

SECOND REGULAR SESSION

# SENATE BILL NO. 736

97TH GENERAL ASSEMBLY

---

---

INTRODUCED BY SENATOR SATER.

Read 1st time January 16, 2014, and ordered printed.

TERRY L. SPIELER, Secretary.

5347S.011

---

---

## AN ACT

To repeal sections 208.022 and 208.040, RSMo, and to enact in lieu thereof three new sections relating to temporary assistance for needy families benefits.

---

---

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

Section A. Sections 208.022 and 208.040, RSMo, are repealed and three  
2 new sections enacted in lieu thereof, to be known as sections 208.022, 208.026,  
3 and 208.040, to read as follows:

208.022. 1. All electronic benefits cards distributed to recipients of  
2 temporary assistance for needy families benefits shall have imprinted on the card  
3 a photograph of the recipient or protective payee authorized to use the card and  
4 shall expire and be subject to renewal after a period of three years. The card  
5 shall not be accepted for use by a retail establishment if the photograph of the  
6 recipient does not match the person presenting the card.

7 **2. All electronic benefits cards distributed to recipients of**  
8 **temporary assistance for needy families shall not be used out-of-state,**  
9 **except for recipients in the military or if the recipient is leaving the**  
10 **state in pursuit of employment. In such instances, the recipient shall**  
11 **notify the department of such absence from the state, temporary**  
12 **address, and intended time of return.**

208.026. 1. If after an investigation the department determines  
2 that a person is not cooperating with a work activity requirement  
3 under the temporary assistance for needy families program, the  
4 department shall immediately apply a sanction terminating the total  
5 amount of temporary assistance benefits to or for the person and the  
6 person's family for a minimum of one month. During that month of  
7 sanctions, the person shall remain on the caseload in sanction status. To

8 cure a sanction, the person shall perform thirty consecutive days of  
9 work activities. If the person does not cure the sanction, the case shall  
10 be closed.

11 2. To return to the temporary assistance for needy families  
12 benefits program after having been sanctioned off the caseload under  
13 subsection 1 of this section, the person shall complete thirty days of  
14 work activities within forty days of the temporary assistance eligibility  
15 interview.

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

20 4. The department shall promulgate rules to implement this  
21 section including procedures to determine whether a person has  
22 cooperated with the requirements of the work activity and procedures  
23 for notification of a caretaker relative, second parent, or payee  
24 receiving the financial assistance on behalf of the person's family  
25 unit. Any rule or portion of a rule, as that term is defined in section  
26 536.010, that is created under the authority delegated in this section  
27 shall become effective only if it complies with and is subject to all of  
28 the provisions of chapter 536, and, if applicable, section 536.028. This  
29 section and chapter 536, are nonseverable and if any of the powers  
30 vested with the general assembly pursuant to chapter 536, to review, to  
31 delay the effective date, or to disapprove and annul a rule are  
32 subsequently held unconstitutional, then the grant of rulemaking  
33 authority and any rule proposed or adopted after August 28, 2014, shall  
34 be invalid and void.

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  
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. Households where the individual resides with a parent, legal guardian or  
82 other adult relative or in some other adult-supervised supportive living

83 arrangement shall, subject to federal waiver to retain full federal financial  
84 participation and appropriation, have earned income disregarded from eligibility  
85 determinations up to one hundred percent of the federal poverty level.

86 4. If the relative with whom a child is living is found to be ineligible  
87 because of refusal to cooperate as required in subdivision (3) of subsection 2 of  
88 this section, any assistance for which such child is eligible will be paid in the  
89 manner provided in subsection 2 of section 208.180, without regard to subsections  
90 1 and 2 of this section.

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

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

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

117 (3) Beginning January 1, 2002, and every two years thereafter, the  
118 department of social services shall make a detailed report and a presentation on

119 the temporary assistance for needy families program to the house appropriations  
120 for social services committee and the house social services, Medicaid and the  
121 elderly committee, and the senate aging, families and mental health committee,  
122 or comparable committees;

123 (4) Other policies designed to reduce a family's dependence on welfare  
124 may include supplementing wages for recipients for the lesser of forty-eight  
125 months or the length of the recipient's employment by diverting the temporary  
126 assistance grant.

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

130 (5) **Beginning January 1, 2015, the life-time limit for temporary**  
131 **assistance for needy families shall be twenty-four months;**

132 (6) **Beginning January 1, 2015, the department shall not increase**  
133 **the monthly benefit based on the birth of an additional child born ten**  
134 **months after the case for such family unit is opened. The family unit**  
135 **shall not be allowed to regain the benefits for the additional child, even**  
136 **if the case is closed for any period of time;**

137 (7) **Beginning January 1, 2015, the department shall implement**  
138 **a cash diversion program that grants eligible temporary assistance for**  
139 **needy family benefits recipients lump-sum cash grants for short-term**  
140 **needs in lieu of signing up for the long-term monthly cash assistance**  
141 **program. The department shall establish rules determining the**  
142 **parameters for the diversion program and shall set the lump-sum**  
143 **maximum limit at three times the family size allowance and for use**  
144 **once in a twelve-month period and only five instances in a lifetime.**

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

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

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

153 8. Consistent with federal law, the department shall establish income and  
154 resource eligibility requirements that are no more restrictive than its July 16,

155 1996, income and resource eligibility requirements in determining eligibility for  
156 temporary assistance benefits.

✓

Unofficial

Bill

Copy