

United States Code Annotated

Title 42. The Public Health and Welfare

Chapter 7. Social Security

Subchapter IV. Grants to States for Aid and Services to Needy Families with Children and for Child-Welfare Services

Part A. Block Grants to States for Temporary Assistance for Needy Families

42 U.S.C.A. § 602

§ 602. Eligible States; State plan

Effective: February 22, 2012

**(a) In general**

As used in this part, the term “eligible State” means, with respect to a fiscal year, a State that, during the 27-month period ending with the close of the 1st quarter of the fiscal year, has submitted to the Secretary a plan that the Secretary has found includes the following:

**(1) Outline of family assistance program**

**(A) General provisions**

A written document that outlines how the State intends to do the following:

**(i)** Conduct a program, designed to serve all political subdivisions in the State (not necessarily in a uniform manner), that provides assistance to needy families with (or expecting) children and provides parents with job preparation, work, and support services to enable them to leave the program and become self-sufficient.

**(ii)** Require a parent or caretaker receiving assistance under the program to engage in work (as defined by the State) once the State determines the parent or caretaker is ready to engage in work, or once the parent or caretaker has received assistance under the program for 24 months (whether or not consecutive), whichever is earlier, consistent with [section 607\(e\)\(2\)](#) of this title.

(iii) Ensure that parents and caretakers receiving assistance under the program engage in work activities in accordance with [section 607](#) of this title.

(iv) Take such reasonable steps as the State deems necessary to restrict the use and disclosure of information about individuals and families receiving assistance under the program attributable to funds provided by the Federal Government.

(v) Establish goals and take action to prevent and reduce the incidence of out-of-wedlock pregnancies, with special emphasis on teenage pregnancies, and establish numerical goals for reducing the illegitimacy ratio of the State (as defined in [section 603\(a\)\(2\)\(C\)\(iii\)](#) of this title) for calendar years 1996 through 2005.

(vi) Conduct a program, designed to reach State and local law enforcement officials, the education system, and relevant counseling services, that provides education and training on the problem of statutory rape so that teenage pregnancy prevention programs may be expanded in scope to include men.

(vii) Implement policies and procedures as necessary to prevent access to assistance provided under the State program funded under this part through any electronic fund transaction in an automated teller machine or point-of-sale device located in a place described in [section 608\(a\)\(12\)](#) of this title, including a plan to ensure that recipients of the assistance have adequate access to their cash assistance.

(viii) Ensure that recipients of assistance provided under the State program funded under this part have access to using or withdrawing assistance with minimal fees or charges, including an opportunity to access assistance with no fee or charges, and are provided information on applicable fees and surcharges that apply to electronic fund transactions involving the assistance, and that such information is made publicly available.

**(B) Special provisions**

(i) The document shall indicate whether the State intends to treat families moving into the State from another State differently than other families under the program, and if so, how the State intends to treat such families under the program.

(ii) The document shall indicate whether the State intends to provide assistance under the program to individuals who are not citizens of the United States, and if so, shall include an overview of such assistance.

(iii) The document shall set forth objective criteria for the delivery of benefits and the determination of eligibility and for fair and equitable treatment, including an explanation of how the State will provide opportunities for recipients who have

been adversely affected to be heard in a State administrative or appeal process.

(iv) Not later than 1 year after August 22, 1996, unless the chief executive officer of the State opts out of this provision by notifying the Secretary, a State shall, consistent with the exception provided in [section 607\(e\)\(2\)](#) of this title, require a parent or caretaker receiving assistance under the program who, after receiving such assistance for 2 months is not exempt from work requirements and is not engaged in work, as determined under [section 607\(c\)](#) of this title, to participate in community service employment, with minimum hours per week and tasks to be determined by the State.

(v) The document shall indicate whether the State intends to assist individuals to train for, seek, and maintain employment-

(I) providing direct care in a long-term care facility (as such terms are defined under [section 1397j](#) of this title); or

(II) in other occupations related to elder care determined appropriate by the State for which the State identifies an unmet need for service personnel,

and, if so, shall include an overview of such assistance.

**(2) Certification that the State will operate a child support enforcement program**

A certification by the chief executive officer of the State that, during the fiscal year, the State will operate a child support enforcement program under the State plan approved under part D of this subchapter.

**(3) Certification that the State will operate a foster care and adoption assistance program**

A certification by the chief executive officer of the State that, during the fiscal year, the State will operate a foster care and adoption assistance program under the State plan approved under part E of this subchapter, and that the State will take such actions as are necessary to ensure that children receiving assistance under such part are eligible for medical assistance under the State plan under subchapter XIX of this chapter.

**(4) Certification of the administration of the program**

A certification by the chief executive officer of the State specifying which State agency or agencies will administer and supervise the program referred to in paragraph (1) for the fiscal year, which shall include assurances that local governments

and private sector organizations--

(A) have been consulted regarding the plan and design of welfare services in the State so that services are provided in a manner appropriate to local populations; and

(B) have had at least 45 days to submit comments on the plan and the design of such services.

**(5) Certification that the State will provide Indians with equitable access to assistance**

A certification by the chief executive officer of the State that, during the fiscal year, the State will provide each member of an Indian tribe, who is domiciled in the State and is not eligible for assistance under a tribal family assistance plan approved under [section 612](#) of this title, with equitable access to assistance under the State program funded under this part attributable to funds provided by the Federal Government.

**(6) Certification of standards and procedures to ensure against program fraud and abuse**

A certification by the chief executive officer of the State that the State has established and is enforcing standards and procedures to ensure against program fraud and abuse, including standards and procedures concerning nepotism, conflicts of interest among individuals responsible for the administration and supervision of the State program, kickbacks, and the use of political patronage.

**(7) Optional certification of standards and procedures to ensure that the State will screen for and identify domestic violence**

**(A) In general**

At the option of the State, a certification by the chief executive officer of the State that the State has established and is enforcing standards and procedures to--

(i) screen and identify individuals receiving assistance under this part with a history of domestic violence while maintaining the confidentiality of such individuals;

(ii) refer such individuals to counseling and supportive services; and

(iii) waive, pursuant to a determination of good cause, other program requirements such as time limits (for so long as necessary) for individuals receiving assistance, residency requirements, child support cooperation requirements, and family cap provisions, in cases where compliance with such requirements would make it more difficult for individuals receiving assistance under this part to escape domestic violence or unfairly penalize such individuals who are or have been victimized by such violence, or individuals who are at risk of further domestic violence.

**(B) Domestic violence defined**

For purposes of this paragraph, the term “domestic violence” has the same meaning as the term “battered or subjected to extreme cruelty”, as defined in [section 608\(a\)\(7\)\(C\)\(iii\)](#) of this title.

**(b) Plan amendments**

Within 30 days after a State amends a plan submitted pursuant to subsection (a) of this section, the State shall notify the Secretary of the amendment.

**(c) Public availability of State plan summary**

The State shall make available to the public a summary of any plan or plan amendment submitted by the State under this section.

**CREDIT(S)**

(Aug. 14, 1935, c. 531, Title IV, § 402, as added Aug. 22, 1996, [Pub.L. 104-193, Title I, § 103\(a\)\(1\)](#), 110 Stat. 2113; amended Aug. 5, 1997, [Pub.L. 105-33, Title V, §§ 5501, 5514\(c\)](#), 111 Stat. 606, 620; Dec. 14, 1999, [Pub.L. 106-169, Title IV, §401\(a\)](#), 113 Stat. 1858; Mar. 23, 2010, [Pub.L. 111-148, Title VI, § 6703\(a\)\(2\)\(A\)](#), 124 Stat. 798; [Pub.L. 112-96, Title IV, § 4004\(c\)](#), Feb. 22, 2012, 126 Stat. 198.)

[Notes of Decisions \(863\)](#)

42 U.S.C.A. § 602, 42 USCA § 602  
Current through P.L. 114-244.