

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 24

AN ACT

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

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

1 Section A. Section 208.040, RSMo, is repealed and three new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

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

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

16 (5) On-the-job training;

1 (6) Job search and job readiness assistance;
2 (7) Community service programs;
3 (8) Vocational educational training, provided that such
4 training does not exceed twelve months for any individual;
5 (9) Job skills training directly related to employment;
6 (10) Education directly related to employment for
7 individuals who have not received a high school diploma or
8 certificate of high school equivalency;
9 (11) Satisfactory attendance at a secondary school,
10 provided that the individual has not already completed secondary
11 school; and
12 (12) Provision of child care services to an individual who
13 is participating in a community service program.

14 3. Beginning January 1, 2016, any parent or caretaker
15 seeking assistance under the temporary assistance for needy
16 families program shall engage in work activities before becoming
17 eligible for benefits, unless such individual is otherwise exempt
18 from the work requirement.

19 4. If after an investigation the department determines that
20 a person is not cooperating with a work activity requirement
21 under the temporary assistance for needy families program, the
22 department shall immediately apply a sanction terminating the
23 total amount of temporary assistance benefits to or for the
24 person and the person's family for a minimum of one month.
25 During that month of sanctions, the person shall remain on the
26 caseload in sanction status. To cure a sanction, the person
27 shall perform work activities for at least a minimum average of
28 thirty hours per week for one month, as described in 45 CFR

1 261.31(d). If the person does not cure the sanction, the case
2 shall be closed.

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

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

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

1 shall be invalid and void.

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

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

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

1 from performing any gainful work;

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

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

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

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

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

27 (3) Shall cooperate with the family support division unless
28 the division determines in accordance with federally prescribed

standards that such cooperation is contrary to the best interests of the child on whose behalf assistance is claimed or to the caretaker of such child, in establishing the paternity of a child born out of wedlock with respect to whom assistance is claimed, and in obtaining support payments for such applicant and for a child with respect to whom such assistance is claimed, or in obtaining any other payments or property due such applicant or such child. The family support division shall impose all penalties allowed pursuant to federal participation requirements;

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

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

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

1 Exceptions to the requirements of this subsection shall be
2 allowed in accordance with requirements of the federal Family
3 Support Act of 1988 in any of the following circumstances:

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

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

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

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

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

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

1 subsections 1 and 2 of this section.

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

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

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

1 and allowable study time shall be applied toward the recipient's
2 weekly work requirement. Such recipient shall be subject to the
3 ~~[sixty-month]~~ twenty-four-month lifetime limit for receipt of
4 temporary assistance for needy families unless otherwise excluded
5 by rule of the family support division;

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

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

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

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

26 (b) Any family to which the state has granted an exemption
27 for reasons of hardship or if the family includes an individual
28 who has been battered or subjected to extreme cruelty, provided

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

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

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

1 (7) Beginning January 1, 2017, no person found guilty of a
2 dangerous felony, as defined in section 556.061, shall be
3 eligible for benefits under the temporary assistance for needy
4 families program.

5
6 The provisions of this subsection shall be subject to compliance
7 by the department with all applicable federal laws and rules
8 regarding temporary assistance for needy families.

9 6. The work history requirements and definition of
10 unemployed shall not apply to any parents in order for these
11 parents to be eligible for assistance pursuant to section
12 208.041.

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

16 8. Consistent with federal law, the department shall
17 establish income and resource eligibility requirements that are
18 no more restrictive than its July 16, 1996, income and resource
19 eligibility requirements in determining eligibility for temporary
20 assistance benefits.

21 208.244. 1. Beginning January 1, 2016, the waiver of the
22 work requirement for the supplemental nutrition assistance
23 program under subsection (o) of 7 U.S.C. Section 2015 shall no
24 longer apply to individuals seeking benefits in this state. The
25 provisions of this subsection shall terminate on January 1, 2019.

26 2. Any ongoing savings resulting from a reduction in state
27 expenditures due to modification of the supplemental nutrition
28 assistance program under this section or the temporary assistance

1 for needy families programs under sections 208.026 and 208.040
2 occurring on August 28, 2015, shall be used to provide child care
3 assistance for single parent households, education assistance,
4 transportation assistance, and job training for individuals
5 receiving benefits under such programs as allowable under law.

6 3. The department shall make an annual report to the joint
7 committee on government accountability on the progress of
8 implementation of sections 208.026 and 208.040, including
9 information on enrollment, demographics, work participation, and
10 changes to specific policies. The joint committee shall meet at
11 least once a year to review the department's report and shall
12 make recommendations to the president pro tempore of the senate
13 and the speaker of the house of representatives.