

FIRST REGULAR SESSION
[P E R F E C T E D]
SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 24
98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SATER.

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ADRIANE D. CROUSE, Secretary.

0498S.09P

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:

Section A. Section 208.040, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as sections 208.026, 208.040, and 208.244, to read as follows:

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

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

- (1) Unsubsidized employment;**
- (2) Subsidized private sector employment;**
- (3) Subsidized public sector employment;**
- (4) Work experience, including work associated with refurbishing of publicly assisted housing, if sufficient private sector employment is not available;**
- (5) On-the-job training;**
- (6) Job search and job readiness assistance, which shall include utilization of the employment database jobs.mo.gov. The department shall, in conjunction with the department of labor and industrial**

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

16 relations, create a database tracking method in order to track
17 temporary assistance for needy families benefits recipients' utilization
18 of the employment database for the purpose of recording work
19 activities, as well as include information on jobs.mo.gov about the
20 temporary assistance for needy families program's eligibility and work
21 requirements, application process, and contact information;

22 (7) Community service programs;

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

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

26 (10) Education directly related to employment for individuals
27 who have not received a high school diploma or certificate of high
28 school equivalency;

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

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

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

37 4. If after an investigation the department determines that a
38 person is not cooperating with a work activity requirement under the
39 temporary assistance for needy families program, a representative of
40 the department shall meet face-to-face with the person to explain the
41 potential sanction and the requirements to cure the sanction. After the
42 meeting, the person shall have six weeks to comply with the work
43 activity requirement, during which time no sanction of benefits shall
44 occur. If the person does not comply with the work activity
45 requirement within that six-week period, the department shall
46 immediately apply a sanction terminating fifty percent of the amount
47 of temporary assistance benefits to or for the person and the person's
48 family for a maximum of ten weeks. During that period of sanctions,
49 the person shall remain on the caseload in sanction status and a
50 representative of the department shall attempt to meet face-to-face
51 with the person to explain the existing sanction and the requirements
52 to cure the sanction. To cure a sanction, the person shall perform work

53 activities for at least a minimum average of thirty hours per week for
54 one month, as described in 45 CFR 261.31(d). If the person does not
55 cure the sanction, the case shall be closed.

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

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

65 7. The department shall promulgate rules to implement this
66 section including procedures to determine whether a person has
67 cooperated with the requirements of the work activity and procedures
68 for notification of a caretaker relative, second parent, or payee
69 receiving the financial assistance on behalf of the person's family
70 unit. Any rule or portion of a rule, as that term is defined in section
71 536.010 that is created under the authority delegated in this section
72 shall become effective only if it complies with and is subject to all of
73 the provisions of chapter 536, and, if applicable, section 536.028. This
74 section and chapter 536 are nonseverable and if any of the powers
75 vested with the general assembly pursuant to chapter 536, to review, to
76 delay the effective date, or to disapprove and annul a rule are
77 subsequently held unconstitutional, then the grant of rulemaking
78 authority and any rule proposed or adopted after August 28, 2015, shall
79 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] **forty-eight-month** lifetime limit for receipt of temporary
116 assistance for needy families unless otherwise excluded by rule of the family
117 support division;

118 (3) Beginning January 1, 2002, and every two years thereafter, the

119 department of social services shall make a detailed report and a presentation on
120 the temporary assistance for needy families program to the house appropriations
121 for social services committee and the house social services, Medicaid and the
122 elderly committee, and the senate aging, families and mental health committee,
123 or comparable committees;

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

128 (5) Beginning January 1, 2016, the life-time limit for temporary
129 assistance for needy families shall be forty-eight months. The life-time
130 limit shall not apply to the exceptions set forth in 42 U.S.C. Section
131 608(a)(7), including but not limited to:

132 (a) Any assistance provided with respect to and during the time
133 in which the individual was a minor child, provided that the minor
134 child was not the head of a household or married to the head of a
135 household; and

136 (b) Any family to which the state has granted an exemption for
137 reasons of hardship or if the family includes an individual who has
138 been battered or subjected to extreme cruelty, provided that the
139 average monthly number of such families in a fiscal year shall not
140 exceed twenty percent of the average monthly number of families to
141 which temporary assistance for needy families is provided during the
142 fiscal year or the immediately preceding fiscal year.

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

145 (6) Beginning January 1, 2016, the department shall implement
146 a cash diversion program that grants eligible temporary assistance for
147 needy family benefits recipients lump-sum cash grants for short-term
148 needs, as well as job referrals or referrals to career centers, in lieu of
149 signing up for the long-term monthly cash assistance program upon a
150 showing of good cause as determined by the department. Such lump
151 sum grants shall be available for use once in a twelve-month period and
152 only five instances in a lifetime. Good cause may include loss of
153 employment, excluding a voluntary quit or dismissal due to poor job
154 performance or failure to meet a condition of employment; catastrophic
155 illness or accident of a family member that requires an employed

156 recipient to leave employment; a victim of domestic violence; or
157 another situation or emergency that renders an employed family
158 member unable to care for the basic needs of the family. The
159 department shall promulgate rules determining the parameters for the
160 diversion program, including good cause determinations, and shall set
161 the lump-sum maximum limit at three times the family size allowance
162 and for use once in a twelve-month period and only five instances in a
163 lifetime; and

164 (7) The department shall develop a standardized program
165 orientation for temporary assistance for needy families benefits
166 applicants that informs applicants of the program's rules and
167 requirements, available resources for work activities, and consequences
168 if the program's requirements are not satisfied. Following the
169 orientation, applicants shall sign a participation agreement in which
170 applicants commit to participate in the program and specify the work
171 activities in which they will participate. This participation agreement
172 shall be known as a personal responsibility plan. The department shall
173 not issue a case without confirmation that an applicant has undergone
174 the orientation and signed a personal responsibility plan, unless the
175 individual is otherwise exempt from the work activity requirements.

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

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

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

184 8. Consistent with federal law, the department shall establish income and
185 resource eligibility requirements that are no more restrictive than its July 16,
186 1996, income and resource eligibility requirements in determining eligibility for
187 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. The provisions of this

5 subsection shall terminate on January 1, 2019.

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

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

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