

Department of Social Services
22 VAC 40-330-10 et seq.
Filed: November 20, 1998

1. Specific Reason for the Proposed Regulation:

On August 22, 1996, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) was enacted, introducing welfare reform at the federal level. In Title I of the Act, Congress replaced the Aid to Families with Dependent Children (AFDC) Program with the Temporary Assistance for Needy Families (TANF) block grant. This block grant considerably reduced federal regulation of cash assistance and employment services programs, allowing states to design their programs within limited parameters.

Because the framework of the AFDC program was repealed by Congress, Virginia adopted pre-TANF federal definitions of eligibility criteria in order to maintain the program as it currently operated in Virginia. To that end, the 1997 Virginia General Assembly adopted legislation that codified the old rules, and an advisory committee comprised of legislators, social services directors and workers, local government officials, and citizens, was formed to consider new TANF options. The committee made recommendations to simplify and streamline the TANF and VIEW programs.

The proposed regulations, 22 VAC 40-295-10 et seq., will implement the recommendations of the TANF Advisory Committee and will also serve as a comprehensive program regulation. This regulation will be amended by deleting all references to the Aid to Families with Dependent Children Program. Then, this regulation will only apply to Refugee Other Assistance. Any language necessary for TANF will be included in the proposed comprehensive regulation.

2. Agency Legal Authority to Promulgate the Proposed Regulations

Pursuant to § 63.1-25 of the Code of Virginia, the State Board of Social Services has authority to promulgate rules and regulations necessary for operation of all assistance programs. PRWORA transformed the welfare system from a mandated system into a block grant program with state flexibility. Regulations are necessary for the state to regulate its state TANF program. The proposed comprehensive TANF regulation, 22 VAC 40-295-10 et seq., will modify the following areas: assistance unit composition, earnings and income, resources, short-term assistance, and program administration.

This regulation is being amended. Any necessary regulatory language will be included in 22 VAC 40-295-10 et seq.

3. Efficient and Economic Performance of Agency

The current TANF program, as currently implemented, is bound by previously existing federal regulations. These regulations were not designed for efficient and economic performance, nor

were they written with a goal of self-sufficiency for TANF recipients. The proposed comprehensive TANF regulation, 22 VAC 40-295-10 et seq., will utilize state flexibility to operate a more efficient program that meet the goal of the program. This regulation is being repealed. Any necessary regulatory language will be included in 22 VAC 40-295-10 et seq.

4. Consideration of Less Burdensome and Less Intrusive Alternatives

The TANF Advisory Committee met for eight months to arrive at the recommendations. Subcommittees were convened to address the major subject areas. The subcommittees met frequently throughout the process for the purpose of formulating recommendations in each of the key subject areas. The subcommittee recommendations were then presented to the full Committee for consideration during its monthly meetings. The Committee held its meetings in various locations across the state to provide opportunity for input from both social services workers and the general public. The recommendations were made by the full Committee based on its discussions of the subcommittees' work and consideration of the comments received. In deliberating these proposals, the Committee was guided by principles of simplicity, ease of administration, efficiency, and the ability to meet the goals of the program. This regulation is being amended. Any necessary regulatory language will be included in 22 VAC 40-295-10 et seq., the comprehensive TANF regulation.

5. Family Formation, Stability, and Autonomy

PRWORA states that among the goals of TANF are “to provide assistance to needy families so that children may be cared for in their own homes or in the homes of relatives” and to “encourage the formation and maintenance of two-parent families.” The proposed regulation, 22 VAC 40-295-10 et seq., will follow the TANF Advisory Committee recommendations and the goals of PRWORA, allowing for strengthened families and an emphasis on the formation of two-parent families.