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SENATE BILL 309

**44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,
2000**

INTRODUCED BY

Linda M. Lopez

FOR THE WELFARE REFORM OVERSIGHT COMMITTEE

AN ACT

RELATING TO PUBLIC ASSISTANCE; PROVIDING EXPEDITED CHILD
CARE; AMENDING THE NEW MEXICO WORKS ACT; DECLARING AN
EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 27-2B-4 NMSA 1978 (being Laws 1998,
Chapter 8, Section 4 and also Laws 1998, Chapter 9, Section 4
as amended by Laws 1999, Chapter 71, Section 1 and also by
Laws 1999, Chapter 273, Section 2 and also by Laws 1999,
Chapter 280, Section 1) is amended to read:

"27-2B-4. APPLICATION--RESOURCE PLANNING SESSION--
INDIVIDUAL RESPONSIBILITY PLANS--PARTICIPATION AGREEMENT--
REVIEW PERIODS.--

A. Application for cash assistance or services
shall be made to the department's county office in the county
or district in which an applicant resides. The application

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1 shall be in writing or reduced to writing in the manner and
2 on the form prescribed by the department. The application
3 shall be made under oath by an applicant having custody of or
4 residing with a dependent child who is a household group
5 member and shall contain a statement of the age of the child,
6 residence, a complete statement of the amount of property in
7 which the applicant has an interest, a statement of all
8 income that he and other household group members have at the
9 time of the filing of the application and other information
10 required by the department.

11 B. Application for expedited food stamps shall be
12 made to the department's county office in the county or
13 district in which an applicant resides. The department shall
14 process the application for expedited food stamps within
15 twenty-four hours after the application is made.

16 C. At the time of application for cash assistance
17 and services, an applicant shall identify household group
18 members who are to be counted in the benefit group. Once an
19 application is approved, the participant shall advise the
20 department if there are any changes in the membership of the
21 household group or benefit group. A household group may
22 contain more than one benefit group.

23 D. No later than forty-five days after an
24 application is filed, the department shall provide to an
25 applicant a resource planning session to ascertain his
immediate needs, assess financial and nonfinancial options,
make referrals and act on the application.

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1 ~~[E. No later than five days after an application~~
2 ~~is approved, the department shall provide reimbursement for~~
3 ~~child care.]~~

4 E. Immediately after an application is approved,
5 the children, youth and families department shall provide
6 child-care services to the participant.

7 F. Whenever the department receives an application
8 for assistance, a verification and record of the applicant's
9 circumstances shall promptly be made to ascertain the facts
10 supporting the application and to obtain other information
11 required by the department. The verification may include a
12 visit to the home of the applicant, as long as the department
13 gives adequate prior notice of the visit to the applicant.

14 G. Within fifteen days after an application is
15 approved, the department shall assess the education, skills,
16 prior work experience and employability of the participant.

17 H. After the initial assessment of skills, the
18 department shall work with the participant to develop an
19 individual responsibility plan that:

20 (1) sets forth an employment goal for the
21 participant and a plan for moving the participant into
22 employment;

23 (2) sets forth obligations of the
24 participant that may include a requirement that the
25 participant attend school, maintain certain grades and
attendance, keep his school-age children in school, immunize
his children or engage in other activities that will help the

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1 participant become and remain employed;

2 (3) is designed to the greatest extent
3 possible to move the participant into whatever employment the
4 participant is capable of handling and to provide additional
5 services as necessary to increase the responsibility and
6 amount of work the participant will handle over time;

7 (4) describes the services the department
8 may provide so that the participant may obtain and keep
9 employment; and

10 (5) may require the participant to undergo
11 appropriate substance abuse treatment.

12 I. The participant and a representative of the
13 department shall sign the participant's individual
14 responsibility plan. The department shall not allow a
15 participant to decline to participate in developing an
16 individual responsibility plan. The department shall not
17 waive the requirement that a participant develop an
18 individual responsibility plan. The department shall
19 emphasize the importance of the individual responsibility
20 plan to the participant.

21 J. If a participant does not develop an individual
22 responsibility plan, refuses to sign an individual
23 responsibility plan or refuses to attend semiannual reviews
24 of an individual responsibility plan, he shall be required to
25 enter into a conciliation pursuant to Subsection C of Section
27-2B-14 NMSA 1978. If the participant persists in
noncompliance with the individual responsibility plan process

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1 after the conciliation, he shall be subject to sanctions
2 pursuant to Section 27-2B-14 NMSA 1978.

3 K. The participant shall also sign a participation
4 agreement that designates the number of hours that he must
5 participate in work activities to meet participation
6 standards.

7 L. The department shall review the current
8 financial eligibility of a benefit group when the department
9 reviews food stamp eligibility.

10 M. The department shall meet semiannually with a
11 participant to review and revise his individual
12 responsibility plan.

13 N. The department shall develop a complaint
14 procedure to address issues pertinent to the delivery of
15 services and other issues relating to a participant's
16 individual responsibility plan."

17 Section 2. EMERGENCY.--It is necessary for the public
18 peace, health and safety that this act take effect
19 immediately.