

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 24
98TH GENERAL ASSEMBLY

0498H.10C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

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

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

Section A. Section 208.040, RSMo, is repealed and four new sections enacted in lieu thereof, to be known as sections 208.026, 208.040, 208.067, and 208.244, to read as follows:

208.026. 1. Sections 208.026, 208.040, and 208.244 shall be known and may be cited as the "Strengthening Missouri Families Act".

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

(1) Unsubsidized employment;

(2) Subsidized private sector employment;

(3) Subsidized public sector employment;

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

(5) On-the-job training;

(6) Job search and job readiness assistance, which shall include utilization of the state employment database website. The department shall, in conjunction with the department of economic development, create a database tracking method in order to track temporary assistance for needy families benefits recipients' utilization of the employment database for the purpose of recording work activities, as well as include information on 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.

16 state employment database website about the temporary assistance for needy families
17 program's eligibility and work requirements, application process, and contact information;

18 (7) Community service programs;

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

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

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

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

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

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

32 4. If after an investigation the department determines that a person is not
33 cooperating with a work activity requirement under the temporary assistance for needy
34 families program, a representative of the department shall meet face-to-face with the
35 person to explain the potential sanction and the requirements to cure the sanction. After
36 the meeting, the person shall have six weeks to comply with the work activity requirement,
37 during which time no sanction of benefits shall occur. If the person does not comply with
38 the work activity requirement within that six-week period, the department shall
39 immediately apply a sanction terminating fifty percent of the amount of temporary
40 assistance benefits to or for the person and the person's family for a maximum of ten
41 weeks. To cure a sanction, the person shall perform work activities for at least a minimum
42 average of thirty hours per week for one month, as described in 45 CFR 261.31(d). If the
43 person does not cure the sanction, the case shall be closed.

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

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

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

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

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
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 **thirty-month** lifetime limit for receipt of temporary assistance for needy families unless
99 otherwise excluded 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;

108 **(5) Beginning January 1, 2016, the life-time limit for temporary assistance for**
109 **needy families shall be thirty months. The life-time limit shall not apply to the exceptions**
110 **set forth in 42 U.S.C. Section 608(a)(7), including but not limited to:**

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

114 **(b) Any family to which the state has granted an exemption for reasons of hardship**
115 **or if the family includes an individual who has been battered or subjected to extreme**
116 **cruelty, provided that the average monthly number of such families in a fiscal year shall**
117 **not exceed twenty percent of the average monthly number of families to which temporary**
118 **assistance for needy families is provided during the fiscal year or the immediately**
119 **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**
124 **program that grants eligible temporary assistance for needy families benefits recipients**
125 **lump-sum cash grants for short-term needs, as well as job referrals or referrals to career**
126 **centers, in lieu of signing up for the long-term monthly cash assistance program upon a**

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

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

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

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

208.067. 1. Of the moneys received by the state under the federal temporary assistance for needy families block grant during each fiscal year, the department of social services shall, consistent with federal law and subject to appropriation, set aside a minimum of:

(1) Two percent of such moneys to fund the alternatives to abortion services program under section 188.325 and the alternatives to abortion public awareness program

7 under section 188.335. The department shall give preference to contracting with not-for-
8 profit entities that promote one or more of the four purposes established by Congress
9 under 42 U.S.C. Section 601 of the Personal Responsibility and Work Opportunity
10 Reconciliation Act of 1996; and

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

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

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

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

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

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