

SECOND REGULAR SESSION

# HOUSE BILL NO. 968

## 92ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES PHILLIPS (Sponsor), MYERS, MOORE, REINHART, ERVIN,  
STEVENSON, SANDER, EL-AMIN, EMERY, RECTOR, SHOEMAKER,  
DIXON AND MUCKLER (Co-sponsors).

Read 1<sup>st</sup> time January 8, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

3271L.011

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### AN ACT

To repeal section 208.040, RSMo, and to enact in lieu thereof one new section relating to temporary assistance for needy families.

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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Section A. Section 208.040, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 208.040, to read as follows: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 division of family services, and such certificate is hereby declared to be competent evidence in any proceedings concerning the eligibility of such claimant to receive aid to families with dependent children benefits. Benefits may be granted and continued for this

18 reason only while it is the judgment of the division of family services that a physical or mental  
19 defect, illness or disability 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 division of family services shall require as additional conditions of eligibility for  
24 benefits that each applicant for or recipient of aid:

25 (1) Shall furnish to the division the applicant 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 division of family services in behalf of the state any rights to  
28 support from any other person such applicant may have in the applicant's own behalf or in behalf  
29 of any other family member for whom the applicant is applying for or receiving aid. An  
30 application for benefits made under this section shall constitute an assignment of support rights  
31 which shall take effect, by operation of law, upon a determination that the applicant is eligible  
32 for assistance under this section. The assignment is effective as to both current and accrued  
33 support obligations and authorizes the division of child support enforcement of the department  
34 of social services to bring any administrative or judicial action to establish or enforce a current  
35 support obligation, to collect support arrearages accrued under an existing order for support, or  
36 to seek reimbursement of support provided by the division;

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

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

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

53 3. The division shall require as a condition of eligibility for temporary assistance benefits

54 that a minor child under the age of eighteen who has never married and who has a dependent  
55 child in his or her care, or who is pregnant and otherwise eligible for temporary assistance  
56 benefits, shall reside in a place of residence maintained by a parent, legal guardian, or other adult  
57 relative or in some other adult-supervised supportive living arrangement, as required by Section  
58 403 of P.L. 100-485. Exceptions to the requirements of this subsection shall be allowed in  
59 accordance with requirements of the federal Family Support Act of 1988 in any of the following  
60 circumstances:

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

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

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

67 (4) The individual claims to be or to have been the victim of abuse while residing in the  
68 home where she would be required to reside and the case has been referred to the child abuse  
69 hotline and a "reason to suspect finding" has been made. Households where the individual  
70 resides with a parent, legal guardian or other adult relative or in some other adult-supervised  
71 supportive living arrangement shall, subject to federal waiver to retain full federal financial  
72 participation and appropriation, have earned income disregarded from eligibility determinations  
73 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 aid for which such  
76 child is eligible will be paid in the manner provided in subsection 2 of section 208.180, without  
77 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, RSMo, and chapter 536, RSMo,  
81 including the 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, RSMo, 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 division of  
96 family services, 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 sixty-month  
99 lifetime limit for receipt of temporary assistance for needy families unless otherwise excluded  
100 by rule of the division of family services;

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.

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

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

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

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

119 **9. To promote marriage, the following provisions shall apply to benefits granted**  
120 **on behalf of a dependent child or children under this section:**

121 **(1) If the child or children receiving benefits under this section are living with a**  
122 **biological parent and the biological parent is in continuing cohabitation with a person who**  
123 **is not a biological parent of the child or children receiving benefits under this section and**  
124 **such person is an intimate partner of the biological parent, the income and resources of**  
125 **such intimate partner shall be included when determining eligibility for benefits under this**

126 section. As used in this subdivision, the following terms mean:

127 (a) "Continuing cohabitation", cohabitation between persons in a relationship as  
128 intimate partners;

129 (b) "Dating relationship", a social relationship of a romantic nature. A dating  
130 relationship shall be presumed if one of the persons verifies that such a relationship exists.  
131 The following factors shall be considered in determining whether a dating relationship  
132 exists:

133 a. The nature of the relationship;

134 b. The length of time the relationship has existed; and

135 c. The frequency of interaction between the parties;

136 (c) "Intimate partners":

137 a. Persons who are or have been in a dating relationship;

138 b. Persons, other than married persons, who reside together or who have formerly  
139 resided together; or

140 c. Persons, other than married persons, who have had a child in common;

141 (2) If the child or children are living with a biological parent and the biological  
142 parent is married to a person who is not the biological parent of the child or children  
143 receiving benefits under this section, the income and resources of the stepparent shall not  
144 be included when determining eligibility for benefits under this section; and

145 (3) If the biological parents of the child or children receiving benefits under this  
146 section are married to each other and living together, the benefit received on behalf of the  
147 child or children shall be increased by five percent for all or any portion of the five-year  
148 eligibility period for which the biological parents become or remain married to each other.