

FIRST REGULAR SESSION

# HOUSE BILL NO. 623

## 98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE FRANKLIN.

1582H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

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

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

Section A. Section 208.040, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 208.040, to read as follows:

208.040. 1. 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 family support division, and such certificate is hereby declared to be competent evidence in any proceedings concerning the eligibility of such claimant to receive temporary assistance benefits. Benefits may be granted and continued for this reason only while it is the

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 judgment of the family support division that a physical or mental defect, illness or disability  
19 exists which prevents the parent from performing any gainful work;

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

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

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

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

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

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

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

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

52 3. The division shall require as a condition of eligibility for temporary assistance benefits  
53 that a minor child under the age of eighteen who has never married and who has a dependent

54 child in his or her care, or who is pregnant and otherwise eligible for temporary assistance  
55 benefits, shall reside in a place of residence maintained by a parent, legal guardian, or other adult  
56 relative or in some other adult-supervised supportive living arrangement, as required by Section  
57 403 of P.L. 100-485. Exceptions to the requirements of this subsection shall be allowed in  
58 accordance with requirements of the federal Family Support Act of 1988 in any of the following  
59 circumstances:

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

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

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

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

73 4. If the relative with whom a child is living is found to be ineligible because of refusal  
74 to cooperate as required in subdivision (3) of subsection 2 of this section, any assistance for  
75 which such child is eligible will be paid in the manner provided in subsection 2 of section  
76 208.180, without regard to subsections 1 and 2 of this section.

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

81 (1) The department shall increase the earned income and resource disregards allowed  
82 recipients to help families achieve a gradual transition to self-sufficiency, including  
83 implementing policies to simplify employment-related eligibility standards by increasing the  
84 earned income disregard to two-thirds by October 1, 1999. The expanded earned income  
85 disregard shall apply only to recipients of cash assistance who obtain employment but not to new  
86 applicants for cash assistance who are already working. Once the individual has received the  
87 two-thirds disregard for twelve months, the individual would not be eligible for the two-thirds  
88 disregard until the individual has not received temporary assistance benefits for twelve

89 consecutive months. The department shall promulgate rules pursuant to chapter 536 to  
90 implement the expanded earned income disregard provisions;

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

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

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

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

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

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

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

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

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