

SECOND REGULAR SESSION

SENATE BILL NO. 875

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SATER.

Read 1st time February 17, 2014, and ordered printed.

TERRY L. SPIELER, Secretary.

6047S.011

AN ACT

To repeal section 208.080, RSMo, and to enact in lieu thereof one new section relating to public assistance administrative appeals.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 208.080, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 208.080, to read as follows:

208.080. 1. Any applicant for or recipient of benefits or services provided
2 by law by the division of family services may appeal to the director of the division
3 of family services from a decision of a county office of the division of family
4 services in any of the following cases:

5 (1) If his right to make application for any such benefits or services is
6 denied; or

7 (2) If his application is disallowed in whole or in part, or is not acted upon
8 within a reasonable time after it is filed; or

9 (3) If it is proposed to cancel or modify benefits or services; or

10 (4) If he is adversely affected by any determination of a county office of
11 the division of family services in its administration of the programs administered
12 by it; or

13 (5) If a determination is made pursuant to subsection 2 of section 208.180
14 that payment of benefits on behalf of a dependent child shall not be made to the
15 relative with whom he lives.

16 2. If the division proposes to terminate or modify the payment of benefits
17 or the providing of services to the recipient or the division has terminated or
18 modified the payment of benefits or providing of services to the recipient and the
19 recipient appeals, the decision of the director as to the eligibility of the recipient

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

20 at the time such action was proposed or taken shall be based on the facts shown
21 by the evidence presented at the hearing of the appeal to have existed at the time
22 such action to terminate or modify was proposed or was taken.

23 3. In the case of a proposed action by the county office of the division of
24 family services to reduce, modify, or discontinue benefits or services to a
25 recipient, the recipient of such benefits or services shall have ten days from the
26 date of the mailing of notice of the proposed action to reduce, modify, or
27 discontinue benefits or services within which to request an appeal to the director
28 of the division of family services. In the notice to the recipient of such proposed
29 action, the county office of the division of family services shall notify the recipient
30 of all his rights of appeal under this section. Proper blank forms for appeal to the
31 director of the division of family services shall be furnished by the county office
32 to any aggrieved recipient. Every such appeal to the director of the division of
33 family services shall be transmitted by the county office to the director of the
34 division of family services immediately upon the same being filed with the county
35 office. If an appeal is requested, benefits or services shall continue undiminished
36 or unchanged until such appeal is heard and a decision has been rendered
37 thereon, except that in an aid to families with dependent children case the
38 recipient may request that benefits or services not be continued undiminished or
39 unchanged during the appeal.

40 4. When a case has been closed or modified and no appeal was requested
41 prior to closing or modification, the recipient shall have ninety days from the date
42 of closing or modification to request an appeal to the director of the [division of
43 family services] **family support division**. Each recipient [who has not
44 requested an appeal prior to the closing or modification of his case] shall be
45 notified [at the time of such closing or modification] **before adverse action is**
46 **taken** of his right to request an appeal during this ninety-day period. Proper
47 blank forms for requesting an appeal to the director of the [division of family
48 services] **family support division** shall be furnished by the [county office]
49 **family support division** to any aggrieved applicant. Every such request made
50 in any manner for an appeal to the director of the [division of family services]
51 **family support division** shall be transmitted by the [county office] **family**
52 **support division** to the director of the [division of family services] **family**
53 **support division** immediately upon the same being filed with the [county office]
54 **family support division**. If an appeal is requested in the ninety-day period
55 subsequent to the closing or modification, benefits or services shall not be

56 continued at their prior level during the pendency of the appeal.

57 5. In the case of a rejection of an application for benefits or services, the
58 aggrieved applicant shall have ninety days from the date of the notice of the
59 action in which to request an appeal to the director of the division of family
60 services. In the rejection notice the applicant for benefits or services shall be
61 notified of all of his rights of appeal under this section. Proper blank forms for
62 requesting an appeal to the director of the division of family services shall be
63 furnished by the county office to any aggrieved applicant. Any such request made
64 in any manner for an appeal shall be transmitted by the county office to the
65 director of the division of family services, immediately upon the same being filed
66 with the county office.

67 6. If the division has rejected an application for benefits or services and
68 the applicant appeals, the decision of the director as to the eligibility of the
69 applicant at the time such rejection was made shall be based upon the facts
70 shown by the evidence presented at the hearing of the appeal to have existed at
71 the time the rejection was made.

72 7. The director of the division of family services shall give the applicant
73 for benefits or services or the recipient of benefits or services reasonable notice
74 of, and an opportunity for, a fair hearing in the county of his residence at the
75 time the adverse action was taken. The hearing shall be conducted by the
76 director of the division of family services or his designee. Every applicant or
77 recipient, on appeal to the director of the division of family services, shall be
78 entitled to be present at the hearing, in person and by attorney or representative,
79 and shall be entitled to introduce into the record of such hearing any and all
80 evidence, by witnesses or otherwise, pertinent to such applicant's or recipient's
81 eligibility between the time he applied for benefits or services and the time the
82 application was denied or the benefits or services were terminated or modified,
83 and all such evidence shall be taken down, preserved, and shall become a part of
84 the applicant's or recipient's appeal record. Upon the record so made, the director
85 of the division of family services shall determine all questions presented by the
86 appeal, and shall make such decision as to the granting of benefits or services as
87 in his opinion is justified and is in conformity with the provisions of the law. The
88 director shall clearly state the reasons for his decision and shall include a
89 statement of findings of fact and conclusions of law pertinent to the questions in
90 issue.

91 8. All appeal requests may initially be made orally or in any written form,

92 but all such requests shall be transcribed on forms furnished by the division of
93 family services and signed by the aggrieved applicant or recipient or his
94 representative prior to the commencement of the hearing.

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Unofficial

Bill

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