

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 561

By: Haste

AS INTRODUCED

An Act relating to the Temporary Assistance for Needy Families (TANF) program; amending 56 O.S. 2021, Section 230.52, which relates to minimum mandatory requirements; modifying terminology; modifying certain screening procedures; requiring TANF employability plan to include substance abuse treatment for certain recipients; removing provisions relating to certain denials; deleting obsolete reference; updating statutory language; providing an effective date; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 56 O.S. 2021, Section 230.52, is amended to read as follows:

Section 230.52. A. Except for specific exceptions, conditions or restrictions authorized by the Statewide Temporary Assistance Responsibility System (STARS) and rules promulgated by the ~~Commission for~~ Director of the Department of Human Services pursuant thereto, the following are the minimum mandatory requirements for the Temporary Assistance for Needy Families (TANF) program:

1. A recipient shall be eligible to receive assistance pursuant to the TANF program only for a lifetime total of five (5) years,

1 subject to the exemptions allowed by federal law. Child-only cases  
2 are not subject to the five-year limitation;

3 2. Single parents receiving temporary assistance pursuant to  
4 the TANF program shall participate in work activities for a minimum  
5 of twenty (20) hours per week during the month. Two-parent families  
6 receiving temporary assistance pursuant to the TANF program shall  
7 participate in work activities for a minimum of thirty-five (35)  
8 hours per week during the month;

9 3. A recipient must be engaged in one or more of the work  
10 activities set out in paragraph 4 of this subsection as soon as  
11 required by the Department of Human Services pursuant to the TANF  
12 program, but not later than twenty-four (24) months after  
13 certification of the application for assistance, unless the person  
14 is exempt from work requirements under rules promulgated by the  
15 ~~Commission~~ Director pursuant to the STARS;

16 4. The Department shall develop and describe categories of  
17 approved work activities for the TANF program recipients in  
18 accordance with this paragraph. Work activities that qualify in  
19 meeting the requirements include, but are not limited to:

- 20 a. (1) unsubsidized employment which is full-time  
21 employment or part-time employment that is not  
22 directly supplemented by federal or state funds,  
23 (2) subsidized private sector employment which is  
24 employment in a private for-profit enterprise or  
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1 a private not-for-profit enterprise that is  
2 directly supplemented by federal or state funds.  
3 Prior to receiving any subsidy or incentive, the  
4 employer shall enter into a written contract with  
5 the Department, and

6 (3) subsidized public sector employment which is  
7 employment by an agency of a federal, state, or  
8 local governmental entity which is directly  
9 supplemented by federal or state funds. Prior to  
10 receiving any subsidy or incentive, the employer  
11 shall enter into a written contract with the  
12 Department.

13 Subsidized hourly employment or unsubsidized hourly  
14 employment pursuant to this subparagraph shall only be  
15 approved by the Department as work activity if such  
16 employment is subject to:

17 (a) the federal minimum wage requirements  
18 pursuant to the Fair Labor Standards Act of  
19 1938, as amended,

20 (b) the federal Social Security tax and Medicare  
21 tax, and

22 (c) regulations promulgated pursuant to the  
23 federal Occupational Safety and Health Act  
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1 of 1970 and rules promulgated by the ~~State~~  
2 Department of Labor pursuant thereto,

- 3 b. a program of work experience,  
4 c. on-the-job training,  
5 d. assisted job search which may include supervised or  
6 unsupervised job-seeking activities,  
7 e. job readiness assistance which may include, but is not  
8 limited to:

9 (1) orientation in the work environment and basic  
10 job-seeking and job retention skills,

11 (2) instruction in completing an application for  
12 employment and writing a resume, ~~and~~

13 (3) instruction in conducting oneself during a job  
14 interview, including appropriate dress, and

15 (4) substance abuse treatment and mental health  
16 counseling,

- 17 f. job skills training which is directly related to  
18 employment in a specific occupation for which there is  
19 a written commitment by an employer to offer  
20 employment to a recipient who successfully completes  
21 the training. Job skills training includes, but is  
22 not limited to, customized training designed to meet  
23 the needs of a specific employer or a specific  
24 industry,

- 1 g. community service programs which are job-training  
2 activities provided in areas where sufficient public  
3 or private sector employment is not available. Such  
4 activities are linked to both education or training  
5 and activities that substantially enhance a  
6 recipient's employability,
- 7 h. literacy and adult basic education programs,
- 8 i. vocational-educational programs, not to exceed twelve  
9 (12) months for any individual, which are directed  
10 toward vocational-educational training and education  
11 directly related to employment,
- 12 j. education programs which are directly related to  
13 specific employment opportunities, if a recipient has  
14 not received a high school diploma or ~~General~~  
15 ~~Equivalency Degree~~ General Educational Development  
16 certificate, and
- 17 k. child care for other STARS recipients. The recipient  
18 must meet training and licensing requirements for  
19 child care providers as required by the Oklahoma Child  
20 Care Facilities Licensing Act;

21 5. Single, custodial parents with a child up to one (1) year of  
22 age may be exempt from work activities for a lifetime total  
23 exemption of twelve (12) months;

24  
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1           6. In order to receive assistance, unmarried teen parents of a  
2 minor child at least twelve (12) weeks of age must participate in  
3 educational activities or work activities approved by the state;

4           7. For single-parent families, except for teen parents,  
5 educational activities, other than vocational-technical training, do  
6 not count toward meeting the required twenty (20) hours of work  
7 activity. For two-parent families, educational activities, except  
8 vocational-technical training, do not count toward meeting the  
9 required thirty-five (35) hours of work activity;

10          8. A teen parent must live at home or in an approved, adult-  
11 supervised setting as specified in Section 230.55 of this title to  
12 receive TANF assistance;

13          9. A recipient must comply with immunization requirements  
14 established pursuant to the TANF program;

15          10. ~~A recipient shall be subject to the increment in benefits~~  
16 ~~for additional children established by Section 230.58 of this title;~~

17          ~~11.~~ The following recipient resources are exempt from resource  
18 determination criteria:

19           a. an automobile with an equity allowance ~~of~~ not more  
20 than Five Thousand Dollars (\$5,000.00) pursuant to  
21 Section 230.53 of this title,

22           b. individual development accounts established pursuant  
23 to the Family Savings Initiative Act, or individual  
24 development accounts established prior to November 1,  
25

1 1998, pursuant to the provisions of Section 230.54 of  
2 this title in an amount not to exceed Two Thousand  
3 Dollars (\$2,000.00),

4 c. the equity value of funeral arrangements owned by a  
5 recipient that does not exceed the limitation  
6 specified by Section 165 of this title, and

7 d. earned income disregards not to exceed One Hundred  
8 Twenty Dollars (\$120.00) and one-half (1/2) of the  
9 remainder of the earned income;

10 ~~12.~~ 11. An applicant who applies and is otherwise eligible to  
11 receive TANF benefits but who has resided in this state less than  
12 twelve (12) months shall be subject to Section 230.57 of this title;

13 ~~13.~~ 12. The recipient shall enter into a personal  
14 responsibility agreement with the Department for receipt of  
15 assistance pursuant to Section 230.65 of this title;

16 ~~14.~~ 13. The Department shall, beginning ~~November 1, 2012~~ on the  
17 effective date of this act, screen all ~~adult applicants for~~ TANF  
18 recipients as part of the required TANF employability plan to  
19 determine if they are engaged in the illegal use of a controlled  
20 substance or substances. If the Department has made a determination  
21 that the ~~applicant~~ recipient is engaged in the illegal use of a  
22 controlled substance or substances, the ~~applicant's request for TANF~~  
23 ~~cash benefits shall be denied.~~ ~~The Commission for Human Services~~  
24 recipient's TANF employability plan shall include substance abuse

1 treatment and, if appropriate, mental health counseling, as part of  
2 the assigned work activities required by paragraph 4 of this  
3 subsection. The Director shall adopt rules to implement the  
4 requirements of this paragraph consistent with the following:

- 5 a. the Department shall create a controlled substance  
6 screening process to be administered ~~at the time of~~  
7 ~~application~~ during the assessment process that  
8 determines the TANF employability plan. The process  
9 shall, at a minimum, include a Substance Abuse Subtle  
10 Screening Inventory (SASSI) or other similar screening  
11 methods. If necessary to establish a reasonable  
12 expectation of certainty, the Department is authorized  
13 to use further screening methods, which may include,  
14 but are not limited to, a clinical interview, and  
15 consideration of the Department's history with the  
16 applicant, ~~and an Addictions Severity Index (ASI).~~ If  
17 the Department has reasonable cause to believe that  
18 the ~~applicant~~ recipient is engaged in the illegal use  
19 of a controlled substance or substances, the  
20 Department is authorized, though not required, to  
21 request administration of a chemical drug test, ~~such~~  
22 ~~as urinalysis.~~ The cost of all such initial  
23 screenings shall not be borne by the ~~applicant~~  
24 recipient, and



1 b. if at any time during the controlled substance  
2 screening process, the ~~applicant~~ recipient refuses to  
3 participate without good cause, that refusal shall  
4 lead to a ~~denial~~ closure of TANF benefits,

5 ~~e. if the Department, as the result of a controlled~~  
6 ~~substance screening process, has determined that the~~  
7 ~~applicant is engaged in the illegal use of a~~  
8 ~~controlled substance or substances, the applicant's~~  
9 ~~request for TANF cash benefits shall be denied,~~  
10 ~~subject to the following:~~

11 ~~(1) if there has not already been a chemical drug~~  
12 ~~test administered as part of the controlled~~  
13 ~~substance screening process, the applicant may~~  
14 ~~submit proof of a negative chemical drug test~~  
15 ~~from a state certified laboratory to challenge~~  
16 ~~the Department's finding that the applicant is~~  
17 ~~engaged in the illegal use of a controlled~~  
18 ~~substance or substances. Proof of the chemical~~  
19 ~~drug test must be submitted to the Department no~~  
20 ~~later than the tenth calendar day following~~  
21 ~~denial. If denial is communicated by mail, the~~  
22 ~~ten (10) day window begins on the day after the~~  
23 ~~date of mailing of the denial notice to the~~  
24 ~~applicant's last known address. The denial~~

1                   ~~notice is considered to be mailed on the date~~  
2                   ~~that appears on the notice, unless otherwise~~  
3                   ~~indicated by the facts,~~

4                   ~~(2) if denied due to the provisions of this~~  
5                   ~~subparagraph, an applicant shall not be approved~~  
6                   ~~until one (1) year has passed since the date of~~  
7                   ~~denial,~~

8                   ~~(a) if the applicant is denied due to the~~  
9                                 ~~provisions of this paragraph, the Department~~  
10                                ~~shall provide a list of substance abuse~~  
11                                ~~treatment programs to the denied applicant,~~

12                   ~~(b) if an applicant has successfully complied~~  
13                                 ~~with a recommended substance abuse treatment~~  
14                                 ~~program after the date of denial, the~~  
15                                 ~~applicant may be approved for cash benefits~~  
16                                 ~~after six (6) months have passed since the~~  
17                                 ~~date of denial, rather than the required one~~  
18                                 ~~(1) year, and~~

19                   ~~(3) if an applicant has been denied TANF cash~~  
20                                 ~~benefits two times due to the provisions of this~~  
21                                 ~~subparagraph, the applicant shall be ineligible~~  
22                                 ~~for TANF benefits for a period of three (3) years~~  
23                                 ~~from the date of the second denial,~~

1 ~~d. child only cases and minor parents under eighteen (18)~~  
2 ~~years of age are not subject to the provisions of this~~  
3 ~~paragraph, and~~

4 ~~e. in cases where the application for TANF benefits is~~  
5 ~~not for child only benefits, but there is not a parent~~  
6 ~~who has been deemed eligible for cash benefits under~~  
7 ~~the provisions of this paragraph, any cash benefits~~  
8 ~~for which the dependent children of the family are~~  
9 ~~still eligible shall not be affected and may be~~  
10 ~~received and administered by an appropriate third~~  
11 ~~party approved by the Department for the benefit of~~  
12 ~~the members of the household;~~

13 ~~15.~~ 14. a. As a condition of participating in the STARS, all  
14 recipients are deemed to have given authorization for  
15 the release of any and all information necessary to  
16 allow all state and federal agencies to meet the  
17 program needs of the recipient.

18 b. The recipient shall be provided a release form to sign  
19 in order to obtain the required information. Failure  
20 to sign the release form may result in case closure;  
21 and

22 ~~16.~~ 15. The recipient shall comply with all other conditions  
23 and requirements of the STARS, and rules ~~of the Commission~~  
24 promulgated pursuant thereto.

1 B. 1. Agencies of this state involved in providing services to  
2 recipients pursuant to the STARS shall exchange information as  
3 necessary for each agency to accomplish objectives and fulfill  
4 obligations created or imposed by the STARS and rules promulgated  
5 pursuant thereto.

6 2. Information received pursuant to the STARS shall be  
7 maintained by the applicable agency and, except as otherwise  
8 provided by this subsection, shall be disclosed only in accordance  
9 with any confidentiality provisions applicable to the agency  
10 originating the information.

11 3. The various agencies of the state shall execute operating  
12 agreements to facilitate information exchanges pursuant to the  
13 STARS.

14 C. In implementing the TANF program, the Department shall:

15 1. Provide assistance to aliens pursuant to Section 230.73 of  
16 this title;

17 2. Provide for the closure of the TANF case when the adult  
18 recipient refuses to cooperate with agreed upon work activities or  
19 other case requirements pursuant to the TANF program;

20 3. Provide for the sanctioning of parents who do not require  
21 their minor children to attend school; and

22 4. Deny temporary assistance to fugitive felons.

23 D. In order to ensure that the needy citizens of this state are  
24 receiving necessary benefits, the Department shall maintain a

1 listing of all recipients receiving public assistance. The listing  
2 shall reflect each recipient's income, social security number, and  
3 the programs in which the recipient is participating including, but  
4 not limited to, TANF, food stamps, child care, and medical  
5 assistance.

6 E. The Department is hereby authorized to establish a grant  
7 diversion program and emergency assistance services.

8 SECTION 2. This act shall become effective July 1, 2023.

9 SECTION 3. It being immediately necessary for the preservation  
10 of the public peace, health or safety, an emergency is hereby  
11 declared to exist, by reason whereof this act shall take effect and  
12 be in full force from and after its passage and approval.

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