

FIRST REGULAR SESSION

# SENATE BILL NO. 387

90TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CLAY.

Read 1st time February 2, 1999, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

S1583.021

## AN ACT

To repeal sections 208.040 and 208.070, RSMo 1994, and to enact in lieu thereof three new sections relating to temporary assistance benefits.

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

Section A. Sections 208.040 and 208.070, RSMo 1994, are repealed and three new sections enacted in lieu thereof, to be known as sections 208.040, 208.070 and 208.071, to read as follows:

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

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

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] **shall** 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] **shall** include:

(1) Increasing 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 work pays program;**

**(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] **the 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 in all political subdivisions of the state.**

**8. The department shall establish eligibility requirements that are no more restrictive than its July 16, 1996, 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. Each applicant shall be assessed for any public assistance program administered or supervised by the state. Such public assistance shall be furnished with reasonable promptness in accordance with statute and rules of the department. The department or division shall consider a request for assistance to be an application for any category of public assistance for which the applicant or applicant's dependents may be eligible.**

**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. The division shall evaluate the applicant's eligibility for medical assistance, food stamps and any other public assistance benefits regardless of whether the individual chooses to receive temporary assistance benefits, and shall determine eligibility for all applicable programs within the time frames listed in subsection 5 of this section.**

**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; and**

**(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. On the basis of the assessment made under this section, the department may, in consultation with the individual, develop a self-sufficiency pact consistent with the requirements of section 208.325. Nonexempt individuals who face severe barriers to participation in work activities as identified by the above-mentioned 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 is authorized to adopt those rules that are reasonable and necessary to accomplish the limited duties specifically delegated within this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated under the authority delegated in this section shall become effective only if it has been promulgated pursuant to the provisions of chapter 536, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the effective date of this section shall be invalid and void.**

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