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SOCIAL SERVICES

Public Assistance: Repeal "Aid to Dependent Children Act"; Create "Temporary Assistance for Needy Families Act"


BILL NUMBER: SB 104
ACT NUMBER: 389
GEORGIA LAWS: 1997 Georgia Laws 1021
SUMMARY: The Act repeals the "Aid to Dependent Children Act" and enacts "Temporary Assistance for Needy Families Act" (TANF). The Act provides for electronic transfer of payments, changes hearing provisions, and changes fraud and subpoena issuance provisions. It defines TANF terms, provides for TANF's purpose, for administration, and for assistance limits. The Act authorizes and requires the promulgation of rules and regulations, and provides guidelines for rules and regulations. It provides for the duties of the Board and Department of Human Resources. It provides ineligibility criteria, and provides for conduct authorizing reduction and termination. It provides for appeals, hearings, and a conciliation process. It provides for a family cap, an assistance limitation for persons moving into Georgia, and limited assistance to qualified aliens. It provides for statutory construction. It provides for domestic violence screening, referrals, and waivers for TANF recipients. It provides for a LEARNFARE pilot program. It provides for reports. It provides for conforming amendments to the Georgia Code. The Act amends article 2 of chapter 7 of title 48 of the Georgia Code on Tax Credit. It provides for severability, and establishes a social assistance register.

EFFECTIVE DATE: April 22, 1997

1. The Act became effective upon approval by the Governor.

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History

To receive block grants from the federal government, Georgia’s welfare law needed to meet federal guidelines. Additionally, and independently from federal guidelines, Georgia wanted to change welfare from an entitlement program to temporary assistance.

SB 104

The Act revamps Georgia’s welfare program, contained in title 49 of the Code, Georgia’s Social Services law. Georgia’s Public Assistance law, found in title 49, chapter 4, contains the majority of changes effected by the Act. Other changes were made to title 19, chapter 11; title 21, chapter 2; and title 49, chapters 3 and 5 for the purpose of replacing language that referred to “Aid to Families with Dependent Children” (AFDC) with “Temporary Assistance for Needy Families” (TANF). The Act also strikes chapter 7 of title 48, which gave tax credits for employing an AFDC recipient.

Introduction

SB 104, Georgia’s welfare reform bill, went through five versions: (1) the original, introduced version; (2) the Senate Committee substitute; (3) the Senate floor amendment to Committee substitute; (4) the House Committee substitute; and (5) the House floor substitute and floor amendments. The House floor substitute with floor amendments passed the House and the Senate.

Originally, the Senate referred SB 104 to the Senate Health and Human Services Committee. The Committee submitted its substitute bill to the Senate with “do pass” instructions on February 20, 1997. On the Senate floor, one set of proposed amendments was adopted, and the Senate Committee substitute with floor amendments passed the Senate and went to the House, where it was read for the first time on February 21. The House sent the bill to the House Children and

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2. See Telephone Interview with Sen. Sonny Perdue, Senate District No. 18 (Apr. 24, 1997) [hereinafter Perdue Interview]. Senator Perdue is one of the bill’s sponsors. Id.
3. See id.
10. See id.
11. See id.
12. See id.
Youth Committee. This Committee submitted a House substitute with “do pass” instructions on March 28. While on the House floor, a substitute was adopted, thirty-eight amendments were proposed, and seven of the amendments were adopted. The floor substitute and floor amendments passed the House and the bill was sent back to the Senate where it also passed.

**Public Assistance Amendments**

**Article I General Provisions**

Section 1 of the Act amends Code section 49-4-11(b), allowing for electronic transfer of public assistance money payments. This portion of the Act remained consistent throughout all five versions.

Section 2 of the Act amends Code section 49-4-13, requiring that when an applicant requests a hearing for a grievance, the hearing shall be conducted by the Office of State Administrative Hearings in accord with the “Georgia Administrative Procedure Act.” The previous language stated that “hearing[s] shall be conducted in accordance with rules and regulations prescribed by the board.” This change also remained the same throughout all five versions. Section 2 of the Act also adds subsection (b) to Code section 49-4-13, which allows a TANF recipient the right to request a hearing for any “denial, reduction, or termination of assistance . . . .” The original version only allowed a recipient a hearing upon denial or termination under limited circumstances to reinforce the new policy that welfare is no longer an entitlement. The Senate subcommittee changed the wording to allow

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13. See id.
14. See id.
15. See id.
16. See id.
17. 1965 Ga. Laws 385, § 8 (formerly found at O.C.G.A. § 49-4-11(b) (1994)).
18. O.C.G.A. § 49-4-11(b) (Supp. 1997).
20. 1965 Ga. Laws 385, § 12 (formerly found at O.C.G.A. § 49-4-13 (1994)).
24. O.C.G.A. § 49-4-13(b) (Supp. 1997).
25. SB 104, as introduced, 1997 Ga. Gen. Assem.; see Interview with Rick Dent, Director of Communications, Office of the Governor (June 12, 1997) [hereinafter Dent Interview].
the right to seek a hearing for any denial or termination.\textsuperscript{26} The change was accepted because there had been no desire to deny hearings, merely a desire to clarify that welfare is no longer an entitlement.\textsuperscript{27} This language remained unchanged throughout the remainder of the process.\textsuperscript{28}

Section 3 of the Act amends Code section 49-4-15, clarifying the meaning of fraud in obtaining public assistance, and making the wording gender-neutral.\textsuperscript{29} Formerly, subsections (b)(3) and (b)(4)\textsuperscript{30} only applied to food stamps and now they apply to food stamps or benefits.\textsuperscript{31} Also, subsection (b)(3) previously made only unauthorized redemption fraudulent;\textsuperscript{32} now, unauthorized redemption, possession, or use in any manner is fraudulent.\textsuperscript{33} These changes were made to cover modern electronic transfers of benefits.\textsuperscript{34} These changes were not challenged until they reached the House Children and Youth Committee. The House Committee substitute changed the wording to exempt persons possessing or redeeming food stamps or benefits if the lawful recipient had authorized them to do so.\textsuperscript{35} This change was made in response to concerns that a recipient's agent's right to possess food stamps would not be protected, absent such language.\textsuperscript{36} However, any concern over a recipient's agent's right to possess was needless because he or she is otherwise protected, and the House floor substitute and floor amendments returned to the language contained in the original version.\textsuperscript{37}

Section 4 of the Act amends Code section 49-4-15.1,\textsuperscript{38} dealing with the process of examining financial records in relation to fraud.\textsuperscript{39} The original version of the bill made "the commissioner of human resources" the person to issue a records subpoena, and the person to whom written application should be made.\textsuperscript{40} This differed from the previous law,

\textsuperscript{26} SB 104 (SCS), 1997 Ga. Gen Assem.
\textsuperscript{27} See Dent Interview, supra note 25.
\textsuperscript{29} O.C.G.A. § 49-4-15(b)(2) to (3) (Supp. 1997) (including "she" as well as "he").
\textsuperscript{30} 1996 Ga. Laws 1517, §§ 1, 1.2 (formerly found at O.C.G.A. § 49-4-15 (Supp. 1996)).
\textsuperscript{31} Compare id. with O.C.G.A. § 49-4-15(b)(3) to (4) (Supp. 1997).
\textsuperscript{32} 1989 Ga. Laws 466 (formerly found at O.C.G.A. § 49-4-15 (1994)).
\textsuperscript{33} O.C.G.A. § 49-4-15(b) (Supp. 1997).
\textsuperscript{34} See Dent Interview, supra note 25.
\textsuperscript{36} See Dent Interview, supra note 25.
\textsuperscript{38} 1987 Ga. Laws 1435, § 2 (formerly found at O.C.G.A. § 49-4-15.1 (1994)).
\textsuperscript{39} O.C.G.A. § 49-4-15.1 (Supp. 1997).
\textsuperscript{40} SB 104, as introduced, 1997 Ga. Gen. Assem.
which allowed a subpoena to be issued "by a departmental hearing examiner [with] . . . at least five years' actual experience . . . and . . . in good standing . . . [with] the State Bar of Georgia." This Code section remained unchanged until it arrived at the House Children and Youth Committee. The Committee attempted to replace the old language, "departmental hearing examiner," with language describing an experienced "attorney for the Department of Human Resources" as opposed to the "commissioner of human resources." When the bill went back to the House floor, it was changed for the final time to reflect the language in the original version of the bill, designating the "commissioner of human resources" to issue subpoenas for records relating to fraud, with the addition of the wording "upon the advice of the State Department of Law."

The Act adds Code section 49-4-19, requiring the Department of Human Resources (DHR) to create and maintain a social assistance register. This register will list all community groups and associations willing to help individuals who are attempting to stop receiving welfare. This Code section also makes it the department's duty to provide this information to recipients who might benefit, and to inform the community of the opportunity to serve those in need. This Code section did not exist in the first four versions; rather, it was added when the bill was returned to the House floor.

Striking Article 5: "Aid to Families with Dependent Children Act"

According to Senator Sonny Perdue, one the bill's sponsors, AFDC was a lifetime entitlement program that fostered a continual dependency to the detriment of recipients. For this reason, in

41. 1987 Ga. Laws 1435, § 2 (formerly found at O.C.G.A. § 49-4-15.1 (1994)).
43. 1987 Ga. Laws 1435, § 2 (formerly found at O.C.G.A. § 49-4-15.1 (1994)).
47. O.C.G.A. § 49-4-19 (Supp. 1997).
48. Id.
49. See id.
50. Id.
52. Perdue Interview, supra note 2.
addition to complying with federal welfare guidelines, article 5, of chapter 4, of title 49 (dealing with AFDC) was struck in its entirety.53

Adding Article 9: “Temporary Assistance for Needy Families Act”

Section 6 of the Act adds article 9 to chapter 4 of title 49, and contains thirteen Code sections.54 These Code sections provide for the title of the Act, definitions, purpose, administration, limitations of assistance, rules and regulations guidance, duties of the DHR, eligibility, sanctions, a family cap, limits for persons moving to Georgia from out-of-state, limited assistance to aliens, statutory construction to be consistent with Part (a) of Title IV of the federal Social Security Act, provision for victims of domestic violence, and LEARNFARE.55

Terms

Terms are defined in Code section 49-4-181.56 The definition of assistance as “temporary” characterizes the heart of this welfare reform Act.57 Definitions of the words applicant, assistance, board, cash assistance, department, family, recipient, state plan, and TANF remained the same throughout all versions of the bill.58

The Senate Committee substitute added subsections (10)(A) through (10)(L), defining work activity.59 This was done to ensure SB 104 incorporated language from the federal Social Security Act.60 The House Children and Youth Committee attempted two changes to subsection (10).61 One attempt, that would have added language that excludes potentially dangerous temporary employment resulting from strikes or layoffs from counting as work activity, failed when the House Committee substitute reached the House floor.62 In subsection (10)(G) the House Children and Youth Committee attempted to enlarge community service programs to include caring for a household member

53. See id.
55. Id.
56. Id. § 49-4-181.
57. Id. § 49-4-181(2).
60. See Dent Interview, supra note 25.
who was ill or incapacitated. This also failed when the substitute reached the House floor.

Upon reaching the House floor, three additions were made to Code section 49-4-181. First, additional language was added to subsection (10)(F). The Senate Committee substitute originally included "[job search and job readiness assistance] as a work activity." The House added language limiting this activity to "six weeks, only four weeks of which may be consecutive," and included other provisions depending on the state's unemployment rates. Second, the House added language at the end of subsection (10), defining the minimum work participation rate at twenty hours per week for 1997, rising to thirty hours per week by the year 2000. Third, the House added subsection (11), defining the work participation rate.

**Purpose**

The purpose of TANF is to provide temporary assistance to needy families with children so they can become self-sufficient. It requires engagement in work activity "no later than [twenty-four] months after first receiving cash assistance," and limits assistance to a lifetime maximum of forty-eight months. The original bill remained unchanged in the Senate Committee. When it returned to the Senate, two amendments were attempted, but failed. Senator Ed Harbison, of the 15th District and Senator Nadine Thomas, of the 10th District, attempted to have the lifetime maximum benefit extended to sixty months instead of forty-eight. Federal law allows up to sixty months, allowing recipients two years to find a job, then giving them three additional years for a total of five years. In contrast, Georgia requires that a recipient find a job as soon as possible, expecting this to occur in less than one year, then gives them three additional years for a

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69. Id.
70. Id.
71. See O.C.G.A. § 49-4-182(a) (Supp. 1997).
72. Id.
73. Id. § 49-4-182(b).
76. See Dent Interview, supra note 25.
total of four years.\textsuperscript{77} This concurs with statistical expectations in Georgia, where average welfare assistance is less than four years.\textsuperscript{78} Additionally TANF provides hardship exemptions for anyone with a true hardship.\textsuperscript{79} The original version of amended Code section 49-4-182 passed unchanged through the Senate Committee substitute and floor amendments and proceeded to the House Children and Youth Committee. The Committee added a requirement in subsection (a) that before applicants participate in work activity, they should have "an initial assessment" to determine if they are ready to work.\textsuperscript{80} This change was incorporated in the House floor substitute and floor amendments, and passed the House and Senate.\textsuperscript{81} The Committee attempted to change the wording at the end of subsection (a), but the House kept the original language.\textsuperscript{82} To mitigate the forty-eight month limit to assistance, the House Committee substitute also added language at the end of subsection (b): "except that a recipient who has met or exceeded all of the department's requirements and still is unable to find work may receive an additional [twelve] months of cash assistance."\textsuperscript{83} This change did not pass the House floor, resulting in the forty-eight month limit to assistance.\textsuperscript{84}

\textsuperscript{77} See id.
\textsuperscript{78} See id.
\textsuperscript{79} See id.; O.C.G.A. § 49-4-182(a) (Supp. 1997).
\textsuperscript{82} SB 104, as introduced, 1997 Ga. Gen. Assem.; SB 104 (HCS), 1997 Ga. Gen. Assem.; SB 104 (HFSFA), 1997 Ga. Gen. Assem. The House Committee language was: "applicants for assistance shall be required to engage in a work activity in accordance with part A of Title IV of the federal Social Security Act, as amended, and the state plan as soon as possible but in any event when the applicant or recipient has received cash assistance for a total of 24 months whether or not consecutive." SB 104 (HCS), 1997 Ga. Gen. Assem. Under this language, a recipient could go longer than 24 months without engaging in a work activity if they took cash assistance sporadically. The language of the original version and the final version is: "applicants for assistance shall be required to engage in a work activity in accordance with part A of Title IV of the federal Social Security Act, as amended, and the state plan as soon as possible after making application for assistance, but in any event no later than 24 months after first receiving cash assistance." O.C.G.A. § 49-4-182(a) (Supp. 1997).
Administration, Limitations of Assistance, Rules and Regulations
Guidance, Duties of Department of Human Resources

Code section 49-4-183 has three subsections. Subsection (a) provides that TANF be administered by the DHR with rules and regulations issued by the Board of Human Resources. The original version was changed by the Middleton Amendment, incorporated in the Senate Committee substitute and floor amendments, which stated: "[t]he Board of Human Resources shall issue such rules . . ." rather than "[t]he Board of Human Resources shall have authority to issue such rules . . ." The Middleton Amendment also required the rules to be promulgated no later than July 1, 1997. Additional language was added by the House Committee substitute, stating that the rules are to be promulgated according to Code section 50-13-4, the "Georgia Administrative Procedure Act."

Subsection (b) provides guidelines for the rules and regulations. The Middleton Amendment, passed in the Senate Committee substitute and floor amendments version of SB 104, added language to subsection (b)(4), requiring that personal responsibility obligations include "counseling on abstinence until marriage." This language was added to encourage abstinence. The House Committee substitute attempted to add counseling on family planning along with counseling on abstinence, but this attempt failed.

The Senate Committee substitute deleted the language in subsection (b)(8), which limited a recipient's ability to request an administrative hearing to challenge factual errors, calculations, or cause. Language was added requiring hearings to be in accordance with Code section 49-4-13, which allows a recipient to request a hearing for a broad range of reasons.

The House Committee substitute attempted to add language to subsection (b)(3) to exempt older vehicles used for job-related purposes.

85. See generally O.C.G.A. § 49-4-183 (Supp. 1997).
86. See id. § 49-4-83(a).
90. O.C.G.A. § 49-4-183(b) (Supp. 1997).
92. See Dent Interview, supra note 25.
96. O.C.G.A. § 49-4-13 (Supp. 1997).
from consideration in determining an applicant's income and resources in determining eligibility, but this language failed. The attempted language was taken directly from previous law and protected persons who were trying to become self-sufficient from being penalized for having transportation that was necessary for work. The House Committee was concerned that even owning an older vehicle worth $1500 can affect eligibility, and further, not exempting older vehicles prohibits charitable donations of an older vehicle to persons who are trying to stop receiving welfare. The House Committee substitute attempted to change the language of subsection (b)(6), to authorize a reduction or termination of assistance for uncorrected specific conduct as opposed to just specific conduct, but this language also failed.

The House Committee substitute added subsections (b)(11) and (b)(12). Subsection (b)(11) was incorporated in the enacted version to provide that money in an individual development account, which may be used for a first home purchase, education, or business capitalization, is excluded from eligibility determination. The purpose of this subsection is to help persons stop receiving welfare and remain welfare free by encouraging them to develop their own resources rather than penalize them for doing so. Subsection (b)(11) was a federal option and its incorporation into the bill had no serious opposition. Subsection (b)(12), which excluded a minor's part-time, temporary earnings from eligibility determination, failed. The House Committee did not want a family to be penalized because their child was learning to work; this discourages children from working and is short-sighted. Long-term goals for ending welfare are more effectively promoted when adolescents, who will soon be independent individuals capable of constituting their own family unit, and who may be eligible for four years of assistance, learn the value of work during their formative years.

98. See Telephone Interview with Rep. Georganna Sinkfield, House District No. 57 (July 15, 1997) [hereinafter Sinkfield Interview].
99. See id.
101. Id.
103. See Sinkfield Interview, supra note 98.
104. See Dent Interview, supra note 25.
106. See Sinkfield Interview, supra note 98.
107. See id.
Subsection (c) provides that the DHR shall supervise administration of TANF by the Division of Family and Children Services;\(^{108}\) that the DHR shall “[p]rescribe necessary forms and procedures”,\(^{109}\) and that the DHR shall publish reports.\(^{110}\) The House Committee substitute added language to the original version requiring that the reports be provided to the Governor and members of the General Assembly\(^ {111}\) and that they should be on a “county-by-county basis where feasible.”\(^{112}\) The House Committee substitute also added language providing for the content of the reports, all of which passed in the final version of the bill with the exception of changes in subsections (c)(3)(J) and (c)(3)(M) described below.\(^{113}\)

Subsection (c)(3)(J) requires the reporting of the number of families sanctioned.\(^{114}\) The House Committee substitute language, requiring a categorization of the reasons for and types of sanctions, failed.\(^{115}\) Subsection (c)(3)(M), requiring detailed follow-up information, also failed.\(^{116}\) When the bill reached the House floor, a different subsection (c)(3)(M) was adopted to require “[f]ollow-up information on job retention and earnings[,]” deleting the detail required in the House Committee substitute version.\(^{117}\) Additionally, the House floor substitute and floor amendments added a subsection requiring a report on any change in birth rate for TANF recipients.\(^ {118}\) The House floor substitute and floor amendments also added language requiring the development of an employer incentive program before January 1, 1998.\(^ {119}\)

\(^{108}\) O.C.G.A. § 49-4-183(c)(1) (Supp. 1997).
\(^{109}\) Id. § 49-4-183(c)(2).
\(^{110}\) Id. § 49-4-183(c)(3).
\(^{116}\) Id.
Eligibility Requirements

Most of the eligibility requirements reflect federal requirements. However, fraud and abuse investigation requirements in Code section 49-4-184(a)(2), as well as provisions regarding violent felony convictions in subsection (a)(4), were state additions from the Governor's office included in the original version and did not derive from federal requirements. Another state addition, in the House floor substitute and floor amendments version, added language requiring that teenagers who are otherwise required to be in school, must "obtain passing grades." Another state addition, in the Middleton Amendment, added subsection (a)(10), requiring pregnant recipients to participate in prenatal care. The House Committee substitute deleted this language because of the concern with requiring prenatal care—and threatening a cut-off of aid if pregnant women did not receive it—without also offering state assistance to receive such care. When the bill was returned to the House floor, language was added that prenatal care was to be arranged by the DHR; the purpose was to ensure that the DHR arranged for the care and made it accessible. The House Committee attempted to add language in subsection (b) that stated that eligibility requirements "shall not apply when circumstances beyond the control of the applicant or recipient cause such failure to comply or cooperate," but the language failed.

Sanctions

The Middleton Amendment to the original version required termination of assistance for a material violation, rather than simply a violation. The House Committee substitute added similar language,

120. See Dent Interview, supra note 25.
121. O.C.G.A. § 49-4-184(a)(2) (Supp. 1997).
122. Id. § 49-4-184(a)(4).
125. SB 104 (SCSFA), 1997 Ga. Gen. Assem. (Middleton Amendment). Though the House Committee substitute dropped this addition, it was returned in the House floor substitute and floor amendments. O.C.G.A. § 49-4-184(a)(10) (Supp. 1997).
127. O.C.G.A. § 49-4-184(a)(10) Supp. 1997); see Sinkfield Interview, supra note 98.
requiring a 25% reduction penalty for the first material violation. These changes were reflected in the final version.

Several other attempts in the House Committee substitute version ultimately failed. The first of these was a Code section that would require the DHR to meet with the recipient prior to any sanction. The second was language that "refusal to work in a potentially dangerous situation caused by temporary employment at a place where a layoff of permanent employees or a union strike has occurred shall not be considered a violation" of work participation. Third, language failed that would have barred any sanction for circumstances beyond the participant's control and barred any sanction if the recipient failed to work because the DHR did not provide childcare, transportation, or other necessary services. Finally, language failed that barred sanctions until the DHR had published the rules and regulations.

Birth of Additional Children

Code section 49-4-186 puts a ten-month cap on children who will be covered so that ten months after assistance starts, any additional children born or conceived will not receive additional coverage. This contrasts with the AFDC cap of twenty-four months, and reiterates the message that welfare is no longer an entitlement. The Code section was uncontroverted until the House Committee substitute. If adopted, House Committee substitute language, adding subsection (b), would have required the DHR to disregard money earned or "receive[d] as child support up to the amount the recipient would have received for that child" if it were not for the effect of Code section 49-4-186(a). However the House Committee change was not adopted.

134. See id.
135. See id.
136. O.C.G.A. § 49-4-186 (Supp. 1997); see Dent Interview, supra note 25.
137. See Dent Interview, supra note 25.
Limitations of Assistance to Aliens and Those Who Move in From Out-of-State

Code section 49-4-187 provides that persons moving to Georgia from out-of-state shall, for twelve months, receive the lower dollar amount of assistance and the lowest time period required for assistance, whether it be Georgia's or the state from which they came. Code section 49-4-187 was uncontroverted throughout the process. The Code section is meant to be a disincentive to persons moving into the state merely to get better benefits. Though the unequal treatment creates a possible privileges and immunities issue, it appears this type of provision has only been challenged in California when people moving to California were given no benefits for the first twelve months. However, Georgia does provide for limited assistance for the first twelve months.

Code section 49-4-188 was more controversial, and there are legal arguments both for and against welfare assistance to aliens. This Code section states that aliens "will not be eligible for TANF assistance... provided, however, that such qualified aliens will be eligible for cash assistance until July 1, 1998, unless such period is extended by enactment of the General Assembly...." This differs from the original version, which stated that they "will not be eligible... provided, however, that such qualified aliens will be eligible for cash assistance for a period not to exceed 12 months..." While on the Senate floor, Senator Nadine Thomas attempted an amendment, which ultimately failed, that would have treated aliens the same as other applicants for eligibility purposes. However, while on the House floor, the twelve-month limit on assistance was changed to "until July 1, 1998" and language was added allowing the General Assembly to extend that period. The version that passed, which states that aliens are eligible for assistance until July 1, 1998, unless the General Assembly extends it, is a compromise, and the issue will probably be revisited. Among the reasons for limiting assistance to aliens are: there are no federal monies for aliens, it is not part of the block grant,

142. See Dent Interview, supra note 25.
143. See id.
144. See id.
145. See id.
146. O.C.G.A. § 49-4-188 (Supp. 1997).
149. O.C.G.A. § 49-4-188 (Supp. 1997).
150. See id.; Dent Interview, supra note 25.
and all assistance will come strictly from state funds. Additionally, legal immigrants have a good record for becoming self-sufficient and a one-year time period will hopefully ease their transition while conserving state monies. However, one of the reasons for treating aliens the same as other applicants is that aliens are sometimes older and past working age, as evidenced by the number of older aliens who currently receive assistance.

**Liability**

In the original version, Code section 49-4-189 imposed liability on a TANF employer for injury, accident, or death of a TANF worker. It provided for qualified immunity unless there was wanton and willful recklessness or an intentional act, while allowing for insurance coverage to waive the immunity to the extent of the coverage. The House Committee substitute changed the language making an employer liable for recklessness, intentional acts, and negligence. Neither version was enacted, and this Code section is reserved.

While on the Senate floor, Senator Donzella James attempted to add an amendment that would have been Code section 49-4-189.1 and would have protected Georgia workers from any undermining of working conditions or wages due to TANF work activities. This amendment failed.

**Article 9 to be Construed Consistently with Federal Law**

The Act clearly states that article 9, of chapter 4 of title 49 (Code sections 49-4-180 to -192) is to be construed consistent with Part A of Title IV of the federal Social Security Act, “so as to receive the maximum amount of the federal block grant available for expenditures made under the state plan.” The Middleton Amendment further clarifies the underlying intent, stating that article 9 is not to be construed to conflict with federal law or regulations.

152. *See id.*
153. *See* Sinkfield Interview, *supra* note 98.
155. *See id.*
160. O.C.G.A. § 49-4-190 (Supp. 1997).
161. SB 104 (SCSFA), 1997 Ga. Gen. Assem. (Middleton Amendment); O.C.G.A.
Waivers for Victims of Domestic Violence

The Middleton Amendment added Code section 49-4-191 to provide for identification of TANF victims of domestic violence, and to excuse them from certain requirements that would exacerbate problems relating to domestic violence.162

LEARNFARE Program

Code section 49-4-192 was adopted in the House floor substitute and floor amendments.163 It requires the establishment of a pilot program known as LEARNFARE, in at least ten counties, requiring school attendance of all TANF teenagers who have not graduated or received a GED.164 It also provides the guidelines for sanctions.165 The Middleton Amendment originally introduced this in Section 6 of the Senate Committee substitute and floor amendments.166 The House Committee substitute deleted the Middleton Amendment on LEARNFARE in Code section 49-4-192 and replaced it with the Jobs First Program.167 On the House floor, in Section 7.1 of the House floor substitute and floor amendments, the LEARNFARE program was adopted as Code section 49-4-192 and the Jobs First Program was deleted.168 The purpose of LEARNFARE is to promote school attendance and good grades.169

Miscellaneous Provisions

The Act further amends Code sections 19-11-9.2,170 -12,171 -21,172 21-2-222,173 49-3-6,174 49-4-3,176 -16,176 -170,177 -171,178 and 49-
It replaces the terms “Aid to Families with Dependent Children,” “aid to families with dependent children,” and “AFDC,” with “Temporary Assistance for Needy Families,” and “TANF.”

Title 48 Revenue and Taxation

Previously, employers were allowed certain tax credits for hiring AFDC recipients. The original version of the bill completely struck this Code section. Though the House Committee substitute attempted to keep Code section 48-7-42, the House floor substitute and floor amendments struck former Code section 48-7-42. Contrary to some concerns that employers were losing tax credits, none were lost because the Jobs First Program, which had granted tax credits, never got off the ground. Offsetting this concern, Code section 49-4-183(c)(4) requires the DHR to develop a set of “incentives for employers to hire TANF recipients who have difficulty in finding employment.”

Margaret Ann Shannon

179. 1993 Ga. Laws 91, § 49 (formerly found at O.C.G.A. § 49-4-7 (1994)).
184. See Dent Interview, supra note 25.
185. See id.; O.C.G.A. § 49-4-183(c)(4) (Supp. 1997).