

SECOND REGULAR SESSION

SENATE BILL NO. 937

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR HUMMEL.

Read 1st time January 18, 2018, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5863S.011

AN ACT

To repeal sections 208.026, 208.040, 208.067, and 208.244, RSMo, and to enact in lieu thereof one new section relating to public assistance.

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

Section A. Sections 208.026, 208.040, 208.067, and 208.244, RSMo, are
2 repealed and one new section enacted in lieu thereof, to be known as section
3 208.040, to read as follows:

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

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

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.

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

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

91 1 and 2 of this section.

92 5. The department of social services may implement policies designed to
93 reduce a family's dependence on welfare. The department of social services is
94 authorized to implement these policies by rule promulgated pursuant to section
95 660.017 and chapter 536, including the following:

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

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

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

125 (4) Other policies designed to reduce a family's dependence on welfare
126 may include supplementing wages for recipients for the lesser of forty-eight

127 months or the length of the recipient's employment by diverting the temporary
128 assistance grant[;

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

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

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

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

144 (6) Beginning January 1, 2016, the department shall implement a cash
145 diversion program that grants eligible temporary assistance for needy families
146 benefits recipients lump-sum cash grants for short-term needs, as well as job
147 referrals or referrals to career centers, in lieu of signing up for the long-term
148 monthly cash assistance program upon a showing of good cause as determined by
149 the department. Such lump-sum grants shall be available for use once in a
150 twelve-month period and only five instances in a lifetime. Good cause may
151 include loss of employment, excluding voluntarily quitting or a dismissal due to
152 poor job performance or failure to meet a condition of employment; catastrophic
153 illness or accident of a family member that requires an employed recipient to
154 leave employment; a domestic violence incident; or another situation or
155 emergency that renders an employed family member unable to care for the basic
156 needs of the family. The department shall promulgate rules determining the
157 parameters for the diversion program, including good cause determinations, and
158 shall set the lump-sum maximum limit at three times the family size allowance
159 and for use once in a twelve-month period and only five instances in a lifetime;
160 and

161 (7) The department shall develop a standardized program orientation for
162 temporary assistance for needy families benefits applicants that informs

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

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

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

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

180 8. Consistent with federal law, the department shall establish income and
181 resource eligibility requirements that are no more restrictive than its July 16,
182 1996, income and resource eligibility requirements in determining eligibility for
183 temporary assistance benefits.

 [208.026. 1. This section and sections 208.040, 208.067,
2 and 208.244 shall be known and may be cited as the
3 "Strengthening Missouri Families Act".

4 2. For the purposes of this section and sections 208.040 and
5 208.244, "work activities" shall have the same meaning as defined
6 in 42 U.S.C. Section 607(d), including:

7 (1) Unsubsidized employment;

8 (2) Subsidized private sector employment;

9 (3) Subsidized public sector employment;

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

13 (5) On-the-job training;

14 (6) Job search and job readiness assistance, which shall
15 include utilization of the state employment database website. The

16 department shall, in conjunction with the department of economic
17 development, create a database tracking method in order to track
18 temporary assistance for needy families benefits recipients'
19 utilization of the employment database for the purpose of recording
20 work activities, as well as include information on the state
21 employment database website about the temporary assistance for
22 needy families program's eligibility and work requirements,
23 application process, and contact information;

24 (7) Community service programs;

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

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

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

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

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

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

41 4. If after an investigation the department determines that
42 a person is not cooperating with a work activity requirement under
43 the temporary assistance for needy families program, a
44 representative of the department shall meet face-to-face with the
45 person to explain the potential sanction and the requirements to
46 cure the sanction. After the meeting, the person shall have six
47 weeks to comply with the work activity requirement, during which
48 time no sanction of benefits shall occur. If the person does not
49 comply with the work activity requirement within that six-week
50 period, the department shall immediately apply a sanction
51 terminating fifty percent of the amount of temporary assistance

52 benefits to or for the person and the person's family for a maximum
53 of ten weeks. During that period of sanctions, the person shall
54 remain on the caseload in sanction status and a representative of
55 the department shall attempt to meet face-to-face with the person
56 to explain the existing sanction and the requirements to cure the
57 sanction. To cure a sanction, the person shall perform work
58 activities for at least a minimum average of thirty hours per week
59 for one month, as described in 45 CFR 261.31(d). If the person
60 does not cure the sanction, the case shall be closed.

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

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

71 7. In order to encourage the formation and maintenance of
72 two-parent families, when a temporary assistance for needy
73 families benefits recipient marries, the new spouse's income and
74 assets shall be disregarded for six consecutive months. This
75 disregard shall be a once-in-a-lifetime benefit for the recipient.

76 8. The department shall promulgate rules to implement this
77 section including procedures to determine whether a person has
78 cooperated with the requirements of the work activity and
79 procedures for notification of a caretaker relative, second parent,
80 or payee receiving the financial assistance on behalf of the person's
81 family unit. Any rule or portion of a rule, as that term is defined
82 in section 536.010, that is created under the authority delegated in
83 this section shall become effective only if it complies with and is
84 subject to all of the provisions of chapter 536 and, if applicable,
85 section 536.028. This section and chapter 536 are nonseverable
86 and if any of the powers vested with the general assembly pursuant
87 to chapter 536 to review, to delay the effective date, or to

88 disapprove and annul a rule are subsequently held
89 unconstitutional, then the grant of rulemaking authority and any
90 rule proposed or adopted after August 28, 2015, shall be invalid
91 and void.]

[208.067. 1. Of the moneys received by the state under the
2 federal Temporary Assistance for Needy Families Block Grant
3 during each fiscal year, the department of social services shall,
4 consistent with federal law and subject to appropriation, set aside
5 a minimum of:

6 (1) Two percent of such moneys to fund the alternatives to
7 abortion services program under section 188.325 and the
8 alternatives to abortion public awareness program under section
9 188.335. The department shall give preference to contracting with
10 not-for-profit entities that promote one or more of the four purposes
11 established by Congress under 42 U.S.C. Section 601 of the
12 Personal Responsibility and Work Opportunity Reconciliation Act
13 of 1996; and

14 (2) Two percent of such moneys to fund healthy marriage
15 promotion activities and activities promoting responsible
16 fatherhood, as defined in 42 U.S.C. Section 603 of the Personal
17 Responsibility and Work Opportunity Reconciliation Act of 1996.
18 The department shall give preference to contracting with
19 not-for-profit entities that promote one or more of the four purposes
20 established by Congress under 42 U.S.C. Section 601 of the
21 Personal Responsibility and Work Opportunity Reconciliation Act
22 of 1996.

23 2. It is the intent of the general assembly that funding
24 authorized under this section shall be used to supplement, not
25 supplant, other sources of revenue heretofore or hereafter used for
26 the purposes of this section.]

[208.244. 1. Beginning January 1, 2016, the waiver of the
2 work requirement for the supplemental nutrition assistance
3 program under 7 U.S.C. Section 2015(o) 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
9 for needy families program under sections 208.026 and 208.040
10 effective on August 28, 2015, subject to appropriations, shall be
11 used to provide child care assistance for single parent households,
12 education assistance, transportation assistance, and job training
13 for individuals receiving benefits under such programs as allowable
14 under applicable 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
18 information on enrollment, demographics, work participation, and
19 changes to specific policies. The joint committee shall meet at least
20 once a year to review the department's report and shall make
21 recommendations to the president pro tempore of the senate and
22 the speaker of the house of representatives.]

Bill ✓

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