

SECOND REGULAR SESSION

HOUSE BILL NO. 2078

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CARPENTER.

5845H.011

D. ADAM CRUMBLISS, Chief Clerk

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Section A. Sections 208.026, 208.040, 208.067, and 208.244, RSMo, are repealed and
2 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
2 child or children and may be granted to the parents or other needy eligible relative caring for a
3 dependent child or children who:

4 (1) Is under the age of eighteen years; or is under the age of nineteen years and a
5 full-time student in a secondary school (or at the equivalent level of vocational or technical
6 training), if before the child attains the age of nineteen the child may reasonably be expected to
7 complete the program of the secondary school (or vocational or technical training);

8 (2) Has been deprived of parental support or care by reason of the death, continued
9 absence from the home, or physical or mental incapacity of a parent, and who is living with
10 father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother,
11 stepsister, uncle, aunt, first cousin, nephew or niece, in a place of residence maintained by one
12 or more of such relatives as the child's own home, and financial aid for such child is necessary
13 to save the child from neglect and to secure for the child proper care in such home. Physical or
14 mental incapacity shall be certified to by competent medical or other appropriate authority
15 designated by the family support division, and such certificate is hereby declared to be competent
16 evidence in any proceedings concerning the eligibility of such claimant to receive temporary
17 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.

69

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

74 4. If the relative with whom a child is living is found to be ineligible because of refusal
75 to cooperate as required in subdivision (3) of subsection 2 of this section, any assistance for
76 which such child is eligible will be paid in the manner provided in subsection 2 of section
77 208.180, without regard to subsections 1 and 2 of this section.

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

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

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

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

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

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

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

112 ~~———— (a) Any assistance provided with respect to and during the time in which the individual
113 was a minor child, provided that the minor child was not the head of a household or married to
114 the head of a household; and~~

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

120

121 ~~The provisions of this subdivision shall not apply to persons obtaining assistance under
122 subdivision (6) of this subsection;~~

123 ~~———— (6) Beginning January 1, 2016, the department shall implement a cash diversion program
124 that grants eligible temporary assistance for needy families benefits recipients lump-sum cash
125 grants for short-term needs, as well as job referrals or referrals to career centers, in lieu of signing~~

126 up for the long-term monthly cash assistance program upon a showing of good cause as
 127 determined by the department. Such lump-sum grants shall be available for use once in a
 128 twelve-month period and only five instances in a lifetime. Good cause may include loss of
 129 employment, excluding voluntarily quitting or a dismissal due to poor job performance or failure
 130 to meet a condition of employment; catastrophic illness or accident of a family member that
 131 requires an employed recipient to leave employment; a domestic violence incident; or another
 132 situation or emergency that renders an employed family member unable to care for the basic
 133 needs of the family. The department shall promulgate rules determining the parameters for the
 134 diversion program, including good cause determinations, and shall set the lump-sum maximum
 135 limit at three times the family size allowance and for use once in a twelve-month period and only
 136 five instances in a lifetime; and

137 ~~—— (7) The department shall develop a standardized program orientation for temporary~~
 138 ~~assistance for needy families benefits applicants that informs applicants of the program's rules~~
 139 ~~and requirements, available resources for work activities, and consequences if the program's~~
 140 ~~requirements are not satisfied. Following the orientation, applicants shall sign a participation~~
 141 ~~agreement in which applicants commit to participate in the program and specify the work~~
 142 ~~activities in which they will participate. This participation agreement shall be known as a~~
 143 ~~personal responsibility plan. The department shall not issue a case without confirmation that an~~
 144 ~~applicant has undergone the orientation and signed a personal responsibility plan, unless the~~
 145 ~~individual is otherwise exempt from the work activity requirements].~~

146

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

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

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

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

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

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

7 ~~—— (1) Unsubsidized employment;~~

7 ~~—— (2) Subsidized private sector employment;~~

- 8 ~~————— (3) Subsidized public sector employment;~~
9 ~~————— (4) Work experience, including work associated with refurbishing of~~
10 ~~publicly assisted housing, if sufficient private sector employment is not available;~~
11 ~~————— (5) On-the-job training;~~
12 ~~————— (6) Job search and job readiness assistance, which shall include~~
13 ~~utilization of the state employment database website. The department shall, in~~
14 ~~conjunction with the department of economic development, create a database~~
15 ~~tracking method in order to track temporary assistance for needy families benefits~~
16 ~~recipients' utilization of the employment database for the purpose of recording~~
17 ~~work activities, as well as include information on the state employment database~~
18 ~~website about the temporary assistance for needy families program's eligibility~~
19 ~~and work requirements, application process, and contact information;~~
20 ~~————— (7) Community service programs;~~
21 ~~————— (8) Vocational educational training, provided that such training does not~~
22 ~~exceed twelve months for any individual;~~
23 ~~————— (9) Job skills training directly related to employment;~~
24 ~~————— (10) Education directly related to employment for individuals who have~~
25 ~~not received a high school diploma or certificate of high school equivalency;~~
26 ~~————— (11) Satisfactory attendance at a secondary school, provided that the~~
27 ~~individual has not already completed secondary school; and~~
28 ~~————— (12) Provision of child care services to an individual who is participating~~
29 ~~in a community service program.~~
30 ~~————— 3. Beginning January 1, 2016, any parent or caretaker seeking assistance~~
31 ~~under the temporary assistance for needy families program shall engage in work~~
32 ~~activities before becoming eligible for benefits, unless such individual is~~
33 ~~otherwise exempt from the work requirement.~~
34 ~~————— 4. If after an investigation the department determines that a person is not~~
35 ~~cooperating with a work activity requirement under the temporary assistance for~~
36 ~~needy families program, a representative of the department shall meet~~
37 ~~face-to-face with the person to explain the potential sanction and the~~
38 ~~requirements to cure the sanction. After the meeting, the person shall have six~~
39 ~~weeks to comply with the work activity requirement, during which time no~~
40 ~~sanction of benefits shall occur. If the person does not comply with the work~~
41 ~~activity requirement within that six-week period, the department shall~~
42 ~~immediately apply a sanction terminating fifty percent of the amount of~~
43 ~~temporary assistance benefits to or for the person and the person's family for a~~
44 ~~maximum of ten weeks. During that period of sanctions, the person shall remain~~
45 ~~on the caseload in sanction status and a representative of the department shall~~
46 ~~attempt to meet face-to-face with the person to explain the existing sanction and~~
47 ~~the requirements to cure the sanction. To cure a sanction, the person shall~~
48 ~~perform work activities for at least a minimum average of thirty hours per week~~
49 ~~for one month, as described in 45 CFR 261.31(d). If the person does not cure the~~
50 ~~sanction, the case shall be closed.~~

51 ~~5. To return to the temporary assistance for needy families benefits~~
52 ~~program after having been sanctioned off the caseload under subsection 4 of this~~
53 ~~section, the person shall complete work activities for a minimum average of thirty~~
54 ~~hours per week within one month of the temporary assistance eligibility~~
55 ~~interview.~~

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

60 ~~7. In order to encourage the formation and maintenance of two-parent~~
61 ~~families, when a temporary assistance for needy families benefits recipient~~
62 ~~marries, the new spouse's income and assets shall be disregarded for six~~
63 ~~consecutive months. This disregard shall be a once-in-a-lifetime benefit for the~~
64 ~~recipient.~~

65 ~~8. The department shall promulgate rules to implement this section~~
66 ~~including procedures to determine whether a person has cooperated with the~~
67 ~~requirements of the work activity and procedures for notification of a caretaker~~
68 ~~relative, second parent, or payee receiving the financial assistance on behalf of~~
69 ~~the person's family unit. Any rule or portion of a rule, as that term is defined in~~
70 ~~section 536.010, that is created under the authority delegated in this section shall~~
71 ~~become effective only if it complies with and is subject to all of the provisions~~
72 ~~of chapter 536 and, if applicable, section 536.028. This section and chapter 536~~
73 ~~are nonseverable and if any of the powers vested with the general assembly~~
74 ~~pursuant to chapter 536 to review, to delay the effective date, or to disapprove~~
75 ~~and annul a rule are subsequently held unconstitutional, then the grant of~~
76 ~~rulemaking authority and any rule proposed or adopted after August 28, 2015,~~
77 ~~shall be invalid and void.]~~

78

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

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

12 ~~(2) Two percent of such moneys to fund healthy marriage promotion~~
13 ~~activities and activities promoting responsible fatherhood, as defined in 42~~
14 ~~U.S.C. Section 603 of the Personal Responsibility and Work Opportunity~~
15 ~~Reconciliation Act of 1996. The department shall give preference to contracting~~
~~with not-for-profit entities that promote one or more of the four purposes~~

16 established by Congress under 42 U.S.C. Section 601 of the Personal
17 Responsibility and Work Opportunity Reconciliation Act of 1996.

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

21

2 ~~[208.244. 1. Beginning January 1, 2016, the waiver of the work
3 requirement for the supplemental nutrition assistance program under 7 U.S.C.
4 Section 2015(o) shall no longer apply to individuals seeking benefits in this state.
5 The provisions of this subsection shall terminate on January 1, 2019.~~

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

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

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