

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 387, 206 & 131
90TH GENERAL ASSEMBLY

Reported from the Committee on Social Services, Medicaid & the Elderly, April 29, 1999, with recommendation that the House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 387, 206 & 131 Do Pass.

ANNE C. WALKER, Chief Clerk

L1583.06C

AN ACT

To repeal sections 208.040, 208.070 and 210.170, RSMo 1994, and sections 208.029 and 210.150, RSMo Supp. 1998, relating to programs in the department of social services, and to enact in lieu thereof sixteen new sections relating to the same subject.

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

Section A. Sections 208.040, 208.070 and 210.170, RSMo 1994, and sections 208.029 and 210.150, RSMo Supp. 1998, are repealed and sixteen new sections enacted in lieu thereof, to be known as sections 208.028, 208.029, 208.040, 208.070, 208.071, 210.150, 210.170, 620.1560, 1, 2, 3, 4, 5, 6, 7 and 8, to read as follows:

208.028. As used in this section and section 208.029, the following terms shall mean:

- (1) "Division", the division of family services in the department of social services;**
- (2) "Maintenance of effort", state funds appropriated for the aid to families with dependent children (AFDC), emergency assistance, AFDC related child care and the JOBS program;**
- (3) "Temporary assistance for needy families", the federal block grant moneys available to the state for public assistance benefits and programs authorized by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, and commonly known as "TANF".**

208.029. 1. The division of family services in the department of social services shall establish the "Grandparents as Foster Parents Program". The grandparents as foster parents program recognizes that:

- (1) Raising a grandchild differs from when the grandparents raised their own children;**
- (2) Caring for a grandchild often places additional financial, social and psychological strain on grandparents with fixed incomes;**
- (3) Different parenting skills are necessary when raising a grandchild and many grandparents do not possess such skills, are not aware of how to obtain such skills and cannot afford access to the services necessary to obtain such skills;**
- (4) Grandparents, like nonrelative foster parents, need a support structure, including**

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

counseling for the grandchild and caretaker, respite care and transportation assistance and child care;

(5) The level of care provided by grandparents does not differ from nonrelative foster care, but reimbursement for such care is substantially less for grandparents; and

(6) Grandparents are often unaware of the cash assistance alternatives to the federal TANF Block Grant funds which are available to support the grandchildren placed in their care.

2. A grandparent shall be eligible to participate in the grandparents as foster parents program if such grandparent:

(1) Is fifty-five years of age or older;

(2) Is the legal guardian of a grandchild placed in such grandparent's custody; and

(3) Participates in the training available through the division pursuant to subsection [3] 4 of this section.

3. If there are no grandparents of a child who are willing to participate in the grandparents as foster parents program, the division may include in the program any other close relative who becomes the legal guardian of the child or obtains legal custody of the child, as granted by a court of competent jurisdiction if such relative also meets the requirements of subdivisions (1) and (3) of subsection 2 of this section.

4. The grandparents as foster parents program shall:

(1) Provide reimbursement based on the current foster care payment schedule to eligible grandparents, as defined in subsection 2 of this section, for the care of a grandchild;

(2) Establish program [components] **requirements**, including, but not limited to, participation in foster parent training, parenting skills training, childhood immunizations and other similar health screens;

(3) Provide continuing counseling for the child and grandparent;

(4) Provide support services, including, but not limited to, respite care, child care and transportation assistance; [and]

(5) Provide Medicaid services to such child; **and**

(6) [Meet a needs criteria established by the division of family services and in accordance with appropriations granted by the general assembly] **Provide ancillary services, such as child care, respite, transportation assistance and clothing allowances, but not direct financial payments to the participants in the program after such participants complete the training required in subdivision (2) of this subsection.**

5. Funding for cash benefits and other assistance provided to eligible grandparents shall be made from the state maintenance of effort funds.

6. Grandparents who are either under fifty years of age, or are fifty years of age or older and refuse to participate in the training pursuant to subsection 2 of this section, may apply to the division for foster care reimbursement and assistance. Such cash and noncash assistance shall be funded through the TANF funds. Any work participation and time limit requirements pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended, shall apply to all such persons.

208.040. 1. [Aid to families with dependent children] **Temporary assistance benefits** shall be granted on behalf of a dependent child or children and may be granted to the parents or other needy eligible relative caring for a dependent child or children who:

(1) Is under the age of eighteen years; or is under the age of nineteen years and a full-time

student in a secondary school (or at the equivalent level of vocational or technical training), if before the child attains the age of nineteen the child may reasonably be expected to complete the program of the secondary school (or vocational or technical training);

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

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

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

2. The division of family services shall require as additional conditions of eligibility for benefits that each applicant for or recipient of aid:

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

(2) Shall assign to the division of family services in behalf of the state any rights to support from any other person such applicant may have in the applicant's own behalf or in behalf of any other family member for whom the applicant is applying for or receiving aid. An application for benefits made under this section shall constitute an assignment of support rights which shall take effect, by operation of law, upon a determination that the applicant is eligible for assistance under this section. The assignment is effective as to both current and accrued support obligations and authorizes the division of child support enforcement of the department of social services to bring any administrative or judicial action to establish or enforce a current support obligation, to collect support arrearages accrued under an existing order for support, or to seek reimbursement of support provided by the division;

(3) Shall cooperate with the divisions of family services and of child support enforcement unless the division of family services determines in accordance with federally prescribed standards that such cooperation is contrary to the best interests of the child on whose behalf aid is claimed or to the caretaker of such child, in establishing the paternity of a child born out of wedlock with respect to whom aid is claimed, and in obtaining support payments for such applicant and for a child with respect to whom such aid is claimed, or in obtaining any other payments or property due such applicant or such child. The divisions of family services and of child support enforcement 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 [AFDC] **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 [AFDC] **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. Exceptions to the requirements of this subsection shall be allowed in accordance with requirements of the federal Family Support Act of 1988 in any of the following circumstances:

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

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

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

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

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

5. The department of social services may implement policies designed to reduce a family's dependence on welfare. The department of social services is authorized to implement these policies by rule promulgated pursuant to section 660.017, RSMo, and chapter 536, RSMo, [either statewide or as pilot projects, in certain geographic areas, subject to obtaining necessary federal waivers and appropriation authority, and in compliance with state statutes. These policies may include] **including the following:**

(1) [Increasing] **The department shall increase** the earned income and resource disregards allowed recipients to help families achieve a gradual transition to self-sufficiency, including implementing policies to simplify employment-related eligibility standards by increasing the earned income disregard to two-thirds by [July 1, 1998] **October 1, 1999. The expanded earned income disregard shall apply only to recipients of cash assistance who obtain employment but not to new applicants for cash assistance who are already working. Assistance provided to families with at least twenty hours of earnings per week will be funded with state maintenance of effort funds instead of federal Temporary Assistance for Needy Families funds. The department shall promulgate rules pursuant to chapter 536, RSMo, to implement the expanded earned income disregard provisions;**

(2) **Other policies designed to reduce a family's dependence on welfare may include** supplementing wages for recipients for the lesser of forty-eight months or the length of the recipient's employment by diverting the [aid to families with dependent children] **temporary assistance** grant

[to employers who hire such recipients, provided that the department of social services shall develop a methodology and a process for addressing instances where a regular employee claims job loss because of replacement solely due to the employer's preference for hiring a worker whose wage is supplemented by an aid to families with dependent children grant].

6. [Upon receipt of a federal waiver which allows such,] The work history requirements and definition of "unemployed" shall not apply to **any** parents [under age twenty-one] in order for these parents to be eligible for assistance [under] **pursuant to** section 208.041.

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

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

208.070. **1. The department shall permit any individual who wants to apply for assistance pursuant to the temporary assistance or any other public assistance program administered or supervised by the department to so apply. Such public assistance shall be furnished with reasonable promptness in accordance with statute and rules of the department.**

2. A request for assistance may be made at a county office of the division of family services in person, by telephone or by mail.

3. Whenever the [county office] division receives [an application for benefits] a request for assistance an investigation and record shall be promptly made of the circumstances of the applicant by the [county office] division in order to ascertain the facts supporting the application. Upon the completion of such investigation the director of the division of family services, or someone designated by [him] the director, shall decide whether the applicant is eligible for benefits and if entitled to benefits determine the amount thereof and the date on which such benefits shall begin. The [director of county welfare] division shall notify the applicant of the decision.

4. During the investigation of any application or recertification of assistance, the division shall:

(1) At the time of each application, provide each applicant household with a clear written statement explaining what acts the member of the household shall perform to cooperate in verifying and otherwise completing the application process;

(2) Assist each applicant household in obtaining appropriate verification and completing the application process;

(3) Not require any household to submit additional proof of a matter on which the division already has current verification, unless the division has reason to believe that such information is inaccurate, incomplete or insufficient; and

(4) Not deny any application for assistance solely because of the failure of a person outside the household to cooperate in providing information.

5. The division shall complete the investigation within the time allowed by federal law or state statute. If no time limit is otherwise specified by federal law or state statute, benefits shall be provided not later than forty-five days following the filing of an application.

6. The division shall explain to the applicant the nature of all categories of public assistance, benefits and services for which the applicant household may be eligible and may be given, and the consequences of accepting temporary assistance benefits, including, but not limited to, lifetime limits and work requirements. If the applicant chooses not to receive temporary assistance benefits, the division shall evaluate the applicant's eligibility for medical

assistance, food stamps and any other public assistance benefits which the applicant or the applicant's dependents may be eligible.

208.071. 1. The department shall make an individualized assessment of the skills, prior work experience, and employability of each recipient of assistance under the program who:

- (1) Has attained eighteen years of age; or**
- (2) Has not completed high school or obtained a certificate of high school equivalency, and is not attending secondary school.**

2. No participant may be assigned to any education, training or employment component of the state's welfare-to-work programs prior to an individualized assessment. The assessment shall be consistent with the criteria listed in section 208.325.

3. Nonexempt individuals who face severe barriers to participation in work activities as identified by the assessment process shall be placed in a separate program in which they shall receive services that are consistent with their capabilities and which are designed to remove those barriers to self-sufficiency. These individuals shall receive temporary assistance benefits from state maintenance of effort funds instead of federal temporary assistance to needy families funds. If services are unavailable for individuals with severe barriers to participation, then these services shall be provided as soon as they become available. Recipients with severe barriers shall continue to receive temporary assistance benefits in the program established by this section while they wait for the division to provide services consistent with their capabilities.

4. The division may promulgate rules and regulations that are reasonable and necessary to accomplish the limited duties specifically provided by this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

210.150. 1. The division of family services shall ensure the confidentiality of all reports and records made pursuant to sections 210.109 to 210.183 and maintained by the division, its local offices, the central registry, and other appropriate persons, officials, and institutions pursuant to sections 210.109 to 210.183. To protect the rights of the family and the child named in the report as a victim, the division of family services shall establish guidelines which will ensure that any disclosure of information concerning the abuse and neglect involving that child is made only to persons or agencies that have a right to such information. The division may require persons to make written requests for access to records maintained by the division. The division shall only release information to persons who have a right to such information. The division shall notify persons receiving information pursuant to subdivisions (2), (7), (8) and (9) of subsection 2 of this section of the purpose for which the information is released and of the penalties for unauthorized dissemination of information. Such information shall be used only for the purpose for which the information is released.

2. Only the following persons shall have access to investigation records contained in the central registry:

- (1) Appropriate federal, state or local criminal justice agency personnel, or any agent of such entity, with a need for such information under the law to protect children from abuse or neglect;**
- (2) A physician or a designated agent who reasonably believes that the child being examined may be abused or neglected;**
- (3) Appropriate staff of the division and of its local offices, including interdisciplinary teams which are formed to assist the division in investigation, evaluation and treatment of child abuse and**

neglect cases or a multidisciplinary provider of professional treatment services for a child referred to the provider;

(4) Any child named in the report as a victim, or a legal representative, or the parent, if not the alleged perpetrator, or guardian of such person when such person is a minor, or is mentally ill or otherwise incompetent, but the names of reporters shall not be furnished to persons in this category. Prior to the release of any identifying information, the division of family services shall determine if the release of such identifying information may place a person's life or safety in danger. If the division makes the determination that a person's life or safety may be in danger, the identifying information shall not be released. The division shall provide a method for confirming or certifying that a designee is acting on behalf of a subject;

(5) Any alleged perpetrator named in the report, but the names of reporters shall not be furnished to persons in this category. Prior to the release of any identifying information, the division of family services shall determine if the release of such identifying information may place a person's life or safety in danger. If the division makes the determination that a person's life or safety may be in danger, the identifying information shall not be released. However, the investigation reports will not be released to any alleged perpetrator with pending criminal charges arising out of the facts and circumstances named in the investigation records until an indictment is returned or an information filed;

(6) A grand jury, juvenile officer, prosecuting attorney, law enforcement officer involved in the investigation of child abuse or neglect, juvenile court or other court conducting abuse or neglect or child protective proceedings, and other federal, state and local government entities, or any agent of such entity, with a need for such information in order to carry out its responsibilities under the law to protect children from abuse or neglect;

(7) Any person engaged in a bona fide research purpose, with the permission of the director; provided, however, that no information identifying the child named in the report as a victim or the reporters shall be made available to the researcher, unless the identifying information is essential to the research or evaluation and the child named in the report as a victim or, if the child is less than eighteen years of age, through the child's parent, or guardian provides written permission;

(8) Any child care facility; child placing agency; residential care facility, including group homes; juvenile courts; public or private elementary schools; public or private secondary schools; or any other public or private agency exercising temporary supervision over a child or providing or having care or custody of a child who may request an examination of the central registry from the division for all employees and volunteers or prospective employees and volunteers, who do or will provide services or care to children. Any agency or business recognized by the division of family services or business which provides training and places or recommends people for employment or for volunteers in positions where they will provide services or care to children may request the division to provide an examination of the central registry. Such agency or business shall provide verification of its status as a recognized agency. Requests for examinations shall be made to the division director or the director's designee in writing by the chief administrative officer of the above homes, centers, public and private elementary schools, public and private secondary schools, agencies, or courts. The division shall respond in writing to that officer. The response shall include information pertaining to the nature and disposition of any report or reports of abuse or neglect revealed by the examination of the central registry. This response shall not include any identifying information regarding any person other than the alleged perpetrator of the abuse or neglect;

(9) Any parent or legal guardian who inquires about a child abuse or neglect report involving

a specific person or child care facility who does or may provide services or care to a child of the person requesting the information. Request for examinations shall be made to the division director or the director's designee, in writing, by the parent or legal guardian of the child and shall be accompanied with a signed and notarized release form from the person who does or may provide care or services to the child. The notarized release form shall include the full name, date of birth and Social Security number of the person who does or may provide care or services to a child. The response shall include information pertaining to the nature and disposition of any report or reports of abuse or neglect revealed by the examination of the central registry. This response shall not include any identifying information regarding any person other than the alleged perpetrator of the abuse or neglect. The response shall be given within ten working days of the time it was received by the division;

(10) Any person who inquires about a child abuse or neglect report involving a specific child care facility, child placing agency, residential care facility, public and private elementary schools, public and private secondary schools, juvenile court or other state agency. The information available to these persons is limited to the nature and disposition of any report contained in the central registry and shall not include any identifying information pertaining to any person mentioned in the report;

(11) Any state agency acting pursuant to statutes regarding a license of any person, institution, or agency which provides care for or services to children;

(12) Any child fatality review panel established pursuant to section 210.192 or any state child fatality review panel established pursuant to section 210.195.

3. Only the following persons shall have access to records maintained by the division pursuant to section 210.152 for which the division has received a report of child abuse and neglect and which the division has determined that there is insufficient evidence or in which the division proceeded with the family assessment and services approach:

(1) Appropriate staff of the division;

(2) Any child named in the report as a victim, or a legal representative, or the parent or guardian of such person when such person is a minor, or is mentally ill or otherwise incompetent. The names or other identifying information of reporters shall not be furnished to persons in this category. Prior to the release of any identifying information, the division of family services shall determine if the release of such identifying information may place a person's life or safety in danger. If the division makes the determination that a person's life or safety may be in danger, the identifying information shall not be released. The division shall provide for a method for confirming or certifying that a designee is acting on behalf of a subject;

(3) Any alleged perpetrator named in the report, but the names of reporters shall not be furnished to persons in this category. Prior to the release of any identifying information, the division of family services shall determine if the release of such identifying information may place a person's life or safety in danger. If the division makes the determination that a person's life or safety may be in danger, the identifying information shall not be released. However, the investigation reports will not be released to any alleged perpetrator with pending criminal charges arising out of the facts and circumstances named in the investigation records until an indictment is returned or an information filed;

(4) Any child fatality review panel established pursuant to section 210.192 or any state child fatality review panel established pursuant to section 210.195;

(5) Appropriate criminal justice agency personnel or juvenile officer;

(6) Multidisciplinary agency or individual including a physician or physician's designee who

is providing services to the child or family, with the consent of the parent or guardian of the child or legal representative of the child;

(7) Any person engaged in bona fide research purpose, with the permission of the director; provided, however, that no information identifying the subjects of the reports or the reporters shall be made available to the researcher, unless the identifying information is essential to the research or evaluation and the subject, or if a child, through the child's parent or guardian, provides written permission.

4. After a period of [not less than one year] **two years** following a finding by the division, any person who is the subject of a report where there is insufficient evidence of abuse or neglect [may petition the circuit court to order] **shall have** the records removed from the division and destroyed. [The division shall be named as respondent. Venue shall be in the county where the person resides, or in circuits with split venue in the venue in which the alleged perpetrator resides. If the alleged perpetrator is not a resident of the state, proper venue shall be in Cole County, naming the division of family services as respondent.]

5. Any person who knowingly violates the provisions of this section, or who permits or encourages the unauthorized dissemination of information contained in the information system or the central registry and in reports and records made pursuant to sections 210.109 to 210.183, shall be guilty of a class A misdemeanor.

210.170. 1. There is hereby created within the office of administration of the state of Missouri the "Children's Trust Fund Board", which shall be composed of [fifteen] **seventeen** members as follows:

(1) [Eleven] **Twelve** public members to be appointed by the governor by and with the advice and consent of the senate. As a group, the public members appointed under this subdivision shall demonstrate knowledge in the area of prevention programs, shall be representative of the demographic composition of this state, and, to the extent practicable, shall be representative of all of the following categories:

- (a) Organized labor;
- (b) The business community;
- (c) The educational community;
- (d) The religious community;
- (e) The legal community;
- (f) Professional providers of prevention services to families and children;
- (g) Volunteers in prevention services;
- (h) Social services;
- (i) Health care services; and
- (j) Mental health services;

(2) **A physician licensed pursuant to chapter 334, RSMo;**

(3) Two members of the Missouri house of representatives, who shall be appointed by the speaker of the house of representatives and shall be members of two different political parties; and

[(3)] (4) Two members of the Missouri senate, who shall be appointed by the president pro tem of the senate and who shall be members of two different political parties.

2. All members of the board appointed by the speaker of the house or the president pro tem of the senate shall serve until their term in the house or senate during which they were appointed to the board expires. All public members of the board shall serve for terms of three years; except, that of the public members first appointed, four shall serve for terms of three years, four shall serve for

terms of two years, and three shall serve for terms of one year. No public members may serve more than two consecutive terms, regardless of whether such terms were full or partial terms. Each member shall serve until his successor is appointed. All vacancies on the board shall be filled for the balance of the unexpired term in the same manner in which the board membership which is vacant as originally filled.

3. Any public member of the board may be removed by the governor for misconduct, incompetency, or neglect of duty after first being given the opportunity to be heard in his or her own behalf.

4. The board may employ an executive director who shall be charged with carrying out the duties and responsibilities assigned to him by the board. The executive director may obtain all necessary office space, facilities, and equipment, and may hire and set the compensation of such staff as is approved by the board and within the limitations of appropriations for the purpose. All staff members, except the executive director, shall be employed pursuant to chapter 36, RSMo.

5. Each member of the board shall be reimbursed for all actual and necessary expenses incurred by him in the performance of his official duties. All reimbursements made under this subsection shall be made from funds in the children's trust fund appropriated for that purpose.

6. All business transactions of the board shall be conducted in public meetings in accordance with sections 610.010 to 610.030, RSMo.

7. The board may accept federal funds for the purposes of sections 210.170 to 210.174, as well as gifts and donations from individuals, private organizations, and foundations. The acceptance and use of federal funds shall not commit any state funds nor place any obligation upon the general assembly to continue the programs or activities for which the federal funds are made available. All funds received in the manner described in this subsection shall be transmitted to the state treasurer for deposit in the state treasury to the credit of the children's trust fund.

8. The board shall elect a chairperson from among the public members, who shall serve for a term of two years. The board may elect such other officers and establish such committees as it deems appropriate.

9. The board shall exercise its powers and duties independently of the office of administration except that budgetary, procurement, accounting, and other related management functions shall be performed by the office of administration.

620.1560. 1. For purposes of this section, the following terms mean:

(1) "Department", the department of economic development;

(2) "Disadvantaged", an individual shall be considered disadvantaged and eligible to participate in the program if such individual meets any one of the following elements:

(a) The family income is at or below one hundred fifty percent of the poverty line;

(b) The individual is receiving public support for the care of a foster child;

(c) The individual faces serious barriers to employment including displaced homemakers; dislocated workers; veterans; or individuals who possess outdated skills;

(3) "Program", the mature worker child care program.

2. There is hereby established within the department of economic development a program to be known as the "Mature Worker Child Care Program". The program will administer a statewide community service, in cooperation with the neighborhood assistance program, to enroll disadvantaged individuals, who are fifty years of age or older, to work in child-care assignments. Enrollees may include qualified individuals who are currently participating in existing community service programs.

3. The department shall solicit proposals from organizations seeking to contract to supervise the participants. Organizations that are awarded a contract will be responsible for recruiting and training participants, locating child-care assignments, and paying participants. Contract proposals shall include:

(1) A requirement that participants in the program be paid the federal minimum wage;

(2) A process that allows participants to work an average of twenty-four hours a week for public and not for profit day care providers and for school latch-key programs that provide before and after school care;

(3) A description of the range of services to be performed by program participants, including, but not limited to, child care, food preparation, transportation, activity coordination, and clerical duties;

(4) A requirement that the participating facilities provide proof of required licensure under sections 210.201 to 210.259, RSMo, with the exception of the public school system.

4. The program shall be implemented by July 1, 2000, and shall be funded through general revenue funds with no more than twelve percent of the funds to be used for administrative purposes.

5. In addition to tax credits currently available under the neighborhood assistance program, a participating facility shall be allowed a credit against the tax imposed by chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo, and chapter 147, 148 or 153, RSMo, pursuant to this section. The amount of tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year that the credit is claimed. Taxpayers eligible for such tax credit may transfer, sell or assign them. Individual salaries up to ten thousand dollars per program participant each taxable year are eligible for the tax credit which shall not exceed twenty-five percent of the eligible salary amount. Total tax credits taken through the program shall not exceed two million dollars.

6. The department of economic development shall verify all tax credit claims by participating facilities. The tax credit allowed by this section shall apply to all taxable years beginning after December 31, 1999.

7. Subject to appropriations and to the provisions of chapter 34, RSMo, the oversight division of the committee on legislative research shall award up to thirty thousand dollars every two years for an independent evaluation of the program. Based on this program evaluation, the department shall provide a comprehensive report on the program to the speaker of the house and the president pro tem of the senate by March first of each year, beginning in 2001.

Section 1. For the purposes of sections 1 to 3 of this act, the following terms mean:

(1) "Caseload standards", the minimum and maximum number of cases that an employee can reasonably be expected to perform in a normal work month based on the number of cases handled by, or the number of different job functions performed by, the employee;

(2) "Department", the department of social services;

(3) "Director", the director of the department of social services;

(4) "Professional caseload standards", caseload standards that are established by national setting authorities such as the Child Welfare League, National Eligibility Workers Associations and the National Association of Social Workers, or caseload standards used in other states which have similar job titles.

Section 2. 1. The director shall develop caseload standards based on the actual duties of employees in each program area of the department, after considering recommendations of the caseload standards advisory committee, established pursuant to section 3 of this act, and consistent with existing professional caseload standards.

2. In establishing standards pursuant to sections 1 to 3 of this act, the director shall:

(1) Ensure the standards are based on the actual duties of the caseworker;

(2) Ensure the standards are consistent with existing professional caseload standards;

and

(3) Consider standards developed by other states for workers in similar positions of employment.

3. Such standards shall be used by the director as the basis of the department's personnel budget request to the governor.

4. If an employee has failed to satisfactorily complete assignments that are in excess of specified caseload standards, good faith efforts to complete such assignments shall be among the factors considered in the employee's performance evaluation and before any disciplinary action is imposed. If an employee's performance evaluation is lowered or discipline is imposed by a supervisor, the employee may file a grievance based on a claim of work expectations that exceed caseload standards, and the employee shall be entitled to an accelerated hearing of that grievance at the department director's level.

5. Subject to appropriations, the department shall use the standards established pursuant to sections 1 to 3 of this act to assign caseloads to individual employees.

Section 3. 1. The director shall convene, at least biannually, a caseload standards committee which shall consist of seven nonsupervisory employees of the department and three division directors of the department or their designees. A representative of the employees' certified majority organization shall also serve on the committee in an advisory capacity, but may not vote on any measure before the committee. The caseload standards advisory committee shall include as nearly as possible employees from each program area of the department.

2. The caseload standards advisory committee shall review professional and other caseload standards and recommendations the committee considers appropriate and recommend to the department minimum and maximum caseloads for each category of workers employed by the department.

Section 4. 1. Sections 4 to 8 of this act shall be known and may be cited as the "Welfare to Work Protection Act".

2. For purposes of sections 4 to 8 of this act, the following terms shall mean:

(1) "Department", the department of social services;

(2) "Direct placement program", any program in which an office of the department has a prearranged agreement with a specific employer or employers to supply such employer or employers with applicants;

(3) "Employer", an employer that operates the site where a public assistance recipient is employed or placed, and shall not mean any placement agency or temporary help service firm;

(4) "Supplemental wage assistance employment position", any position in which the state of Missouri, through the department or any of its divisions, reimburses the employer for a portion of the wages of such position as an incentive to an employer for hiring designated

individuals;

(5) "TANF benefits", temporary assistance for needy families benefits provided pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended;

(6) "Work first program", a program in the department of social services implementing the provisions of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended. The work first program is not a relief or work training program for purposes of subsection 9 of section 288.034, RSMo.

Section 5. Any adult receiving benefits through the work first program employed by or assigned to a subsidized or unsubsidized work activity with an employer shall be considered an employee of the employer to the same extent as other employees of the employer for purposes of all state and federal labor laws, including, but not limited to, laws pertaining to collective bargaining, occupational safety and health, workplace discrimination, unemployment insurance, workers' compensation and minimum wage. Each participant employed by or assigned to a subsidized or unsubsidized work activity with an employer shall receive paid sick, holiday, vacation and all other leave time equivalent to, and on the same basis as, the leave time paid to regular employees. For purposes of this section, "employer" means the employer that operates the site where the recipient is employed or placed, and does not include any placement agency or temporary help service organization.

Section 6. 1. A supplemental wage assistance employment position shall be a new position within that place of employment.

2. Any individual or employee who believes that he or she has been adversely affected by a violation of subsection 1 of this section or an organization that is authorized to represent such individual or employee shall be afforded an opportunity to grieve it. Such individual or employee, or such individual's or employee's organization, shall first attempt to remedy the alleged violation through a meeting with the employer within thirty days of the request for a meeting. If the complaint is not resolved to the satisfaction of the individual or employee, such individual or employee may appeal to the department of labor and industrial relations commission, and the hearing shall be conducted in accordance with rules and notification requirements adopted by the commission and a decision shall be rendered within forty-five days of such hearing. If the individual or employee is aggrieved by the decision of the commission, the individual or employee may, within thirty days of the date of such decision, file a petition for review in the circuit court for the county in which the individual or employee resides. The commission shall not be a party in the action before the circuit court. However, if there is an existing grievance procedure in a collective bargaining agreement, such procedure shall be followed. Remedies shall include reinstatement, and retroactive pay and benefits.

3. Nothing in this section shall preempt or supersede any provision of state law which provides greater protection for employees from job displacement.

Section 7. 1. Direct placement programs shall not sanction the public assistance recipient who refuses employment or an offer of employment for the following reasons and conditions:

(1) Three or fewer employers are direct placement program participants in a given county;

(2) The employment or offer of employment requires travel to and from the place of employment and the recipient's home which exceeds a total of two hours in round trip time,

inclusive of the time necessary to transport family members to a school or place providing child care, or when walking is the only available means of transportation, the round trip is more than four miles; or

(3) The employment or offer of employment involves conditions that are in violation of applicable health and safety standards.

2. Nothing in this section shall preempt or supersede any provision of state law which provides greater protections for public assistance recipients from sanctioning.

Section 8. The department of social services shall maintain lists of employers used in supplemental wage assistance programs, direct placement programs and community work experience programs. The lists shall include the number of clients placed with such employers year to date. Reporting of employer lists and client placement with such employers from service delivery areas to the department shall be made quarterly. Such program employer lists shall be made available to the public upon request.

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