

FIRST REGULAR SESSION

SENATE BILL NO. 24

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SATER.

Pre-filed December 1, 2014, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0498S.01I

AN ACT

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

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

Section A. Section 208.040, RSMo, is repealed and three new sections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

**208.026. 1. Beginning January 1, 2016, any parent or caretaker
2 seeking assistance under the temporary assistance for needy families
3 program shall engage in work activities before becoming eligible for
4 benefits, unless such individual is otherwise exempt from the work
5 requirement.**

6 **2. If after an investigation the department determines that a
7 person is not cooperating with a work activity requirement under the
8 temporary assistance for needy families program, the department shall
9 immediately apply a sanction terminating the total amount of
10 temporary assistance benefits to or for the person and the person's
11 family for a minimum of one month. During that month of sanctions,
12 the person shall remain on the caseload in sanction status. To cure a
13 sanction, the person shall perform thirty consecutive days of work
14 activities. If the person does not cure the sanction, the case shall be
15 closed.**

16 **3. To return to the temporary assistance for needy families
17 benefits program after having been sanctioned off the caseload under
18 subsection 1 of this section, the person shall complete thirty days of
19 work activities within forty days of the temporary assistance eligibility
20 interview.**

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

25 5. The department shall promulgate rules to implement this
26 section including procedures to determine whether a person has
27 cooperated with the requirements of the work activity and procedures
28 for notification of a caretaker relative, second parent, or payee
29 receiving the financial assistance on behalf of the person's family
30 unit. Any rule or portion of a rule, as that term is defined in section
31 536.010 that is created under the authority delegated in this section
32 shall become effective only if it complies with and is subject to all of
33 the provisions of chapter 536, and, if applicable, section 536.028. This
34 section and chapter 536 are nonseverable and if any of the powers
35 vested with the general assembly pursuant to chapter 536, to review, to
36 delay the effective date, or to disapprove and annul a rule are
37 subsequently held unconstitutional, then the grant of rulemaking
38 authority and any rule proposed or adopted after August 28, 2015, shall
39 be invalid and void.

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

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

9 (2) Has been deprived of parental support or care by reason of the death,
10 continued absence from the home, or physical or mental incapacity of a parent,
11 and who is living with father, mother, grandfather, grandmother, brother, sister,
12 stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew
13 or niece, in a place of residence maintained by one or more of such relatives as
14 the child's own home, and financial aid for such child is necessary to save the
15 child from neglect and to secure for the child proper care in such home. Physical
16 or mental incapacity shall be certified to by competent medical or other
17 appropriate authority designated by the family support division, and such

18 certificate is hereby declared to be competent evidence in any proceedings
19 concerning the eligibility of such claimant to receive temporary assistance
20 benefits. Benefits may be granted and continued for this reason only while it is
21 the judgment of the family support division that a physical or mental defect,
22 illness or disability exists which prevents the parent from performing any gainful
23 work;

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

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

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

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

32 (2) Shall assign to the family support division in behalf of the state any
33 rights to support from any other person such applicant may have in the
34 applicant's own behalf or in behalf of any other person for whom the applicant is
35 applying for or receiving assistance. An application for benefits made under this
36 section shall constitute an assignment of support rights which shall take effect,
37 by operation of law, upon a determination that the applicant is eligible for
38 assistance under this section. The assignment shall comply with the
39 requirements of 42 U.S.C. Section 608(a)(3) and authorizes the family support
40 division of the department of social services to bring any administrative or
41 judicial action to establish or enforce a current support obligation, to collect
42 support arrearages accrued under an existing order for support, or to seek
43 reimbursement of support provided by the division;

44 (3) Shall cooperate with the family support division unless the division
45 determines in accordance with federally prescribed standards that such
46 cooperation is contrary to the best interests of the child on whose behalf
47 assistance is claimed or to the caretaker of such child, in establishing the
48 paternity of a child born out of wedlock with respect to whom assistance is
49 claimed, and in obtaining support payments for such applicant and for a child
50 with respect to whom such assistance is claimed, or in obtaining any other
51 payments or property due such applicant or such child. The family support
52 division shall impose all penalties allowed pursuant to federal participation
53 requirements;

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

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

62 3. The division shall require as a condition of eligibility for temporary
63 assistance benefits that a minor child under the age of eighteen who has never
64 married and who has a dependent child in his or her care, or who is pregnant and
65 otherwise eligible for temporary assistance benefits, shall reside in a place of
66 residence maintained by a parent, legal guardian, or other adult relative or in
67 some other adult-supervised supportive living arrangement, as required by
68 Section 403 of P.L. 100-485. Exceptions to the requirements of this subsection
69 shall be allowed in accordance with requirements of the federal Family Support
70 Act of 1988 in any of the following circumstances:

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

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

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

78 (4) The individual claims to be or to have been the victim of abuse while
79 residing in the home where she would be required to reside and the case has been
80 referred to the child abuse hotline and a "reason to suspect finding" has been
81 made. Households where the individual resides with a parent, legal guardian or
82 other adult relative or in some other adult-supervised supportive living
83 arrangement shall, subject to federal waiver to retain full federal financial
84 participation and appropriation, have earned income disregarded from eligibility
85 determinations up to one hundred percent of the federal poverty level.

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

90 1 and 2 of this section.

91 5. The department of social services may implement policies designed to
92 reduce a family's dependence on welfare. The department of social services is
93 authorized to implement these policies by rule promulgated pursuant to section
94 660.017 and chapter 536, including the following:

95 (1) The department shall increase the earned income and resource
96 disregards allowed recipients to help families achieve a gradual transition to
97 self-sufficiency, including implementing policies to simplify employment-related
98 eligibility standards by increasing the earned income disregard to two-thirds by
99 October 1, 1999. The expanded earned income disregard shall apply only to
100 recipients of cash assistance who obtain employment but not to new applicants
101 for cash assistance who are already working. Once the individual has received
102 the two-thirds disregard for twelve months, the individual would not be eligible
103 for the two-thirds disregard until the individual has not received temporary
104 assistance benefits for twelve consecutive months. The department shall
105 promulgate rules pursuant to chapter 536 to implement the expanded earned
106 income disregard provisions;

107 (2) The department shall permit a recipient's enrollment in educational
108 programs beyond secondary education to qualify as a work activity for purposes
109 of receipt of temporary assistance for needy families. Such education beyond
110 secondary education shall qualify as a work activity if such recipient is attending
111 and according to the standards of the institution and the family support division,
112 making satisfactory progress towards completion of a postsecondary or vocational
113 program. Weekly classroom time and allowable study time shall be applied
114 toward the recipient's weekly work requirement. Such recipient shall be subject
115 to the sixty-month lifetime limit for receipt of temporary assistance for needy
116 families unless otherwise excluded by rule of the family support division;

117 (3) Beginning January 1, 2002, and every two years thereafter, the
118 department of social services shall make a detailed report and a presentation on
119 the temporary assistance for needy families program to the house appropriations
120 for social services committee and the house social services, Medicaid and the
121 elderly committee, and the senate aging, families and mental health committee,
122 or comparable committees;

123 (4) Other policies designed to reduce a family's dependence on welfare
124 may include supplementing wages for recipients for the lesser of forty-eight
125 months or the length of the recipient's employment by diverting the temporary

126 assistance grant;

127 **(5) Beginning January 1, 2016, the life-time limit for temporary**
128 **assistance for needy families shall be twenty-four months;**

129 **(6) Beginning January 1, 2016, the department shall implement**
130 **a cash diversion program that grants eligible temporary assistance for**
131 **needy family benefits recipients lump-sum cash grants for short-term**
132 **needs in lieu of signing up for the long-term monthly cash assistance**
133 **program. The department shall establish rules determining the**
134 **parameters for the diversion program and shall set the lump-sum**
135 **maximum limit at three times the family size allowance and for use**
136 **once in a twelve-month period and only five instances in a lifetime; and**

137 **(7) Beginning January 1, 2016, no person found guilty of a**
138 **dangerous felony, as defined in section 556.061, shall be eligible for**
139 **benefits under the temporary assistance for needy families program.**

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

143 6. The work history requirements and definition of unemployed shall not
144 apply to any parents in order for these parents to be eligible for assistance
145 pursuant to section 208.041.

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

148 8. Consistent with federal law, the department shall establish income and
149 resource eligibility requirements that are no more restrictive than its July 16,
150 1996, income and resource eligibility requirements in determining eligibility for
151 temporary assistance benefits.

208.244. 1. Beginning January 1, 2016, the waiver of the work
2 **requirement for the supplemental nutrition assistance program under**
3 **subsection (o) of 7 U.S.C. Section 2015 shall no longer apply to**
4 **individuals seeking benefits in this state.**

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 for**
8 **needy families programs under sections 208.026 and 208.040 occurring**
9 **on August 28, 2015, shall be used to provide child care assistance for**
10 **single parent households, education assistance, and job training for**

11 **individuals receiving benefits under such programs.**

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