

AN ACT

RELATING TO PUBLIC ASSISTANCE; AMENDING THE NEW MEXICO WORKS ACT.

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

Section 1. Section 27-2B-3 NMSA 1978 (being Laws 1998, Chapter 8, Section 3 and Laws 1998, Chapter 9, Section 3) is amended to read:

"27-2B-3. DEFINITIONS.--As used in the New Mexico Works Act:

A. "benefit group" means a group of people that includes at least one dependent child living with his parent, legal guardian or relative within the fifth degree of consanguinity; or a pregnant woman;

B. "cash assistance" means cash payments funded by the temporary assistance for needy families block grant pursuant to the federal act and by state funds;

C. "department" means the human services department;

D. "dependent child" means a natural or adopted child or ward who is seventeen years of age or younger or a household group member who is eighteen years of age and is enrolled in high school;

E. "director" means the director of the income support division of the department;

F. "earned income" includes cash or payment in kind that is received as wages from employment or payment in lieu of wages; earnings from self-employment or earnings acquired from the direct provision of services, goods or property, production of goods, management of property or

supervision of services; and all other income not classified as unearned income;

G. "federal act" means the federal Social Security Act and rules promulgated pursuant to the Social Security Act;

H. "federal poverty guidelines" means the level of income defining poverty by family size published annually in the federal register by the United States department of health and human services;

I. "household group" means a group of people that consists of a benefit group and any other person who resides in a household, regardless of whether they are related or have a legal support responsibility for a member of the benefit group, but does not include:

(1) landlords;

(2) tenants; or

(3) members of a registered nonprofit organization or church who provide shelter to a benefit group through a program sponsored by the nonprofit organization or church;

J. "immigrant" means alien as defined in the federal act;

K. "landlord" means the owner of an estate in land or a rental property who has leased it to another person called the tenant;

L. "parent" means natural parent, adoptive parent, stepparent or legal guardian;

M. "participant" means a recipient of cash assistance or services or a member of a benefit group who has reached the age of majority;

N. "person" means an individual;

O. "secretary" means the secretary of the department;

P. "services" includes child-care assistance; payment for employment-related transportation costs; job search assistance; employment counseling; employment, education and job training placement; one-time payment for necessary employment-related costs; case management; or other activities whose purpose is to assist transition into employment;

Q. "tenant" means a person who pays rent for the use and occupancy of real property owned by a landlord; and

R. "unearned income" includes old age, survivors and disability insurance; railroad retirement benefits; veterans administration compensation or pension; military retirement; pensions, annuities and retirement benefits; lodge or fraternal benefits; shared shelter payments; settlement payments; individual Indian money; and similar kinds of income."

Section 2. Section 27-2B-4 NMSA 1978 (being Laws 1998, Chapter 8, Section 4 and Laws 1998, Chapter 9, Section 4) 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 shall be in writing or reduced to writing in the manner and on the form prescribed by the department. The

application shall be made under oath by an applicant with whom a dependent child resides and shall contain a statement of the age of the child, residence, a complete statement of the amount of property in which the applicant has an interest, a statement of all income that he and other household group members have at the time of the filing of the application and other information required by the department.

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

C. At the time of application for cash assistance and services, an applicant shall identify household group members who are to be counted in the benefit group. Once an application is approved, the participant shall advise the department if there are any changes in the membership of the household group or benefit group.

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

E. No later than five days after an application is approved, the department shall provide reimbursement for child care.

F. Whenever the department receives an application for assistance, a verification and record of the applicant's circumstances shall promptly be made to

ascertain the facts supporting the application and to obtain other information required by the department. The verification may include a visit to the home of the applicant, as long as the department gives adequate prior notice of the visit to the applicant.

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

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

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

(2) sets forth obligations of the participant that may include a requirement that the 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 participant become and remain employed;

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

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

(5) may require the participant to undergo

appropriate substance abuse treatment.

I. The participant and a representative of the department shall sign the participant's individual responsibility plan.

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

K. The department shall review the current financial eligibility of a benefit group when the department reviews food stamp eligibility.

L. The department shall meet semi-annually with a participant to review and revise his individual responsibility plan.

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

Section 3. Section 27-2B-12 NMSA 1978 (being Laws 1998, Chapter 8, Section 12 and Laws 1998, Chapter 9, Section 12) is amended to read:

"27-2B-12. SERVICES.--Subject to the availability of federal and state funds, a benefit group that is not receiving cash assistance but has an income less than one hundred percent of the federal poverty guidelines may be eligible to receive services."

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