJOBS program component.

The department shall consider the availability of transportation in developing said employment development plans; provided, however, that the department shall develop a proposal for an alternative transportation plan. Said plan shall include an analysis of the number of recipients, if any, exempted under this subsection and the costs of providing transportation to allow any such recipients to participate in a program component.

Consistent with all applicable state and federal regulations, it shall be the responsi-

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bility of the recipient to fulfill the obligations of the employment development plan, contingent upon the provision of needed services or supports as indicated in such plan. The employment development plan may require mandatory community service if the recipient has failed more than once to fulfill the obligations of his employment development plan without good cause, as defined in state and federal regulations. Failure by the recipient on more than one occasion to participate in the community service program once mandated to do shall result in the termination of all assistance, subject to review by the commissioner. Recipients who fail to adhere to the obligations set forth in their employment development plan and experience a reduction of family income due to a reduction of benefits which, in turn, places their children at risk, shall be required to meet with their case worker for reassessment.

(i) (1) The department shall seek a federal waiver of the so-called "grandparent deeming" rule as described in 42 USC 606, et seq., to provide that in determining the amount of the cash payment to a recipient living with her parents, the department shall disregard income of the household up to two hundred percent of the poverty level for a family of comparable size unless such income is earned by the parent living with her parent. Subject to the commonwealth's obtaining said waiver, in situations where no abuse, neglect or addiction is present, the department shall not provide benefits to a family headed by a recipient under the age of twenty, unless such recipient resides with a parent, grandparent, uncle, aunt, adult sibling, spouse, other family member as determined by regulations or guardian or lives in structured housing; provided, however, that the department may determine that a teen recipient who achieved necessary educational and vocational goals and acquired sufficient independent living skills and parenting skills may live on her own.

In situations where a pregnant or parenting teen recipient asserts that she cannot stay at home because abuse, neglect or addiction is present, or because of other extraordinary circumstance which the commissioner determines should exempt the teen from this requirement, the home shall be evaluated by a professional experienced in the field of adolescent development and young parenting within the department of social services; provided, however, that such professional shall not replace or be assigned in addition to a social worker who has already been working with the pregnant or parenting teen and her family for more than one month. The department shall establish standards and procedures to govern determinations of abuse, neglect and addiction as required by this subsection. Wherever it is determined by the department that abuse, neglect or addiction is present or such other extraordinary circumstance requires, the teen shall reside in a structured setting in order to receive benefits from the department. If a structured setting is not available at the time such determination is made, such individual shall be exempt from the provisions requiring the teen recipient to live at home pursuant to this subsection until such time as a placement in a structured setting shall be made available.

(2) The department shall not provide benefits to a family headed by a parent under the age of twenty, unless such parent has graduated from or is enrolled in a program for a high school diploma or a general education development certificate. Subject to appropriation, the department shall provide child care for all teenage recipients who are unable to

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find suitable alternative child care arrangements; provided that the department shall promote the use of informal child care for recipients subject to the provisions of this subsection.

(3) Subject to appropriation, the department shall adapt and expand the teen specialist model being used in the federal demonstration project currently underway in the welfare offices in the cities of Lynn, Marlborough, Framingham and Attleboro. The department shall identify and train teen specialist case managers to coordinate available services and assist in the process of determining appropriate living arrangements.

(4) The department shall enter into an interagency agreement with the department of social services to develop resources for structured residential living arrangements that will meet the long-term needs of teenage recipients and their children.

Pregnant and parenting teens residing in structured residential settings shall be required to pay a portion of their grant as determined by their residential program for rent.

For the purposes of this subsection, the minimum requirements for a structured setting shall:

(i) require teen recipients to enroll and make acceptable progress in a program for a high school diploma or a general education development certificate;

(ii) require teenage recipients to participate in basic parenting classes, basic life skills classes and pregnancy prevention classes;

(iii) provide necessary rules and regulations to promote stability; and

(iv) provide regular counseling sessions to enhance the individuals self-esteem.

Transitional housing programs serving teenage parents sixteen years of age or older shall not be considered to fall within the definition of "group care facility" as appearing in section nine of chapter twenty-eight A of the General Laws.

The office for children shall, on or before July first, nineteen hundred and ninety-five, promulgate rules and regulations concerning the licensing of transitional housing programs serving teenage parents sixteen years of age or older and residential programs serving teenage parents under sixteen years of age.

(j) Subject to the approval of a federal waiver, the department shall administer a program, to be known as the work program, for families that are not exempt under subsection (e) and in which the child of record is at or over the age at which full-time school attendance is mandatory in the city or town in which such child resides; provided, however, that such family has received assistance from the aid to families with dependent children program for sixty days. Said program shall require that the head of household in each such family shall work twenty hours each week. Said work requirement may be met by working in a job for which compensation is paid; by working full time in the full employment program established in subsection (f); or by participating in community service pursuant to the following provisions. At the discretion of the commissioner, recipients subject to said work requirement who fail to meet said requirements shall not receive assistance.

Recipients who work twenty hours per week in a job for which compensation is paid shall be eligible for the earnings income disregard provided pursuant to subsections (d) and (g). The department shall make payments for child care services to families in which a parent, or parents, is working and needs child care services in order to work. If a recipient

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in the work program has not obtained employment, or whose gross income, from employment or other sources, including child support, is less than the applicable payment standard for a family of the same size, the recipient shall be required to participate for twenty hours per week in a community service program during the school hours of such child in return for the applicable payment standard for a family of the same size. In the case of a recipient who has obtained employment of less than twenty hours per week, the community service requirement shall be the difference between twenty hours per week and the amount of time such recipient is employed each week; such recipient shall receive the difference between the applicable payment standard and his income from other employment. The provisions of this subsection shall supersede any conflicting provisions in this act.

Any recipient required to participate in the work program who was participating in a MASSJOBS program on January first, nineteen hundred and ninety-five shall be allowed to finish such program and such participation shall count towards the work requirements of this subsection. Any such recipient on a waiting list for such a program as of January first, nineteen hundred and ninety-five shall be allowed to participate in such program and such participation shall count towards the work requirements of this subsection; provided, however, that while on such waiting list, such recipient shall remain subject to the provisions of this subsection. Upon completion of said MASSJOBS program, or withdrawal from said MASSJOBS program, such recipient shall be required to participate in the work program.

(k) Subject to appropriation, a community service program is hereby established as a program in which recipients may be offered the opportunity to volunteer for twenty hours per week or be mandated to participate pursuant to the provisions of subsection (j) or when participation is authorized as a sanction pursuant to the provisions of this section. The department shall administer and promulgate regulations necessary for the operation of said community service program and the work program described in subsection (j). Said regulations shall incorporate the plan for implementation of community service developed by the MASSJOBS council pursuant to this subsection. Preference in community service programs shall be given to those required to participate. Community service programs shall not be used to displace regular employees nor to fill unfilled positions previously established.

For the purpose of this section, "community service", shall mean a program designed for recipients of public assistance under which a public entity or private nonprofit organization undertakes to provide work or training experience to applicants or recipients of public assistance who have chosen or have been mandated to participate without compensation in such program, and to provide supervision over such work or training experience.

Notwithstanding the provisions of any general or special law or rule or regulation to the contrary, the MASSJOBS Council is hereby authorized and directed to form a special advisory commission to develop a plan for the implementation of the community service program. Said commission shall work in conjunction with a representative from the Massachusetts Council of Human Service Providers, Inc. and the Massachusetts Municipal Association, Inc. Said plan shall address, at a minimum, the following issues: liability;

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worker's compensation; training; union issues; qualifications; supervision; transportation; discipline and any costs associated therewith.

(f) (1) Subject to federal approval and federal financial participation, the full employment program is hereby established as a program in which recipients, subject to criteria and eligibility rules established by the department, in lieu of receiving coupons under the food stamp program and cash payments under the program of aid to families with dependent children, shall be provided with employment in a manner which promotes self-sufficiency and which shall provide work experience to improve the recipient's competitive position in the work force. The department may require participation in this program pursuant to an employment development plan; provided, however, that volunteers shall be given first priority for participation. The number of jobs made available pursuant to this program in fiscal year nineteen hundred and ninety-six shall not exceed two thousand.

(2) The executive office of health and human services and the department shall administer said program and shall promulgate regulations necessary for the operation of said program. The executive office of health and human services and the department shall utilize the MASSJOBS council and the regional employment boards for purposes of obtaining employers for placements. The MASSJOBS council and the regional employment boards in each area shall approve such program and monitor the operations of the program for such areas and make recommendations to the department for improved program efficiency and effectiveness. The department shall provide direct administrative support to the MASSJOBS council and each regional employment board to conduct the activities outlined. The MASSJOBS council shall develop a strategic plan for the implementation, execution and ongoing analysis of the full employment program component of welfare reform as set forth in the council's stated policy priorities. Said plan is to be developed in conjunction with and implemented by said regional employment boards.

(3) (i) An eligible individual who participates in the program shall work forty hours per week in program jobs, as available, and shall be paid not less than four dollars and fifty cents per hour. If the net wage amount is less than the participant's current grant, the commonwealth shall supplement the amount necessary to equal such current grant.

(ii) In addition to the participant wage, as defined in subparagraph (i) of paragraph (3), the employer shall pay one dollar for each participant hour worked into a qualified Individual Asset Account, hereinafter called the "IAA", as defined in regulations promulgated by the executive office of health and human services. The IAA shall be owned by the participant and access shall be restricted until such time as the participant leaves the program for a job of at least thirty hours per week for which compensation is paid or after twelve months in said program, whichever is sooner. The IAA is established in order to improve the position of program participants by increasing their asset base. The amount in the IAA shall not be counted as an asset for the purpose of determining financial eligibility for benefits authorized by this chapter.

(4) Upon the acceptance of a program job in compliance with the participant's employment development plan as set forth herein, aid to families with dependent children and food stamp benefits shall no longer be paid as a grant to the program participant. The

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commonwealth shall pay to employers the following amounts as partial reimbursement for wages paid to program participants: (i) for the first nine months that the program participant is employed by such employer, three dollars and fifty cents per hour; (ii) for the next three months that the program participant is employed by such employer, two dollars and fifty cents per hour.

(5) (i) The department shall adopt rules and regulations to determine which employers within the commonwealth shall have the opportunity to accept program participants. No employer shall be required to participate in the program. In the event that there are unassigned participants whom no employer has accepted, such unassigned participants shall be reassessed, with focus on the economic development plan, and may be assigned to other available programs.

(ii) The maximum number of program participants that an employer shall be authorized to accept at any one time shall not exceed ten percent of the total number of the employer's employees, provided, however, that an employer may receive one participant. The commissioner of the department may waive the limit in special circumstances; provided, however, that said commissioner may grant or not grant said waiver at his sole discretion and his decision shall not be subject to review.

(iii) The department shall establish rules and regulations to:

(A) develop criteria and fair procedures for excluding certain employers from participation for failure to abide by program requirements or other demonstrated unwillingness to comply with the stated intent of said program; and

(B) provide that employers that have shown a pattern of terminating participants prior to the completion of training or of not offering unsubsidized employment to participants who have successfully completed training with that employer shall be ineligible to receive additional participants.

(6) The department shall seek to insure that jobs made available to program participants shall not:

(i) require work in excess of forty hours per week; and

(ii) be used to displace regular employees nor to fill unfilled positions previously established.

(7) (i) With the assistance of the regional employment board and the MASSJOBS council, the department shall develop a job inventory. The department shall submit to the general court and to the governor an annual report outlining the number of placements available for all programs set forth in this proposal.

(ii) In consultation with the participant, the department shall attempt to match the profile of a participant with the needs of an employer when assigning a participant to work with such employer.

(iii) Program employers shall:

(A) endeavor to make program placements positive learning and training experiences;

(B) maintain health, safety and working conditions at or above levels generally acceptable in the industry and no less than that of comparable jobs of the employer;

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(C) provide on-the-job training to the degree necessary for the participant to perform such duties;

(D) provide on-the-job mentors from among regular employees to assist the participants in becoming oriented to work and to the workplace; and

(E) sign an agreement for each placement outlining the specific job offered to the participant and agreeing to abide by all requirements of the program, including the requirement that the program not supplant existing jobs and to repay reimbursements in the event the employer violates program rules.

The department shall have sole authority to enforce these conditions and shall establish regulations to govern such enforcement.

(iv) Either the employer or the participant may terminate the assignment by contacting the appropriate department office. In such event, the case worker shall reassess the needs of the participation and may assign the participant to another placement or another program component and, at the employer's request, the case worker may provide the employer with another participant. The department shall endeavor to keep such termination to a minimum.

(v) If, after nine months in a placement, a participant has not been hired for an unsubsidized position, the economic development plan of the participant shall be reassessed. If, after twelve months in a placement, a participant has not been hired for an unsubsidized position, the subsidy to the employer shall be discontinued, the economic development plan of the participant shall be reassessed and the participant may be assigned to another program job.

(8) Aid to families with dependent children and food stamp benefits shall be suspended at the end of the calendar month in which an employer makes the first wage payment to a participant who is a custodial parent in a family that receives aid to families with dependent children and food stamp benefits.

(9) (i) Employers shall pay all participants a wage rate of not less than four dollars and fifty cents per hour.

(ii) Sick leave, holiday and vacation absences shall conform to the individual employer's rules for new employees.

(iii) All persons participating in the program shall be considered to be employees of the individual employer providing the employment and shall be entitled to all benefits required by state and federal law.

(iv) Employers shall provide workers' compensation coverage for each program participant.

(10) In the event that the net monthly full-time wage paid to a participant, which for purposes of this subsection shall be the gross wage minus mandatory payroll deductions, would be less than the level of income from aid to families with dependent children and the food stamp benefit amount equivalent that the participant would otherwise receive, the department shall determine and pay a supplemental payment as necessary to provide the participant with such level of net income. The department shall, by regulation, adopt an equivalency scale to be adjusted for household size and other factors. The purpose of the

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equivalency scale shall be to insure that participants are not economically disadvantaged, in terms of net income, by accepting a job under the program. The department shall determine and pay, in advance, supplemental payments to participants on a monthly basis as necessary to insure equivalent net program wages. The employer shall compensate participants for hours worked.

(11) Program participants who are eligible for federally and state funded medical assistance at the time they enter the program shall remain eligible for as long as they shall continue to participate in said program.

(12) Program participants who have failed to carry out successfully a program job after a minimum of three attempts shall be reassessed and may be assigned to mandatory placement in the community service program. Rules governing sanctions, hearings or conciliations for participants in the program shall be the same as those for the aid to families with dependent children and food stamp programs.

(13) If the department finds that an employer has violated any of the rules or regulations of the program, the department: (i) shall withhold any wage reimbursement amounts due to the employer; and (ii) may seek repayment of any wage reimbursement amounts paid to such employer.

(14) There is hereby established a full employment advisory board, hereinafter called the board, to consist of seven members to be appointed by the governor, two of whom shall be from the business community, one of whom shall be the secretary of economic affairs, one of whom shall be an expert in labor market economics, two of whom shall be nominated by the AFL-CIO and one of whom shall be an employed former recipient of aid to families with dependent children.

The board shall oversee and review practices of employers and assess compliance with regulations and shall report to the general court and the governor semiannually until December thirty-first, nineteen hundred and ninety-six with recommendations to improve the full employment program.

(15) For the purposes of determining the one year transitional day care and medicaid provided to certain former recipients of assistance who have left the program for employment, the transitional year, so-called, shall commence on the day said participant is hired into non-subsidized employment.

(m) A taxpayer required to file a return under the provisions of chapter sixty-two of the General Laws shall be allowed a credit against the excise due under said chapter for employing persons that had been employed by such taxpayer through the full employment program defined in this section. Such credit shall be calculated by multiplying the number of full months after cessation of state subsidies a qualifying program participant was employed by the taxpayer by one hundred dollars. The maximum credit allowed for all years for the employment of each qualifying program participant shall be one thousand two hundred dollars. A taxpayer entitled to a credit under this subsection for a taxable year may carry over and apply to its excise for any one or more of the next succeeding five taxable years, the portion, reduced from year to year, of its credit which exceeds its excise for the taxable year.

The department shall report to the department of revenue and to the employer the program participant's name and social security number, the employer's name and identification number and the number of complete months of eligible employment for each participant of the program for whom an employer would be eligible to claim the credit provided by this subsection within thirty-one days of the end of each calendar year. The department of revenue shall consult with the house and senate committees on ways and means to determine nonconfidential data which shall annually be published to determine the effectiveness of the credit provided by this subsection. Said department of revenue shall promulgate rules and regulations necessary to implement the provisions of this subsection.

A taxpayer required to file a return under the provisions of chapter sixty-three of the General Laws shall be allowed a credit against the excise due under said chapter for employing persons that had been employed by the taxpayer through the full employment program defined in this section. Such credit shall be calculated by multiplying the number of full months after cessation of state subsidies a qualifying program participant was employed by the taxpayer by one hundred dollars. The maximum credit allowed for all years for the employment of each qualifying program participant shall be one thousand two hundred dollars. A taxpayer entitled to a credit under this section for a taxable year may carry over and apply to its excise for any one or more of the next succeeding five taxable years, the portion, reduced from year to year, of its credit which exceeds its excise for the taxable year.

The department shall report to the department of revenue and to the employer the program participant's name and social security number, the employer's name and identification number and the number of complete months of eligible employment for each participant of the program for whom an employer would be eligible to claim the credit provided by this section within thirty-one days of the end of each calendar year. The department of revenue shall consult with the house and senate committees on ways and means to determine nonconfidential data which shall annually be published to determine the effectiveness of the credit provided by this subsection. The department of revenue shall also promulgate rules and regulations to implement the provisions of this subsection.

SECTION 111. Notwithstanding any general or special law or any rule or regulation to the contrary, persons collecting public assistance from programs administered by the department of transitional assistance who inherit any sum of money or receive a damage award or whose net winnings or payoff of any lottery or contest exceed six hundred dollars in cash or other monetary value, shall report said inheritance, winnings or damage award to the department within seven days of collecting said excess amount. Upon any said person's collection of any such value or amount in excess of six hundred dollars the department shall reduce the assistance granted to any such person by said amount in excess of six hundred dollars. If at any time said excess amount exceeds said person's monthly public assistance benefit, said assistance shall be suspended and no such public assistance shall be paid to said person until such time as the value of said monthly welfare supplement equals the value of said excess amount. The department shall promulgate rules and regulations to implement the intent of this subsection.

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SECTION 112. Subject to federal approval of any necessary waivers, the department of transitional assistance is hereby authorized and directed to assure access to certain data available to and provided by the department of revenue including, but not limited to, fourteen day labor reporting information, and to garnish wages of persons determined to have fraudulently obtained assistance.

SECTION 113. Subject to federal approval of any necessary waivers, the department of transitional assistance is hereby authorized and directed to establish administrative penalties for first conviction of welfare fraud or in cases in which persons are receiving benefits under more than one application, which shall include permanent disqualification for future benefits and repayment in an amount equal to the grant received from the date of the incidence of fraud for which said person has been convicted.

SECTION 114. Subject to federal approval of any necessary waivers, the department of transitional assistance is hereby authorized and directed to establish a toll-free telephone number for the reporting of suspected welfare fraud or violations of any regulations of the department. Information received through such program shall be referred to the bureau of special investigations.

Any person found guilty of committing a fraud upon the department shall be ineligible to receive benefits under any assistance program provided by said department until such time as any fine has been paid and any sentence has been served that was imposed as a result of a conviction of a violation of sections five B, five F or fifteen of chapter eighteen of the General Laws.

SECTION 115. The department of transitional assistance shall study the feasibility and determine the cost of implementing and maintaining an automated two-digit fingerprint and digitized photograph matching system at each office of the department. Said study shall also identify the costs and feasibility of establishing a pilot program for this system at the two department offices located in the cities of Lawrence and Springfield. The department shall submit said study to the house and senate committees on ways and means no later than March fifteenth, nineteen hundred and ninety-five.

SECTION 116. Subject to appropriation, the department of transitional assistance shall develop and advertise a request for proposals for an automated two-digit fingerprint and digitized photograph matching system to be used in pilot programs located in the Lawrence and Springfield offices of the department. Prior to the award of a contract, the department shall certify that the design of said pilot programs fulfills all the requirements of this section. After award of such contract, the department shall be responsible for ensuring that adequate training for local staff involved in said pilot program shall be provided, and taking any actions necessary to bring such local pilot program into compliance, if necessary.

The department shall establish said pilot program for preventing multiple enrollment or other fraudulent conduct of aid to families with dependent children benefit recipients through the use of an automated two-digit fingerprint and digitized photograph matching system. The system shall only include aid to families with dependent children benefit recipient fingerprinting and photographing upon application for eligibility of said benefits, and fingerprinting and photographing of aid to families with dependent children benefit reci-

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pients currently receiving benefits within thirty days of implementation of said pilot program.

Notwithstanding the provisions of any general or special law or rule or regulation to the contrary, data collected and maintained through the use of an automated fingerprint and digitized matching identification system in said pilot program as authorized by this subsection shall not be used, disclosed, or redisclosed for any purpose other than for the prevention of multiple enrollments in the program of aid to families with dependent children, and shall not be used or admitted in any criminal or civil investigation, prosecution or proceeding, other than a proceeding pursuant to section ten of chapter one hundred and eighteen of the General Laws or pursuant to this subsection. Any person who knowingly makes or obtains an unauthorized disclosure of data collected and maintained through the use of an automated two-digit fingerprint system shall be punished by a fine of not more than one thousand dollars or imprisonment for not more than two and one-half years in a county correctional facility, or by both such fine and imprisonment. Data collected and maintained through the use of an automated two-digit fingerprint and digitized photograph matching identification system shall be subject to the provisions of section fifteen of chapter eighteen of the General Laws relating to unauthorized disclosure of confidential client information.

Notwithstanding the provisions of any other general or special law to the contrary, nothing contained herein shall be construed to authorize or permit the termination, suspension, or diminution of aid to families with dependent children benefits except as elsewhere specifically authorized in this chapter, except where the basis of the proposed sanction is a determination of a fraudulent multiple enrollment or other fraudulent conduct, based on the use of an automated two-digit fingerprint and digitized photograph matching identification system.

The data collected and maintained in such automated systems shall be deemed to be records as defined in clause Twenty-sixth of section seven of chapter four of the General Laws.

SECTION 117. Subject to federal approval of any necessary waivers, the department of transitional assistance is hereby authorized and directed to implement regulations to provide that employees of the department who participate in or assist in fraudulently procuring payments from the department shall be terminated from such employment. Any such employee shall be punished by a fine of not less than two hundred nor more than five thousand dollars or by imprisonment for not less than one year nor more than five years and, in all cases, repayment shall be ordered of the amount of said payments procured which shall be in addition to and not in lieu of any penalties imposed pursuant to this section; provided, however, that the retirement contributions of such employees shall be made available for the purpose of satisfying said ordered repayment and such fines levied hereunder.

SECTION 118. Subject to federal approval of any necessary waivers, the department of youth services and the department of correction shall on a monthly basis transmit to the department of transitional assistance a current roster of all persons incarcerated in or committed to each of the houses of correction, boot-camps, prisons and

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other correctional facilities run by said departments housing inmates who have been incarcerated since the last monthly report. The information shall be provided in a format that is compatible with the department's file layout of its automated data processing system to ensure the immediate identification of inmates who may be receiving welfare benefits. The information provided shall include name, social security number, date of birth, date of incarceration, and expected release date. The department shall examine and verify said information and shall identify any case in which a person so incarcerated or so committed, said person's family member or said dependent, is receiving benefits from said public assistance programs for which he, said family members or said dependent is not eligible and shall take appropriate action which shall include, but not be limited to, a review and re-verification by the department that the information is accurate and applicable as required by department regulations. The department shall provide this information to the Social Security Administration and the Massachusetts department of revenue. No information obtained pursuant to this section shall be released or utilized for any purpose other than those set forth in this section.

SECTION 119. Notwithstanding the provisions of section twenty-seven A of chapter eighteen of the General Laws, any recipient receiving assistance in the form of cash benefits under the program as defined in section one hundred and ten of this act with an active account at a banking or financial institution shall have such assistance directly transferred to said account. A recipient who is employed and receiving assistance shall be encouraged to establish an account with a banking or financial institution in order to receive said assistance. The commissioner of the department of transitional assistance is hereby authorized and directed to coordinate efforts with the commissioner of banks to promote the location of branch offices of such banking or financial institutions capable of accepting such transfers in locations accessible to families receiving such assistance and may waive the requirements of this subsection in the event such institutions are not readily accessible; provided, however, that locations where public transportation is available within one mile of a recipient's residence shall not be eligible for such an exemption. A disabled recipient shall be provided with the opportunity to seek an exemption from this requirement upon a showing that such recipient would be unable to meet its requirements due to the lack of handicapped-accessible transportation services.

The department is hereby authorized and directed to study the feasibility and cost-effectiveness of developing a statewide electronic benefits transfer system project for the administration of the food stamp program. Said program would create a debit card system to enable recipients to purchase food through retail electronic teller machines. The study shall include, but not be limited to, an assessment of the fraud prevention potential of said transfer system and an assessment of federal funding possibilities for said system. The department shall report the results of its study to the house and senate committees on ways and means not later than December thirty-first, nineteen hundred and ninety-five.

SECTION 120. Notwithstanding the provisions of any general or special law to the contrary, every recipient of assistance prior to the effective date of this act shall be notified within ninety days of the effective date of this act or on such other date as determined by the

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department of transitional assistance that he must reapply in person for benefits to the department within ninety days of the giving of such notice, and that failure without good cause to so reapply shall result in the termination of benefits. Any recipient who fails without good cause to so reapply shall, after opportunity for hearing, have his benefits terminated.

SECTION 121. Subject to the commonwealth receiving a federal waiver, no aid shall be paid under the program, as defined in section one hundred and ten of this act, to, or on behalf of, any child under the age of fourteen whose school attendance does not meet the requirements of clause (1), with respect to that period during which the child does not meet these requirements.

(1) Each non-disabled recipient, as defined and determined by the department, shall provide documentation to the department, not less than quarterly, that any school age child under the age of fourteen receiving assistance has missed not more than eight school days during the previous quarter; provided, however, that absences due to the following reasons shall be considered excused absences:

(i) illness, as certified by a physician or by other proof that the department determines is adequate;

(ii) hospitalization;

(iii) disability, as defined by the department;

(iv) death of a family member; or

(v) crisis situations as defined by the commissioner.

(2) (i) A non-disabled recipient who does not, without good cause, provide the documentation required by this section within the reasonable time established by the department, or the documentation so provided indicates that the child has had more than eight unexcused absences from school during the prior quarter, the recipient shall be placed on a probationary status, during which time the recipient shall be required to provide monthly documentation of the child's attendance. The recipient shall remain on probationary status until such time that the number of unexcused absences during the six preceding school months does not exceed ten school days.

(ii) If a child under the age of fourteen has more than three unexcused absences during any month in the probationary status, no aid shall be paid to, or on behalf of, that child until the recipient provides documentation that the child's school attendance meets the requirements of this section.

(iii) Notwithstanding the provisions of section twenty-seven C of chapter twenty-nine of the General Laws and without regard to any acceptance or appropriation by a city, town or regional school district, and without regard to any appropriation by the general court, any school attended by a child to which this section applies shall provide the documentation required by this section upon the request of the recipient.

SECTION 122. No recipient shall be eligible to receive the recipient's portion of assistance payable under the program, as defined in section one hundred and ten of this act, without presenting a certificate of immunization for each child to the department of transitional assistance; provided, that said certificate shall state said child has been immu-

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nized for diseases outlined by section fifteen of chapter seventy-six of the General Laws. The department shall seek all waivers necessary to implement the provisions of this section.

A recipient shall not be denied said assistance until having been provided with sixty days to meet the requirements established by this section. The department, in consultation with the division of medical assistance, shall inform each such recipient about health care providers available in the recipient's community who are capable of assisting with such immunizations.

SECTION 123. Notwithstanding the provisions of any general or special law to the contrary, any agency or entity that receives state funds shall not publish or cause to be published any information intended to instruct, encourage or aid a person to commit fraud upon the commonwealth or to circumvent regulations by spending financial windfalls from lottery winnings, inheritances or court settlements in order to ensure continued eligibility for the aid to families with dependent children program or other state-funded programs. Violation of the provisions of this section shall result in sanctions to an employee of any such agency and the imposition of a fine to such agency of up to ten thousand dollars; provided, however, that nothing in this section shall be construed to require an attorney to behave in a manner inconsistent with the code of professional responsibility.

SECTION 124. Notwithstanding the provisions of sections twenty-six and twenty-seven of chapter eighteen of the General Laws, the department of transitional assistance may make rent payments directly to a landlord or property manager in the case of a recipient who has not paid any rent for six consecutive weeks after such rent was due. Within two weeks of the request of a landlord or property manager for such direct payment, the director of the local office of the department shall hold a hearing to determine: (1) whether direct payments shall be instituted and the reasons therefor; (2) whether the tenant prefers that the department pay rent directly to the landlord or property manager; (3) a reasonable schedule for payment of rent in arrears; and (4) whether there are any violations of the health or sanitary code of the local code enforcement agency. The department shall not issue direct payments to the landlord or property manager if there is a dispute relative to the compliance of the rental unit with the health and sanitary codes unless the provisions of said sections twenty-six and twenty-seven of said chapter eighteen are satisfied, but shall place such amount into an escrow account to be released in accordance with the provisions of such accounts in the laws governing the conduct of landlords and tenants.

The department shall notify the landlord or property manager, and the recipient of the hearing and of the opportunity to testify. A hearing under this section shall not be subject to the procedural requirements of chapter thirty A of the General Laws.

The amount of any direct payment to a landlord pursuant to this section shall be deducted from the assistance payable to such recipient.

The hearing provisions of this section shall not apply when the landlord requests direct payment and the tenant voluntarily agrees to such payment, and in such case the commissioner shall authorize such direct payment to such landlord in accordance with the provisions of this section.

SECTION 125. The commissioner of the department of revenue is hereby author-

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ized and directed to study and prepare a proposal to develop, implement and operate an on-line, inter-agency wage reporting and bank match system (a) for the purpose of verifying financial eligibility of recipients of entitlement programs of the commonwealth or any political subdivision thereof or their respective agencies, including local administering agencies and local housing authorities, (b) for purposes of integrating, consolidating, and coordinating the non-confidential recipient information required by all agencies that comprise and impact the welfare system including, but not limited to the following: Massachusetts department of revenue, the United States Department of Revenue, department of employment and training, Massachusetts rehabilitation commission, department of social services, department of youth services, department of mental health, department of mental retardation, and the department of transitional assistance, (c) for the purpose of reducing fraud and preventing abuse of the transitional assistance program, (d) for purposes of maximizing the resources of participating agencies, eliminating duplication, and eliminating multiple claims filed by an individual recipient or a recipient's family members, (e) for purposes of determining actual income levels of a household at the time of a tax filing, verifying social security numbers, determining actual number of dependents in a household and any income they receive, and ensuring all household income is declared at time of filing request for transitional assistance, (f) for the purpose of preventing self-declarations of poverty and need, and (g) for purposes of administering the tax laws and the transitional assistance program of the commonwealth.

Said plan shall include the estimated cost of implementing such program, including initial start-up and ongoing costs. Such plan shall be submitted to the house and senate committees on science and technology and the house and senate committees on ways and means on or before June first, nineteen hundred and ninety-five.

SECTION 126. The department of transitional assistance and the department of education are hereby authorized and directed to develop a plan for the expansion of subsidized child care services to be made available to income eligible families. Said plan shall identify expansion opportunities in the workplace and in educational institutions that are linked to welfare-to-work training programs and permanent job placements. Proposals that encourage private sector development of such opportunities shall be included in said plan. The departments shall jointly file the said plan, including funding recommendations therefor, not later than December thirty-first, nineteen hundred and ninety-five with the secretary of the executive office of health and human services and the clerks of the house of representatives and the senate.

The said departments are hereby further authorized and directed to develop a plan that expands the comprehensive school-age parenting program statewide and a plan of school-to-work initiatives that provide school-age youth with increased job experience and opportunities.

SECTION 127. The department of transitional assistance, through the executive office of health and human services, shall work with the executive office of communities and development, hereinafter referred to as the EOCD, and the Massachusetts housing finance agency to coordinate policies, programs and funding regarding housing and support services

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for pregnant and parenting teens. Funding sources to be examined by EOCD and the department shall include the housing innovations fund, public housing developed under chapter one hundred and twenty-one B of the General Laws, the Massachusetts rental voucher program, and the rental housing development action loan program for rent. The performance of such coordination functions shall not be subject to judicial review, nor shall the provisions of this paragraph be construed as giving rise to a cause of action in any person.

SECTION 128. There is hereby established a special commission to study the feasibility of reverting the implementation of the welfare program to the municipalities of the commonwealth. Said commission shall consist of the commissioner of the department of transitional assistance, the secretary of executive office of health and human services, four members of the senate, four members of the house, and two persons appointed by the governor.

Said commission shall review and make recommendations to the governor and the general court regarding the program. Said review shall consider the levels of fraud and abuse, communication between case workers and clients, the magnitude of responsibilities placed on case workers, and all other aspects of the program necessary to revert the management of the program to the municipalities. Said commission shall report its findings no later than January first, nineteen hundred and ninety-six.

SECTION 129. There is hereby established a review board for the purpose of studying the exchange of information between the department of transitional assistance and other state agencies and governmental bodies. Said study shall make recommendations for the use of such information to reduce fraud and increase efficiency in the delivery of services and programs that are administered by the department and for use by other agencies and governmental bodies in the performance of their duties. The review board shall report to the house and senate ways and means committees within one year after the effective date of this act with its recommendations, if any. The board shall consist of the secretary of health and human services, or his designee, the secretary of public safety, or his designee, and three persons to be appointed by the governor, two of whom shall represent local law enforcement entities, and one of whom shall be a member from a human services advocacy group.

SECTION 130. A case manager may during the eligibility intake and redetermination process provide in writing to every applicant and every recipient for assistance a summary of the laws, regulations and policies governing participation in the program. Each such applicant and recipient shall at least be informed about the following provisions: the duration of assistance and benefits under the program; the ineligibility of children born after the child of record for assistance; penalties for fraud; school attendance and immunization requirements for dependent children; and protective payments that may be required under certain circumstances for rent and utilities. To promote understanding of such laws, regulations and policies, a case manager may orally discuss this information with an applicant or recipient.

SECTION 131. A special committee is hereby authorized and directed to undertake a review of the existing job training programs within the commonwealth, the cost of such

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programs and job training strategies. This review shall include a determination of the current impact of the utilization of job training programs. The review shall conclude with the formulation of an implementation plan for training welfare recipients to enter the workforce. Said special committee shall consult with and seek advice from representatives of the MASSJOBS Council the department of employment and training and Bay State Skills Corporation.

The committee shall consist of; the house chairman of the joint committee on commerce and labor or his designee; the house chairman of the committee on human services and elderly affairs or his designee; one member of the Black Caucus; and two members of the house of representatives to be named by the speaker.

The governor is authorized to explore and apply for any and all federal job training grants/programs available to the commonwealth.

The special committee shall report to the general court the results of its review, together with its recommendations and drafts of any legislation necessary to carry these recommendations into effect, by filing the same with the clerks of the house of representatives and senate and the chairmen of the joint committee on commerce and labor on or before the fifteenth of March, nineteen hundred and ninety-five.

SECTION 132. The clothing allowance funded by item 4403-2000 of section two of chapter sixty of the acts of nineteen hundred and ninety-four shall be provided in the form of a voucher with no cash value.

SECTION 133. In addition to any other remedy available to enforce a judgment pursuant to section thirty-four A of chapter two hundred and fifteen of the General Laws, the court may order a party failing to support his or her children to participate actively in a program of community service for up to twenty-five hours per week if said children are being supported by public assistance.

SECTION 134. The Cape Cod, Martha's Vineyard and Nantucket Regional Employment Board, hereinafter referred to as the REB, is hereby authorized to establish a demonstration project for a period of five years to develop and administer a program including, but not limited to consolidating and coordinating programs funded through the department of employment and training, the industrial services program, the department and federal Job Training Partnership Act in the counties of Barnstable, Dukes and Nantucket. Said programs shall include, but not be limited to the following: aid to families with dependent children, food stamps, emergency assistance for the elderly, disabled and children, social security insurance, Medicaid, unemployment insurance, the federal Wagner Peyser Act, employment network, employment, employment services, MASSJOBS and the federal Job Training Partnership Act.

Within six months of the effective date of this act, the REB shall develop a comprehensive plan to consolidate, coordinate and allocate such programs into a single point of access system for individuals in need of public assistance, unemployment compensation, job training or employment services. The REB shall coordinate with the appropriate state agencies to develop a plan which maximizes resources and eliminates duplication while providing a high quality of service in Falmouth, Hyannis, Orleans, Provincetown, Nantucket

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and Martha's Vineyard. Said plan shall be presented to the MASSJOBS Council, and the house and senate committees on ways and means.

SECTION 135. Notwithstanding the provisions of any general or special law to the contrary, the executive office of health and human services shall report monthly to the budget director, the secretary of administration and finance, and the house and senate committees on ways and means on the utilization and cost of all day care programs funded in whole or in part by the commonwealth. Such report shall include: (1) the number of filled MASSJOBS voucher day care slots; (2) the number of filled MASSJOBS contracted day care slots; (3) the number of filled teen day care slots; (4) the number of filled income eligible voucher day care slots; (5) the number of filled income eligible contracted slots; (6) the number of filled family preservation day care slots; (7) the number of children receiving informal child care. Said report shall also include the daily rate paid for each day care slot in each of the aforementioned categories. Said report shall also include: (1) the number of clients currently enrolled in an approved educational activity that is a mandatory component of the MASSJOBS program; (2) the number of clients currently enrolled in an approved job skills training or job readiness or job development/placement activity that is a mandatory component of the MASSJOBS program; (3) the number of clients currently enrolled in each of the optional components of the MASSJOBS program specified in section 3.4 of the MASSJOBS program, state plan; (4) the number of former MASSJOBS clients currently in their one year transition phase. Said report shall also include the number of clients requiring day care in each of the aforementioned categories.

SECTION 136. The department of education is hereby authorized and directed to conduct a comprehensive study relative to the feasibility of requiring children of recipients of aid to families with dependent children to attend school until they achieve a high school degree or its equivalent in order to receive aid from said department. Said study shall include, but not be limited to, the cost of enforcing such requirement, the potential effect on the dependent children of affected recipients, discussion of possible good cause exemptions based on state and federal education laws, and recommendations on protecting the rights of recipients to procedural due process. Said study shall include, but not be limited to, the effects of similar statutes in Wisconsin on recipients of aid to families with dependent children.

The department is further authorized and directed to study the feasibility of implementing a pilot program in the city of Lawrence providing for extracurricular activities for students in Kindergarten through grade eight from the end of the regular school day until the hour of six-thirty post meridian. The purpose of said pilot program shall be to alleviate the child care needs of parents of children enrolled in the Lawrence public school system and to provide jobs to public assistance recipients in said city. Said study shall include, but not be limited to, an analysis of programs which could be provided during a proposed after-school session, the number of potential participants throughout the city, the number of teachers, administrators and aides required to implement such program, and the cost of such program. Such after-school program should be designed to include at least two, twenty hour per week positions at each program site for participants in the state's full employment pro-

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gram. The commissioner of said department shall submit reports to the house and senate committees on ways and means no later than October first, nineteen hundred and ninety-five.

SECTION 137. Subject to appropriation the secretary of human services is hereby authorized and directed to plan and implement a family service center demonstration project in the cities of Lawrence and Northampton. The program may continue for a period five years from the effective date of this act. Within said regions, all intake, service delivery, and case management functions of the department of transitional assistance, the department of medical assistance, the department of public health, the department of social services, the department of youth services, the department of medical security, and the department of employment and training shall be centralized and consolidated within a single family service center.

Representatives from the appropriate child care resource and referral agency, the department of mental retardation, the department of mental health, the appropriate area home care corporation, the appropriate community development corporation and the bureau of special investigations shall be included in the demonstration by means of interagency agreement, contract or other appropriate mechanism. Said representatives shall assist with intake, service delivery, and case management as deemed appropriate by the secretary. The bureau of special investigations shall implement, oversee and maintain a comprehensive front-end fraud detection program for the family service center.

The family service center shall be under the supervision of a director who shall be appointed by the secretary of human services and shall not be subject to chapter thirty-one of the General Laws. All state employees engaged in or performing such in-take, service delivery, and case management within the region chosen for the family service center shall, at the discretion of the director with the advice and consent of the secretary of administration and finance and the secretary of human services, be transferred to and deemed employed by the said family service center.

Any employees of any administrative unit or agency transferred under the implementation of this act to the executive office of human services, who immediately prior to the effective date of this act, either hold permanent appointment in positions classified under chapter thirty-one of the General Laws or have tenure in their positions by reason of section nine A of chapter thirty of the General Laws are hereby transferred to the executive office of human services and every such transfer shall be without impairment of civil service status, seniority, retirement or other rights of the employees and without interruption of service within the meaning of said chapter thirty-one or said section nine A of said chapter thirty.

Nothing in this section shall be construed to confer upon any employee any rights not held immediately prior to the effective date of this act or to prohibit any reduction of salary grade, transfer, reassignment, suspension, discharge, lay off or abolition of position not prohibited prior to said effective date.

SECTION 138. The department of transitional assistance is hereby authorized and directed to conduct a study on the feasibility and cost effectiveness of expanding the Parents Fair Share Pilot program in Hampden county to include the cities of Boston, New Bedford

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and Lawrence. The program shall provide job training and job placement services as well as parental responsibility training for young men who are presently, or soon to be parents. The study shall include an assessment of the Father's, Inc. Program of Boston, federal funding possibilities, public and private funding mechanisms, comparison of the effectiveness of existing public and private programs, assessment of anticipated costs. The department shall report the results of its study by filing the same with the house and senate committees on ways and means and the joint committee on human services and elderly affairs on or before May fifteenth, nineteen hundred and ninety-five.

SECTION 139. The department of transitional assistance is hereby authorized and directed to study the development of a Commonwealth Day Care Corps, a program whereby recipients of assistance provide child care services for other recipients and, as available, for other income-eligible parents, as determined by the department. The department must report to the house and senate committees on ways and means on the costs of said program, the number of recipients estimated to participate in said program, demonstrable savings, if any, arising from said program, and whether any provisions of said program require the approval of waivers or in any way conflict with existing state or federal law or regulations. Said report shall be delivered to the house and senate committees on ways and means on or before March thirty-first, nineteen hundred and ninety-five, in time to be considered as part of the appropriations process for fiscal year nineteen hundred and ninety-six.

SECTION 140. The department of transitional assistance is hereby authorized and directed to implement this act in accordance with the terms and conditions of waivers granted by the federal government and changes in rules, regulations and policies of the department that are promulgated to meet the intent of this act. In applying for such waivers, the department shall specify in its applications that the time period such waivers are intended to be in effect is seven years from the date of approval of said waivers in order that the effects of the modifications implemented by this act can be rigorously evaluated.

If the provisions of this act conflict with the provisions of any other general or special law, the provisions of this act shall supersede said conflicting provisions.

The department is hereby authorized and directed to expedite the acquisition of federal waiver and amendment approvals and the adoption of necessary statutory amendments in close and continuous coordination with appropriate federal officials, and to prepare and submit completely and in a timely manner all forms and data required by such federal officials. If changes other than those made by this act are required to gain waiver approval, the department shall seek amendments to state and federal statutes that are necessary to obtain said approval. The executive office of health and human services and the department shall, as soon as practicable, apply for and otherwise seek to obtain all exemptions and waivers from and amendments to federal statutes, rules and regulations necessary to implement the provisions of this act, at the earliest possible date.

Upon obtaining all such exemptions, waivers and amendments referred to herein, the department shall adopt such changes to current rules as may be required to implement the provisions of this section.

The department is hereby further authorized and directed to file with the house and

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senate committees on ways and means a copy of each such waiver application filed with the federal government, copies of correspondence to and from the federal government explaining and elaborating upon said applications, and final documentation of any waivers granted by the federal government upon their receipt. The department shall further file with said committees an explanation of how any waivers granted by the federal government will be implemented.

SECTION 141. Each provision of this act, shall, regardless of whether it includes a specific proviso, be subject to federal approval, if required, and federal financial participation. In any case in which the state fails to receive a waiver for any said provision of this act or otherwise would fail to receive federal financial participation in the implementation of such provision, then such provision shall not be implemented unless the full amount required for said implementation without federal participation is appropriated for said implementation.

SECTION 142. Any provision of this act that is inconsistent with federal law or regulations shall be void unless the department receives an exemption or waiver from the federal government to implement said provision.

SECTION 143. This act shall take effect upon its passage.

Approved February 10, 1995.

Chapter 6. AN ACT RELATIVE TO DEVELOPMENT OF CONVENTION FACILITIES IN THE COMMONWEALTH.

Be it enacted, etc., as follows:

SECTION 1. It is hereby found and declared that the construction of a new convention center located within the city of Boston will enhance the city of Boston and the commonwealth overall and prevent the creation of any blighted open areas which would be detrimental to the safety, health, morals and welfare of the community.

It is hereby further found and declared that the construction of a new convention center in the city of Boston will: (1) induce large-scale national and international conventions, trade shows and meetings which cannot be accommodated at the existing Hynes Convention Center to locate and conduct their activities and business within the commonwealth; and (2) promote the prosperity and general welfare of all citizens of the commonwealth by increasing gainful employment, increasing the tax base of the commonwealth, and encouraging investment within and around the city of Boston as well as the commonwealth generally.

It is hereby further found and declared that a new convention center complex, and the resulting public benefits, would not occur solely by the operation of private enterprise and financing and that public financing of a convention center complex to some extent is essential for the creation of such a facility.

SECTION 1A. To provide for supplementing certain items in the general appropria-