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REFERENCE TITLE: **welfare eligibility; immigration status; verification**

State of Arizona
House of Representatives
Forty-seventh Legislature
First Regular Session
2005

HB 2395

Introduced by
Representatives Pearce, Boone, Rosati, Smith, Senator Johnson:
Representatives Allen J, Biggs, Burges, Gray C, McLain, Pierce, Stump,
Yarbrough

AN ACT

AMENDING SECTION 46-134, ARIZONA REVISED STATUTES; RELATING TO WELFARE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 46-134, Arizona Revised Statutes, is amended to
3 read:
4 46-134. Powers and duties; expenditure; limitation
5 A. The state department shall:
6 1. Administer all forms of public relief and assistance except those
7 that by law are administered by other departments, agencies or boards.
8 2. Administer child welfare activities, including:
9 (a) Importation of children.
10 (b) Licensing and supervising private and local public child ~~earing~~
11 CARE agencies and institutions.
12 (c) Providing the cost of care of:
13 (i) Children who are in temporary custody, are the subject of a
14 dependency petition or are adjudicated by the court as dependent and who are
15 in out-of-home placement, except state institutions.
16 (ii) Children who are voluntarily placed in out-of-home placement
17 pursuant to section 8-806.
18 (iii) Children who are the subject of a dependency petition or are
19 adjudicated dependent and who are in the custody of the department and
20 ordered by the court pursuant to section 8-845 to reside in an independent
21 living program pursuant to section 8-521.
22 (d) Providing services for children placed in adoption.
23 (e) Providing the cost of care of unwed mothers who are under the age
24 of eighteen years during the period of their pregnancy and confinement in
25 foster family homes or institutions and when determined by the department to
26 be economically eligible. Costs of hospitalization and medical expenses
27 attendant to the care of the mother and child shall be excluded from any
28 payments made under this subdivision.
29 3. For the purposes of paragraph 2, subdivision (c), develop and
30 implement in conjunction with the department of education and the department
31 of juvenile corrections a uniform budget format to be submitted by licensed
32 child welfare agencies and approved private special education schools. The
33 budget format shall be developed in such a manner that, at a minimum,
34 residential and educational instructional costs are separate and distinct
35 budgetary items.
36 4. Develop a section of rehabilitation for the visually impaired that
37 shall include a sight conservation section, a vocational rehabilitation
38 section in accordance with the federal vocational rehabilitation act, a
39 vending stand section in accordance with the federal Randolph-Sheppard act
40 and an adjustment service section that shall include rehabilitation teaching
41 and other social services deemed necessary, and shall cooperate with similar
42 agencies already established. The administrative officer and staff of the
43 section for the blind and visually impaired shall be employed only in the
44 work of that section.

- 1 5. Assist other departments, agencies and institutions of the state
2 and federal governments, when requested, by performing services in conformity
3 with the purposes of this title.
- 4 6. Act as agent of the federal government in furtherance of any
5 functions of the state department.
- 6 7. Carry on research and compile statistics relating to the entire
7 public welfare program throughout this state, including all phases of
8 dependency and defectiveness.
- 9 8. Cooperate with the superior court in cases of delinquency and
10 related problems.
- 11 9. Develop plans in cooperation with other public and private agencies
12 for the prevention and treatment of conditions giving rise to public welfare
13 and social security problems.
- 14 10. Make necessary expenditures in connection with the duties specified
15 in paragraphs 7, 8, 9, 15, 16 and 17.
- 16 11. Have the power to apply for, accept, receive and expend public and
17 private gifts or grants of money or property on the terms and conditions as
18 may be imposed by the donor and for any purpose provided for by this chapter.
- 19 12. Make rules, and take action necessary or desirable to carry out the
20 provisions of this title, that are not inconsistent with this title.
- 21 13. Administer any additional welfare functions required by law.
- 22 14. Provide the cost of care and transitional independent living
23 services for a person under twenty-one years of age pursuant to section
24 8-521.01.
- 25 15. Petition, as necessary to implement the case plan established under
26 section 8-824 or 8-845, for the appointment of a guardian or a temporary
27 guardian under title 14, chapter 5 for children who are in custody of the
28 department pursuant to court order. Persons applying to be guardians or
29 temporary guardians under this section shall be fingerprinted. A foster
30 parent or certified adoptive parent already fingerprinted is not required to
31 be fingerprinted again if he is the person applying to be the guardian or
32 temporary guardian.
- 33 16. If a tribal government elects to operate a cash assistance program
34 in compliance with the requirements of the United States department of health
35 and human services, with the review of the joint legislative budget
36 committee, provide matching monies at a rate that is consistent with the
37 applicable fiscal year budget and that is not more than the state matching
38 rate for the aid to families with dependent children program as it existed on
39 July 1, 1994.
- 40 17. Furnish a federal, state or local law enforcement officer, at the
41 request of the officer, with the current address of any recipient if the
42 officer furnishes the agency with the name of the recipient and notifies the
43 agency that the recipient is a fugitive felon or a probation, parole or
44 community supervision violator or has information that is necessary for the
45 officer to conduct the official duties of the officer and the location or
46 apprehension of the recipient is within these official duties.

1 18. In conjunction with Indian tribal governments, request a federal
2 waiver from the United States department of agriculture that will allow
3 tribal governments that perform eligibility determinations for temporary
4 assistance for needy families programs to perform the food stamp eligibility
5 determinations for persons who apply for services pursuant to section
6 36-2901, paragraph 6, subdivision (a). If the waiver is approved, the state
7 shall provide the state matching monies for the administrative costs
8 associated with the food stamp eligibility based on federal guidelines. As
9 part of the waiver, the department shall recoup from a tribal government all
10 federal fiscal sanctions that result from inaccurate eligibility
11 determinations.

12 19. FOR THE PURPOSES OF DETERMINING ELIGIBILITY FOR ANY ASSISTANCE OR
13 SERVICE UNDER THIS TITLE, VERIFY THE IMMIGRATION STATUS OF EACH APPLICANT
14 THROUGH THE SYSTEMATIC ALIEN VERIFICATION FOR ENTITLEMENTS PROGRAM AS
15 ADMINISTERED BY THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY.

16 B. The total amount of state monies that may be spent in any fiscal
17 year by the state department for foster care as provided in subsection A,
18 paragraph 2, subdivision (c) of this section shall not exceed the amount
19 appropriated or authorized by section 35-173 for that purpose. This section
20 shall not be construed to impose a duty on an officer, agent or employee of
21 this state to discharge a responsibility or to create any right in a person
22 or group if the discharge or right would require an expenditure of state
23 monies in excess of the expenditure authorized by legislative appropriation
24 for that specific purpose.