

CONFERENCE COMMITTEE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

SENATE SUBSTITUTE NO. 2

FOR

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 24

AN ACT

To repeal section 208.040, RSMo, and to enact in lieu thereof four new sections relating to nonmedical public assistance.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

1 Section A. Section 208.040, RSMo, is repealed and four new  
2 sections enacted in lieu thereof, to be known as sections  
3 208.026, 208.040, 208.067, and 208.244, to read as follows:

4 208.026. 1. Sections 208.026, 208.040, 208.067, and  
5 208.244 shall be known and may be cited as the "Strengthening  
6 Missouri Families Act".

7 2. For the purposes of this section and sections 208.040  
8 and 208.244, "work activities" shall have the same meaning as  
9 defined in 42 U.S.C. Section 607(d), including:

- 10 (1) Unsubsidized employment;
- 11 (2) Subsidized private sector employment;
- 12 (3) Subsidized public sector employment;

1       (4) Work experience, including work associated with  
2 refurbishing of publicly assisted housing, if sufficient private  
3 sector employment is not available;

4       (5) On-the-job training;

5       (6) Job search and job readiness assistance, which shall  
6 include utilization of the state employment database website. The  
7 department shall, in conjunction with the department of economic  
8 development, create a database tracking method in order to track  
9 temporary assistance for needy families benefits recipients'  
10 utilization of the employment database for the purpose of  
11 recording work activities, as well as include information on the  
12 state employment database website about the temporary assistance  
13 for needy families program's eligibility and work requirements,  
14 application process, and contact information;

15       (7) Community service programs;

16       (8) Vocational educational training, provided that such  
17 training does not exceed twelve months for any individual;

18       (9) Job skills training directly related to employment;

19       (10) Education directly related to employment for  
20 individuals who have not received a high school diploma or  
21 certificate of high school equivalency;

22       (11) Satisfactory attendance at a secondary school,  
23 provided that the individual has not already completed secondary  
24 school; and

25       (12) Provision of child care services to an individual who  
26 is participating in a community service program.

27       3. Beginning January 1, 2016, any parent or caretaker  
28 seeking assistance under the temporary assistance for needy

1 families program shall engage in work activities before becoming  
2 eligible for benefits, unless such individual is otherwise exempt  
3 from the work requirement.

4 4. If after an investigation the department determines that  
5 a person is not cooperating with a work activity requirement  
6 under the temporary assistance for needy families program, a  
7 representative of the department shall meet face-to-face with the  
8 person to explain the potential sanction and the requirements to  
9 cure the sanction. After the meeting, the person shall have six  
10 weeks to comply with the work activity requirement, during which  
11 time no sanction of benefits shall occur. If the person does not  
12 comply with the work activity requirement within that six-week  
13 period, the department shall immediately apply a sanction  
14 terminating fifty percent of the amount of temporary assistance  
15 benefits to or for the person and the person's family for a  
16 maximum of ten weeks. During that period of sanctions, the  
17 person shall remain on the caseload in sanction status and a  
18 representative of the department shall attempt to meet face-to-  
19 face with the person to explain the existing sanction and the  
20 requirements to cure the sanction. To cure a sanction, the  
21 person shall perform work activities for at least a minimum  
22 average of thirty hours per week for one month, as described in  
23 45 CFR 261.31(d). If the person does not cure the sanction, the  
24 case shall be closed.

25 5. To return to the temporary assistance for needy families  
26 benefits program after having been sanctioned off the caseload  
27 under subsection 4 of this section, the person shall complete  
28 work activities for a minimum average of thirty hours per week  
29 within one month of the temporary assistance eligibility

1 interview.

2 6. This section does not prohibit the state from providing  
3 child care or any other related social or support services for a  
4 person who is eligible for financial assistance but to whom that  
5 assistance is not paid because of the person's failure to  
6 cooperate with the work activity.

7 7. In order to encourage the formation and maintenance of  
8 two-parent families, when a temporary assistance for needy  
9 families benefits recipient marries, the new spouse's income and  
10 assets shall be disregarded for six consecutive months. This  
11 disregard shall be a once-in-a-lifetime benefit for the  
12 recipient.

13 8. The department shall promulgate rules to implement this  
14 section including procedures to determine whether a person has  
15 cooperated with the requirements of the work activity and  
16 procedures for notification of a caretaker relative, second  
17 parent, or payee receiving the financial assistance on behalf of  
18 the person's family unit. Any rule or portion of a rule, as that  
19 term is defined in section 536.010 that is created under the  
20 authority delegated in this section shall become effective only  
21 if it complies with and is subject to all of the provisions of  
22 chapter 536, and, if applicable, section 536.028. This section  
23 and chapter 536 are nonseverable and if any of the powers vested  
24 with the general assembly pursuant to chapter 536, to review, to  
25 delay the effective date, or to disapprove and annul a rule are  
26 subsequently held unconstitutional, then the grant of rulemaking  
27 authority and any rule proposed or adopted after August 28, 2015,  
28 shall be invalid and void.

1           208.040. 1. Temporary assistance benefits shall be granted  
2 on behalf of a dependent child or children and may be granted to  
3 the parents or other needy eligible relative caring for a  
4 dependent child or children who:

5           (1) Is under the age of eighteen years; or is under the age  
6 of nineteen years and a full-time student in a secondary school  
7 (or at the equivalent level of vocational or technical training),  
8 if before the child attains the age of nineteen the child may  
9 reasonably be expected to complete the program of the secondary  
10 school (or vocational or technical training);

11           (2) Has been deprived of parental support or care by reason  
12 of the death, continued absence from the home, or physical or  
13 mental incapacity of a parent, and who is living with father,  
14 mother, grandfather, grandmother, brother, sister, stepfather,  
15 stepmother, stepbrother, stepsister, uncle, aunt, first cousin,  
16 nephew or niece, in a place of residence maintained by one or  
17 more of such relatives as the child's own home, and financial aid  
18 for such child is necessary to save the child from neglect and to  
19 secure for the child proper care in such home. Physical or  
20 mental incapacity shall be certified to by competent medical or  
21 other appropriate authority designated by the family support  
22 division, and such certificate is hereby declared to be competent  
23 evidence in any proceedings concerning the eligibility of such  
24 claimant to receive temporary assistance benefits. Benefits may  
25 be granted and continued for this reason only while it is the  
26 judgment of the family support division that a physical or mental  
27 defect, illness or disability exists which prevents the parent  
28 from performing any gainful work;

1           (3) Is not receiving supplemental aid to the blind, blind  
2 pension, supplemental payments, or aid or public relief as an  
3 unemployable person;

4           (4) Is a resident of the state of Missouri.

5           2. The family support division shall require as additional  
6 conditions of eligibility for benefits that each applicant for or  
7 recipient of assistance:

8           (1) Shall furnish to the division the applicant's or  
9 recipient's Social Security number or numbers, if the applicant  
10 or recipient has more than one such number;

11           (2) Shall assign to the family support division in behalf  
12 of the state any rights to support from any other person such  
13 applicant may have in the applicant's own behalf or in behalf of  
14 any other person for whom the applicant is applying for or  
15 receiving assistance. An application for benefits made under  
16 this section shall constitute an assignment of support rights  
17 which shall take effect, by operation of law, upon a  
18 determination that the applicant is eligible for assistance under  
19 this section. The assignment shall comply with the requirements  
20 of 42 U.S.C. Section 608(a)(3) and authorizes the family support  
21 division of the department of social services to bring any  
22 administrative or judicial action to establish or enforce a  
23 current support obligation, to collect support arrearages accrued  
24 under an existing order for support, or to seek reimbursement of  
25 support provided by the division;

26           (3) Shall cooperate with the family support division unless  
27 the division determines in accordance with federally prescribed  
28 standards that such cooperation is contrary to the best interests

1 of the child on whose behalf assistance is claimed or to the  
2 caretaker of such child, in establishing the paternity of a child  
3 born out of wedlock with respect to whom assistance is claimed,  
4 and in obtaining support payments for such applicant and for a  
5 child with respect to whom such assistance is claimed, or in  
6 obtaining any other payments or property due such applicant or  
7 such child. The family support division shall impose all  
8 penalties allowed pursuant to federal participation requirements;

9 (4) Shall cooperate with the department of social services  
10 in identifying and providing information to assist the state in  
11 pursuing any third party who may be liable to pay for care and  
12 services available under the state's plan for medical assistance  
13 as provided in section 208.152, unless such individual has good  
14 cause for refusing to cooperate as determined by the department  
15 of social services in accordance with federally prescribed  
16 standards; and

17 (5) Shall participate in any program designed to reduce the  
18 recipient's dependence on welfare, if requested to do so by the  
19 department of social services.

20 3. The division shall require as a condition of eligibility  
21 for temporary assistance benefits that a minor child under the  
22 age of eighteen who has never married and who has a dependent  
23 child in his or her care, or who is pregnant and otherwise  
24 eligible for temporary assistance benefits, shall reside in a  
25 place of residence maintained by a parent, legal guardian, or  
26 other adult relative or in some other adult-supervised supportive  
27 living arrangement, as required by Section 403 of P.L. 100-485.  
28 Exceptions to the requirements of this subsection shall be

1 allowed in accordance with requirements of the federal Family  
2 Support Act of 1988 in any of the following circumstances:

3 (1) The individual has no parent or legal guardian who is  
4 living or the whereabouts of the individual's parent or legal  
5 guardian is unknown; or

6 (2) The family support division determines that the  
7 physical health or safety of the individual or the child of the  
8 individual would be jeopardized; or

9 (3) The individual has lived apart from any parent or legal  
10 guardian for a period of at least one year prior to the birth of  
11 the child or applying for benefits; or

12 (4) The individual claims to be or to have been the victim  
13 of abuse while residing in the home where she would be required  
14 to reside and the case has been referred to the child abuse  
15 hotline and a "reason to suspect finding" has been made.

16 Households where the individual resides with a parent, legal  
17 guardian or other adult relative or in some other  
18 adult-supervised supportive living arrangement shall, subject to  
19 federal waiver to retain full federal financial participation and  
20 appropriation, have earned income disregarded from eligibility  
21 determinations up to one hundred percent of the federal poverty  
22 level.

23 4. If the relative with whom a child is living is found to  
24 be ineligible because of refusal to cooperate as required in  
25 subdivision (3) of subsection 2 of this section, any assistance  
26 for which such child is eligible will be paid in the manner  
27 provided in subsection 2 of section 208.180, without regard to  
28 subsections 1 and 2 of this section.



1           5. The department of social services may implement policies  
2 designed to reduce a family's dependence on welfare. The  
3 department of social services is authorized to implement these  
4 policies by rule promulgated pursuant to section 660.017 and  
5 chapter 536, including the following:

6           (1) The department shall increase the earned income and  
7 resource disregards allowed recipients to help families achieve a  
8 gradual transition to self-sufficiency, including implementing  
9 policies to simplify employment-related eligibility standards by  
10 increasing the earned income disregard to two-thirds by October  
11 1, 1999. The expanded earned income disregard shall apply only  
12 to recipients of cash assistance who obtain employment but not to  
13 new applicants for cash assistance who are already working. Once  
14 the individual has received the two-thirds disregard for twelve  
15 months, the individual would not be eligible for the two-thirds  
16 disregard until the individual has not received temporary  
17 assistance benefits for twelve consecutive months. The  
18 department shall promulgate rules pursuant to chapter 536 to  
19 implement the expanded earned income disregard provisions;

20           (2) The department shall permit a recipient's enrollment in  
21 educational programs beyond secondary education to qualify as a  
22 work activity for purposes of receipt of temporary assistance for  
23 needy families. Such education beyond secondary education shall  
24 qualify as a work activity if such recipient is attending and  
25 according to the standards of the institution and the family  
26 support division, making satisfactory progress towards completion  
27 of a postsecondary or vocational program. Weekly classroom time  
28 and allowable study time shall be applied toward the recipient's

1 weekly work requirement. Such recipient shall be subject to the  
2 ~~[sixty-month]~~ forty-five-month lifetime limit for receipt of  
3 temporary assistance for needy families unless otherwise excluded  
4 by rule of the family support division;

5 (3) Beginning January 1, 2002, and every two years  
6 thereafter, the department of social services shall make a  
7 detailed report and a presentation on the temporary assistance  
8 for needy families program to the house appropriations for social  
9 services committee and the house social services, Medicaid and  
10 the elderly committee, and the senate aging, families and mental  
11 health committee, or comparable committees;

12 (4) Other policies designed to reduce a family's dependence  
13 on welfare may include supplementing wages for recipients for the  
14 lesser of forty-eight months or the length of the recipient's  
15 employment by diverting the temporary assistance grant;

16 (5) Beginning January 1, 2016, the lifetime limit for  
17 temporary assistance for needy families shall be forty-five  
18 months. The lifetime limit shall not apply to the exceptions set  
19 forth in 42 U.S.C. Section 608(a)(7), including but not limited  
20 to:

21 (a) Any assistance provided with respect to and during the  
22 time in which the individual was a minor child, provided that the  
23 minor child was not the head of a household or married to the  
24 head of a household; and

25 (b) Any family to which the state has granted an exemption  
26 for reasons of hardship or if the family includes an individual  
27 who has been battered or subjected to extreme cruelty, provided  
28 that the average monthly number of such families in a fiscal year

1 shall not exceed twenty percent of the average monthly number of  
2 families to which temporary assistance for needy families is  
3 provided during the fiscal year or the immediately preceding  
4 fiscal year.

5  
6 The provisions of this subdivision shall not apply to persons  
7 obtaining assistance under subdivision (6) of this subsection;

8 (6) Beginning January 1, 2016, the department shall  
9 implement a cash diversion program that grants eligible temporary  
10 assistance for needy families benefits recipients lump-sum cash  
11 grants for short-term needs, as well as job referrals or  
12 referrals to career centers, in lieu of signing up for the long-  
13 term monthly cash assistance program upon a showing of good cause  
14 as determined by the department. Such lump-sum grants shall be  
15 available for use once in a twelve-month period and only five  
16 instances in a lifetime. Good cause may include loss of  
17 employment, excluding voluntarily quitting or a dismissal due to  
18 poor job performance or failure to meet a condition of  
19 employment; catastrophic illness or accident of a family member  
20 that requires an employed recipient to leave employment; a  
21 domestic violence incident; or another situation or emergency  
22 that renders an employed family member unable to care for the  
23 basic needs of the family. The department shall promulgate rules  
24 determining the parameters for the diversion program, including  
25 good cause determinations, and shall set the lump-sum maximum  
26 limit at three times the family size allowance and for use once  
27 in a twelve-month period and only five instances in a lifetime;  
28 and

1           (7) The department shall develop a standardized program  
2 orientation for temporary assistance for needy families benefits  
3 applicants that informs applicants of the program's rules and  
4 requirements, available resources for work activities, and  
5 consequences if the program's requirements are not satisfied.  
6 Following the orientation, applicants shall sign a participation  
7 agreement in which applicants commit to participate in the  
8 program and specify the work activities in which they will  
9 participate. This participation agreement shall be known as a  
10 personal responsibility plan. The department shall not issue a  
11 case without confirmation that an applicant has undergone the  
12 orientation and signed a personal responsibility plan, unless the  
13 individual is otherwise exempt from the work activity  
14 requirements.

15 The provisions of this subsection shall be subject to compliance  
16 by the department with all applicable federal laws and rules  
17 regarding temporary assistance for needy families.

18           6. The work history requirements and definition of  
19 unemployed shall not apply to any parents in order for these  
20 parents to be eligible for assistance pursuant to section  
21 208.041.

22           7. The department shall continue to apply uniform standards  
23 of eligibility and benefits, excepting pilot projects, in all  
24 political subdivisions of the state.

25           8. Consistent with federal law, the department shall  
26 establish income and resource eligibility requirements that are  
27 no more restrictive than its July 16, 1996, income and resource  
28 eligibility requirements in determining eligibility for temporary

1 assistance benefits.

2 208.067. 1. Of the moneys received by the state under the  
3 federal temporary assistance for needy families block grant  
4 during each fiscal year, the department of social services shall,  
5 consistent with federal law and subject to appropriation, set  
6 aside a minimum of:

7 (1) Two percent of such moneys to fund the alternatives to  
8 abortion services program under section 188.325 and the  
9 alternatives to abortion public awareness program under section  
10 188.335. The department shall give preference to contracting with  
11 not-for-profit entities that promote one or more of the four  
12 purposes established by Congress under 42 U.S.C. Section 601 of  
13 the Personal Responsibility and Work Opportunity Reconciliation  
14 Act of 1996; and

15 (2) Two percent of such moneys to fund healthy marriage  
16 promotion activities and activities promoting responsible  
17 fatherhood, as defined in 42 U.S.C. Section 603 of the Personal  
18 Responsibility and Work Opportunity Reconciliation Act of 1996.  
19 The department shall give preference to contracting with not-for-  
20 profit entities that promote one or more of the four purposes  
21 established by Congress under 42 U.S.C. Section 601 of the  
22 Personal Responsibility and Work Opportunity Reconciliation Act  
23 of 1996.

24 2. It is the intent of the general assembly that funding  
25 authorized under this section shall be used to supplement, not  
26 supplant, other sources of revenue heretofore or hereafter used  
27 for the purposes of this section.

28 208.244. 1. Beginning January 1, 2016, the waiver of the

1 work requirement for the supplemental nutrition assistance  
2 program under 7 U.S.C. Section 2015(o) shall no longer apply to  
3 individuals seeking benefits in this state. The provisions of  
4 this subsection shall terminate on January 1, 2019.

5 2. Any ongoing savings resulting from a reduction in state  
6 expenditures due to modification of the supplemental nutrition  
7 assistance program under this section or the temporary assistance  
8 for needy families program under sections 208.026 and 208.040  
9 effective on August 28, 2015, subject to appropriations, shall be  
10 used to provide child care assistance for single parent  
11 households, education assistance, transportation assistance, and  
12 job training for individuals receiving benefits under such  
13 programs as allowable under applicable state and federal law.

14 3. The department shall make an annual report to the joint  
15 committee on government accountability on the progress of  
16 implementation of sections 208.026 and 208.040, including  
17 information on enrollment, demographics, work participation, and  
18 changes to specific policies. The joint committee shall meet at  
19 least once a year to review the department's report and shall  
20 make recommendations to the president pro tempore of the senate  
21 and the speaker of the house of representatives.

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27 David Sater

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