Chapter 412

2011 EDITION

Temporary Assistance for Needy Families

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412.001 Definitions. As used in ORS 412.001 to 412.155 and 418.647, unless the context or a specially applicable statutory definition requires otherwise:

(1) "Aid" means money payments with respect to, or on behalf of, a dependent child or children and includes:

(a) Money payments to meet the needs of the relative with whom the child is living and the spouse of the relative if the spouse lives with the relative, the relative is the child's parent and the child is a dependent child by reason of the physical or mental incapacity, or the unemployment or underemployment, of a parent; or

(b) Payments made to a representative payee or guardian pursuant to ORS 412.026 or 412.028.

(2) "Caretaker relative" means a dependent child's father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew or niece who lives in a residence maintained by one or more of the relatives as the child's or the relative's own home.

(3)(a) "Dependent child" means a needy child:

(A) Who has been deprived of parental support or care by reason of the death, continued absence from the home or physical or mental incapacity, or unemployment or underemployment, of a parent;

(B) Whose caretaker relatives are not able to provide adequate care and support for the child without public assistance, as defined in ORS 411.010;

(C) Who lives with a caretaker relative; and

(D) Who meets the requirements of paragraph (b) of this subsection.

(b)(A) Except as provided in subparagraphs (B) and (C) of this paragraph, a "dependent child" must be under the age of 18 years.

(B) A child may qualify as a "dependent child," subject to the availability of funds, if the child is 18 or 19 or 20 years of age and a student regularly attending a school in grade 12 or below or regularly attending a course of professional or technical training designed to fit the child for gainful employment, other than a course provided by or through a college or university.

(C) Students under the age of 21 years and regularly attending a school, college or university or regularly attending a course of professional or technical training designed to fit the child for gainful employment may be included in the description in subparagraph (B) of this paragraph at the option of the Department of Human Services.

(4) "Federally required participation rates" means the participation rates as required by section 407 of the Social Security Act.

(5) "Representative payee" means an individual designated by the department to receive money payments of aid pursuant to ORS 412.026. [Formerly 418.035]

412.005 [1961 c.633 §2; 1965 c.94 §1; 1969 c.69 §1; 1969 c.597 §246; 1973 c.651 §3; 2001 c.900 §98; repealed by 2005 c.381 §30]

412.006 Eligibility for aid; assessment; JOBS participation; rules. (1) Aid pursuant to the temporary assistance for needy families program shall be granted under this section to any dependent child who is living in a home meeting the standards of care and health fixed by the rules of the Department of Human Services and who is a resident of the State of Oregon, if a parent or caretaker relative with whom the child is living is a resident of the State of Oregon.

(2) Except as provided in subsections (7) and (8) of this section, a needy caretaker relative may be required to participate in the job opportunity and basic skills program that is described in subsections (3) to (6) of this section.

(3) The department shall use a basic assessment tool to determine if a needy caretaker relative applying for or receiving aid under this section has or may have a barrier to employment or to family stability. If the basic assessment tool indicates that there is or may be a barrier, the needy caretaker relative shall be referred for an in-depth assessment by a person with relevant expertise or specialized training.

(4) Based upon the assessment described in subsection (3) of this section, the department, in cooperation with appropriate partner agencies or professionals, shall work with the participant to create an effective individualized case plan that establishes goals and identifies suitable activities that promote family stability and financial independence.

(5) Suitable activities may include:

(a) Job readiness activities or employment;

(b) Vocational rehabilitation or training;

(c) Remedial, secondary or post-secondary education;

(d) Community service; or

(e) Other activities that reduce or eliminate barriers to full participation in the program or to employment.

(6) For individuals with disabilities, the goal of the individualized case plan must be

to promote greater independence and may include physical or mental health evaluation or treatment.

(7) A needy caretaker relative receiving aid under ORS 412.001 to 412.069 may volunteer for but may not be required to participate in the job opportunity and basic skills program:

(a) More than 10 hours per week during the first two months of the third trimester of the parent's pregnancy;

(b) During the last month of the parent's pregnancy;

(c) If the needy caretaker relative is experiencing medical complications due to pregnancy that prohibit participation in activities in the program;

(d) For one parent per family, during the first six months after the birth of a child, up to a total of 12 months per family except that:

(A) The department may require a parent to participate in suitable activities, with a preference for educational activities, 16 weeks after the birth of a child if the parent is under 20 years of age; and

(B) The department may require a parent of a child under 12 months of age to participate in evidence-based parenting classes or family stability activities; or

(e) If participation is likely to cause undue hardship or is contrary to the best interests of the child or needy caretaker relative.

(8) The department shall adopt rules to carry out the provisions of this section. [Formerly 418.040; 2009 c.11 §53]

Note: Sections 1 and 8, chapter 604, Oregon Laws 2011, provide:

Sec. 1. For the biennium beginning July 1, 2011, the Department of Human Services may, notwithstanding ORS 411.070, 412.006, 412.009 and 412.016:

(1) Prescribe by rule an employability assessment and orientation process that the department shall use to determine the level of participation by individuals applying for or receiving aid pursuant to the temporary assistance for needy families program and required to participate in the job opportunity and basic skills program described in ORS 412.006. This process must occur prior to any assessment described in ORS 412.006 (3) that is conducted by the department.

(2) Require all families to participate in the employability assessment and orientation process as a condition for the family's receipt of aid.

(3) Determine the selection and placement in the job opportunity and basic skills program activities of existing and future applicants and recipients of aid based on the results of the employability assessment or other criteria.

(4) Require an individual in a one-parent family to participate in the job opportunity and basic skills program while caring for a dependent child who is under two years of age.

(5) Not approve enrollment in and attendance at an educational institution as an allowable work activity for purposes of ORS 412.001 to 412.069, except for recipients who have a case plan in effect on June 30, 2011, that approves enrollment in and attendance at an educational institution as an allowable work activity under ORS 412.016.

(6) Deny aid to a family in which a caretaker relative is separated from employment without good cause during the 60-day period ending on the date of application for aid, subject to exceptions prescribed by the department by rule.

(7) Establish an income eligibility limit equal to 185 percent of the federal poverty guidelines for aid to a dependent child residing with a caretaker relative who is not the child's parent.

(8) Deny employment-related day care assistance to a parent who is self-employed.

(9) Eliminate the reduced copayment required for employment-related day care assistance in the first month of employment. [2011 c.604 §1]

Sec. 8. Section 1 of this 2011 Act is repealed on July 1, 2013. [2011 c.604 §8]

412.009 Determination of amount of aid; engagement in JOBS; disqualification; rules. (1) The need for and amount of aid pursuant to the temporary assistance for needy families to be granted for any dependent child or relative pursuant to ORS 412.006 shall be determined, in accordance with the rules of the Department of Human Services, taking into account:

(a) The income, resources and maintenance available to such child and relative from whatever source derived, allowable deductions and the statewide income and payment standards.

(b) The income and financial condition of the stepparent, if any, of the child for whom aid is sought.

(2) Subsection (1)(b) of this section is not intended to relieve any parent of any legal obligation in respect of the support of the natural or adopted children of the parent.

(3) In determining the need for and amount of aid to be granted under subsection (1) of this section and under ORS 411.070, the department shall:

(a) Disregard no less than $50 of the amount of child support received for each child per month, up to a total of $200 or the maximum established by federal law, for the family; and

(b) Disregard any other amounts of income and resources of the family as the department may prescribe by rule.

(4) The department by rule shall adopt proven methods of encouraging participants' full engagement in the job opportunity and basic skills program, including the development of an individualized case plan in accordance with ORS 412.006.

(5)(a) The department may not reduce the family's aid payment as a method of encouraging full engagement in the job opportunity and basic skills program pursuant to subsec-

tion (4) of this section until the department determines that the noncompliant needy caretaker relative:

(A) Has no barriers or refuses to take appropriate steps to address identified barriers to participation in the program;

(B) Has the ability to be fully engaged in the program as defined by the department by rule; and

(C) Is willfully noncompliant with the requirements of the individualized case plan.

(b) The department may not reduce aid payments under this subsection to families:

(A) Receiving aid pursuant to ORS 412.014 or 412.124;

(B) In which the caretaker relative participates in suitable activities for the number of hours required each month to satisfy federally required participation rates; or

(C) Until the department has screened for and, if appropriate, assessed barriers to participation, including but not limited to physical or mental health needs, substance abuse, domestic violence or learning needs.

(c) The department may not reduce aid payments under this subsection before assessing the risk of harm posed to the children in the household by the reduction in aid payments and taking steps to ameliorate the risk.

(6) Following notice and an opportunity for a hearing under ORS chapter 183 and subject to subsection (5) of this section, the department may reduce the aid payment to an individual who fails to participate in suitable activities required by the individual's case plan or may terminate the aid payment to the family of a noncompliant individual as follows:

(a) The department may reduce the aid payment by the portion attributable to the needs of the noncompliant individual for up to three months.

(b) Any reduction in aid under paragraph (a) of this subsection may continue until the noncompliant individual participates in suitable activities required by the case plan for two consecutive weeks.

(c) After three months of noncompliance, and subject to subsection (5)(c) of this section, the department may terminate the aid payment to the family. The family is ineligible for aid for two calendar months after a termination under this paragraph, unless within one month of the effective date of the termination the noncompliant individual participates in suitable activities required by the case plan for two consecutive weeks.

(d) A caretaker relative may request a hearing to contest the basis for a reduction in or termination of an aid payment within 90 days of a reduction in or termination of aid.

(7) Every six months, the department shall report to the Family Services Review Commission established under ORS 411.075 the status of and outcomes for families for whom aid has been reduced or terminated under subsection (6) of this section. The department shall work with the commission to establish the details to be provided in the report. [Formerly 418.045; 2011 c.604 §2]

412.010 [Repealed by 1961 c.633 §14]

412.014 State Family Pre-SSI/SSDI program; rules. (1) There is created in the Department of Human Services the State Family Pre-SSI/SSDI program. The department shall provide aid under this section to families that are eligible for temporary assistance for needy families under ORS 412.001 to 412.069 and that include a needy caretaker relative who is unable to maintain substantial gainful activity due to a disability or combination of disabilities that meet the criteria of section 216 of the Social Security Act.

(2) The department shall assist families receiving aid under this section in qualifying for federal Supplemental Security Income and Social Security disability benefits, including obtaining necessary medical records and evaluations. The department shall maintain a list of lawyers admitted to the bar of any state and approved by the Social Security Administration and nonprofit legal services organizations that represent Oregon residents in administrative hearings before the Social Security Administration Office of Disability Adjudication and Review.

(3) The department shall adopt rules for determining the amount of aid granted under this section that is not less than the amount of aid granted under ORS 412.006 (1).

(4) Participation in the State Family Pre-SSI/SSDI program shall be voluntary. The department shall provide information to potential participants in the State Family Pre-SSI/SSDI program about the opportunities for employment while receiving Supplemental Security Income and about employment resources available to State Family Pre-SSI/SSDI program participants. The information must be in a format accessible to the potential participant.

(5) Participants in the State Family Pre-SSI/SSDI program must cooperate with the department in establishing eligibility for Supplemental Security Income including, but not limited to, signing an interim assistance reimbursement agreement. The department by rule may establish policies for monitoring and encouraging full engagement in the

State Family Pre-SSI/SSDI program, including activities that promote family stability. The department shall offer participants the opportunity to participate in any suitable activity in the job opportunity and basic skills program under ORS 412.009. [2007 c.861 §8; 2009 c.11 §54; 2011 c.46 §1; 2011 c.604 §3]

Note: The amendments to 412.014 by section 4, chapter 604, Oregon Laws 2011, become operative July 1, 2013. See section 7, chapter 604, Oregon Laws 2011. The text that is operative on and after July 1, 2013, is set forth for the user's convenience.

412.014. (1) There is created in the Department of Human Services the State Family Pre-SSI/SSDI program. The department shall provide aid under this section to families that are eligible for temporary assistance for needy families under ORS 412.001 to 412.069 and that include a needy caretaker relative who is unable to maintain substantial gainful activity due to a disability or combination of disabilities that meet the criteria of section 216 of the Social Security Act.

(2) The department shall assist families receiving aid under this section in qualifying for federal Supplemental Security Income and Social Security disability benefits, including obtaining necessary medical records and evaluations. The department shall maintain a list of lawyers admitted to the bar of any state and approved by the Social Security Administration and nonprofit legal services organizations that represent Oregon residents in administrative hearings before the Social Security Administration Office of Disability Adjudication and Review.

(3) The department shall adopt rules for determining the amount of aid granted under this section that is not less than the combined total of 43 percent of the Supplemental Security Income payment in effect at that time and the amount of aid the child would receive under ORS 412.006 if the caretaker relative did not receive aid.

(4) Participation in the State Family Pre-SSI/SSDI program shall be voluntary. The department shall provide information to potential participants in the State Family Pre-SSI/SSDI program about the opportunities for employment while receiving Supplemental Security Income and about employment resources available to State Family Pre-SSI/SSDI program participants. The information must be in a format accessible to the potential participant.

(5) Participants in the State Family Pre-SSI/SSDI program must cooperate with the department in establishing eligibility for Supplemental Security Income including, but not limited to, signing an interim assistance reimbursement agreement. The department by rule may establish policies for monitoring and encouraging full engagement in the State Family Pre-SSI/SSDI program, including activities that promote family stability. The department shall offer participants the opportunity to participate in any suitable activity in the job opportunity and basic skills program under ORS 412.009.

412.015 [1961 c.633 §1; repealed by 2005 c.381 §30]

412.016 Enrollment in educational institution as allowable work activity. (1) Subject to the limitation in ORS 412.017, a parent who applies for or receives temporary assistance for needy families under ORS 412.001 to 412.069 and who meets the criteria described in subsection (2) of this section may enroll in and attend a two-year or four-year program at an educational institution as an allowable work activity for purposes of ORS 412.001 to 412.069.

(2) To enroll in and attend an educational institution as an allowable work activity, a parent must:

(a) Be accepted for full-time attendance into or be enrolled full-time at an educational institution;

(b) Demonstrate that completion of the educational program is likely to result in employment that provides the wages and benefits necessary for the parent to support the parent's family without temporary assistance for needy families; and

(c) Make satisfactory academic progress, as defined by the educational institution, toward a degree or certificate.

(3) A parent who is enrolled at an educational institution under this section shall receive temporary assistance for needy families under ORS 412.001 to 412.069 as well as be eligible for all other support services under the temporary assistance for needy families program. Assistance under this section does not include tuition and fees associated with enrollment at an educational institution.

(4) The Department of Human Services shall inform all parents applying for or participating in the temporary assistance for needy families program of the option to enroll in an educational institution and the requirements under subsection (2) of this section.

(5) The department shall adopt rules to implement and administer this section.

(6) As used in this section, "educational institution" has the meaning given that term in ORS 348.105. [2003 c.212 §1; 2009 c.11 §55]

Note: 412.016 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 412 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

412.017 Limitation on enrollment in educational institution. (1) Except as provided in subsection (2) of this section, for a calendar year, the number of parents enrolled in an educational institution under ORS 412.016 may not exceed one percent of the number of households receiving temporary assistance for needy families on January 1 of the calendar year.

(2) A parent who is receiving temporary assistance for needy families and is enrolled in an educational institution pursuant to ORS 412.016 may not be required to disenroll from the institution or be denied assistance on the basis that the number of households receiving assistance on January 1 has decreased from the number of households receiving assistance on January 1 of the previous year. [2003 c.212 §2; 2009 c.335 §1]

Note: 412.017 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 412 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

412.020 [Repealed by 1961 c.633 §14]

412.024 Assignment of support rights; cooperation required for establishing paternity of child or obtaining support; exceptions; sanctions; rules. (1) An applicant or recipient of aid, except for recipients of aid under the JOBS Plus Program established in ORS 411.878, must assign to the state any rights to support that may be due from any other person to a family member for whom the applicant is applying for or receiving aid. If aid is paid and received for the support of a child, the rights to child support that any person may have for the child are deemed to have been assigned by operation of law to the state. Notice of the assignment by operation of law shall be given to the applicant at the time of application for public assistance, and shall be given to any obligee who may hold some interest in such support rights by depositing a notice in the United States mail, postage prepaid, addressed to the last-known address of such person. Assignment of support rights to the state shall be as set forth in rules adopted by the Department of Human Services and the Department of Justice.

(2) Except as otherwise provided in this subsection, an applicant or recipient who receives aid shall cooperate with the Department of Human Services and the Department of Justice in establishing the paternity of the applicant's or recipient's child born out of wedlock and in obtaining support or other payments or property due the applicant or child. An applicant or recipient is not required to cooperate if there is good cause or some other exception to the cooperation requirement that takes into account the best interest of the child. The Department of Human Services shall adopt rules defining good cause, other exceptions to cooperation and noncooperation by an applicant or recipient, and setting the sanction for noncooperation. The sanction may include total ineligibility of the family for aid, but in no situation may the sanction be less than a 25 percent reduction of the monthly grant amount. At the time an applicant applies for aid, the Department of Human Services shall inform the applicant, in writing, of the requirement of and exceptions to cooperation and the sanctions for noncooperation, and shall inform recipients, in writing, whenever eligibility for aid is redetermined.

(3) This section shall apply to:

(a) One-parent families receiving aid under ORS 412.001 to 412.069, 412.124 and 418.647 as long as the aid is funded in whole or in part with federal grants under Title IV-A of the Social Security Act; and

(b) Two-parent families receiving aid under ORS 412.001 to 412.069 and one-parent families receiving aid under ORS 412.014, regardless of the funding source for the aid. [Formerly 418.042; 2009 c.80 §7; 2011 c.604 §5]

412.025 [1961 c.633 §5; 1963 c.446 §1; 1965 c.40 §1; 1973 c.651 §4; 2005 c.22 §280; repealed by 2005 c.381 §30]

412.026 Payment of aid to individual other than relative; rules. Subject to rules of the Department of Human Services and to such conditions and limitations as may be prescribed pursuant to the temporary assistance for needy families program:

(1) Money payments of aid with respect to the temporary assistance for needy families program, including payments to meet the needs of the relative, and the relative's spouse, with whom a dependent child is living, may be made to an individual other than such relative or spouse if it is determined by the department that the relative to whom such payments are made has such inability to manage funds that continuation of such payments to the relative would be contrary to the welfare of such child and that, therefore, it is necessary to provide such aid through payments in the manner authorized by this section. Such determination shall be subject to review and hearing, upon application of such relative, in the manner prescribed pursuant to ORS 412.069. However, the pendency of such application, review or hearing shall not stay the effect of such determination.

(2) The department may designate any responsible individual, including any public officer or employee, as a representative payee if such individual is willing to act in such capacity. Representative payees shall receive no compensation for their services, but shall be allowed expenses actually and necessarily incurred by them in the performance of their duties under ORS 412.029. Such expenses shall be paid from funds appropriated to the department for administrative expenditures.

(3) During the time payments of aid pursuant to the temporary assistance for needy families program with respect to a dependent child or relative are made to a representative payee, the department shall:

(a) Undertake and continue special efforts to develop greater ability on the part of such relative to manage funds in such manner as to protect the welfare of the relative and the family of the relative; and

(b) Periodically review the determination made pursuant to subsection (1) of this section and terminate payments to the representative payee if it is established by such

review that the conditions justifying such determination no longer exist. [Formerly 418.050]

412.028 Petition for and appointment of guardian or conservator; costs; compensation. (1) If, after such period as may be prescribed by the Department of Human Services, it appears to the department that the need for money payments of aid to a representative payee is continuing or likely to continue in any case, the department may petition for the judicial appointment of a guardian or a conservator of the estate of the relative referred to in ORS 412.026 (1). If a guardian or a conservator of the estate of the relative is appointed and duly qualified, money payments of aid otherwise payable to the relative, or representative payee, shall be paid to the guardian or the conservator until the department determines that the conditions which would justify money payments of aid to a representative payee under ORS 412.026 no longer exist.

(2) Subject to funds made available to the department for administrative expenditures, the department shall, with respect to any guardianship or conservatorship established under this section:

(a) Pay all costs and fees reasonably incurred in obtaining the appointment of the guardian or the conservator, including any necessary bond premiums;

(b) Pay all costs and fees necessarily incurred by the guardian or the conservator in administering money payments of aid received by the guardian or conservator under this section; and

(c) Compensate the guardian or the conservator, for the fees in administering the money payments, according to schedules of fees prescribed by rule or regulation of the department. [Formerly 418.054]

412.029 Expenditures limited to needs of beneficiary; rules. Each money payment of aid made to a representative payee or to a guardian or a conservator under ORS 412.026 or 412.028 shall be expended by the representative payee, guardian or conservator solely to purchase the needs of the individuals with respect to whom the payment is made. However, from the money payments the individuals may receive from the representative payee, guardian or conservator such sums of money and at such intervals as may be permitted by rule or regulation of the Department of Human Services. [Formerly 418.059]

412.030 [Repealed by 1961 c.633 §14]

412.034 Denial of aid when unemployed parent refuses employment. Aid under ORS 412.006 shall not be granted with respect to, or on behalf of, a dependent child living with an unemployed parent if, and for as long as, the unemployed parent of such child refuses without good cause to accept employment in which the unemployed parent is able to engage and which is offered through any employment office defined in ORS 657.010 or which is otherwise offered by any employer if such offer is determined by the Department of Human Services after notification by such employer to be a bona fide offer of such employment. [Formerly 418.075]

412.035 [1961 c.633 §3; 1963 c.446 §2; 1967 c.204 §1; 1969 c.468 §2; repealed by 2005 c.381 §30]

412.039 Cooperation of department with Director of Employment Department to find employment for parent. During any period in which aid may be granted under ORS 412.006 with respect to, or on behalf of, a dependent child living with an unemployed parent, the Department of Human Services and the Director of the Employment Department shall enter into cooperative arrangements looking toward employment of the unemployed parent of any such child, shall provide for the registration and periodic reregistration of such parent at employment offices established pursuant to ORS 657.705 to 657.725 and shall, with respect to such parent, effect maximum utilization of the job placement services and other services and facilities of such offices. [Formerly 418.085]

412.040 [Repealed by 1961 c.633 §14]

412.044 Cooperation with other agencies to provide vocational training. The Department of Human Services and any other state agency, which administers, supervises or participates in the administration of programs of public vocational or adult education services available in this state, may enter into and execute cooperative arrangements looking toward maximum utilization of such services to encourage the training or retraining of individuals participating in a community work and training program as defined in ORS 411.855, and otherwise to assist such individuals in preparing for regular employment. [Formerly 418.097]

412.045 [1961 c.633 §4; 1965 c.556 §19; repealed by 2005 c.381 §30]

412.049 Powers and duties of department; rules. The Department of Human Services shall:

(1) Supervise the administration of the temporary assistance for needy families program under ORS 412.001 to 412.155 and 418.647.

(2) Make such rules and regulations and take such action as may be necessary or desirable for carrying out ORS 412.001 to 412.155 and 418.647.

(3) Prescribe the form of and print and supply such forms as it deems necessary and advisable.

(4) Cooperate with the federal government in matters of mutual concern pertaining to temporary assistance for needy families, including the adoption of such methods of administration as are found by the federal government to be necessary for the efficient operation of the plan for such aid.

(5) Accept and disburse any and all federal funds made available to the State of Oregon for temporary assistance for needy families purposes. [Formerly 418.100]

412.050 [Repealed by 1961 c.633 §14]

412.054 Application for aid. Application for aid under ORS 412.001 to 412.069 and 418.647 shall be made to the Department of Human Services by the relative with whom the child lives. The application shall be in the manner and upon the form prescribed by the department. [Formerly 418.110]

412.055 [1961 c.633 §6; 1965 c.468 §1; 1967 c.116 §1; 1969 c.69 §2; 1969 c.636 §1; 1973 c.394 §1; repealed by 2005 c.381 §30]

412.059 Investigation of eligibility of child; rules. Whenever the Department of Human Services receives a notification of the dependency of a child or an application for aid, a record shall promptly be made of the circumstances, relating the facts supporting the application and such other information as may be required by the rules and regulations of the department. [Formerly 418.115]

412.060 [Repealed by 1961 c.633 §14]

412.064 Authority to determine eligibility. The Department of Human Services shall decide whether the child is eligible for aid under ORS 412.001 to 412.069 and 418.647 and determine the date on which the aid granted shall begin. [Formerly 418.120]

412.065 [1961 c.633 §7; 1967 c.285 §1; 1969 c.68 §5; 1971 c.779 §31; repealed by 2005 c.381 §30]

412.069 Appeal from denial of or failure to act on application or from modification or cancellation of aid. If an application is not acted upon within a reasonable time after the filing of the application or is denied in whole or in part, or if any grant of aid is modified or canceled, the applicant or recipient may petition the Department of Human Services for review in the county which the applicant or recipient elects as provided by ORS chapter 183. [Formerly 418.125]

412.070 [Amended by 1955 c.364 §5; repealed by 1961 c.633 §14]

412.074 Use and custody of records of temporary assistance for needy families program; rules. (1) Except as otherwise provided in this section and except for purposes directly connected with the administration of the temporary assistance for needy families program, delivery or administration of programs and services the Department of Human Services is authorized to deliver and administer pursuant to ORS 409.010 or as necessary to assist public assistance applicants and recipients in accessing and receiving other governmental or private nonprofit services and in accordance with the rules of the department, a person may not solicit, disclose, receive, make use of, or authorize, knowingly permit, participate in, or acquiesce in the use of, any list of or names of, or any information concerning, persons applying for or receiving such aid, directly or indirectly derived from the records, papers, files or communications of the department or acquired in the course of the performance of official duties.

(2) Nothing in this section prohibits the disclosure and use of information about applicants and recipients as is necessary to carry out the child support enforcement laws of this state and of the United States.

(3) Nothing in this section prohibits the disclosure of the address of any applicant or recipient to a law enforcement official at the request of such official. To receive information pursuant to this section, the official must furnish the agency the name of the applicant or recipient and advise that the applicant or recipient:

(a) Is fleeing to avoid prosecution, custody or confinement after conviction for a felony;

(b) Is violating a condition of probation or parole; or

(c) Has information that is necessary for the official to conduct the official duties of the official and the location or apprehension of the applicant or recipient is within such official duties. [Formerly 418.130]

412.075 [1961 c.633 §8; 1971 c.734 §42; 1971 c.779 §32; repealed by 2005 c.381 §30]

412.076 Policy on encouraging self-care and self-support. (1) The Legislative Assembly declares that it is in the public interest of the State of Oregon to assist appropriate individuals who are current, former or potential recipients of, or who are included in assistance households receiving, temporary assistance for needy families to attain self-care or self-support.

(2) The Legislative Assembly declares that it is in the public interest of the State of Oregon that all available workforce services, including those authorized under other provisions of law, be utilized to provide incentives, opportunities and necessary services to appropriate individuals in order that

they may be employed in the regular economy, may be trained for regular employment and may participate in special work projects. [Formerly 418.150]

412.079 Time limits; exceptions; rules. (1) Except as provided in subsections (2) and (3) of this section, a needy caretaker relative may not receive aid under ORS 412.006 for more than a total of 60 months.

(2) The Department of Human Services may not count toward the 60-month limit on receipt of aid described in subsection (1) of this section any month in which a needy caretaker relative:

(a) Receives a grant of temporary assistance for needy families under ORS 412.001 to 412.069, or assistance funded under Title IV-A of the Social Security Act in this or another state, prior to July 1, 2003;

(b) Resides in an area described in 18 U.S.C. 1151, and 50 percent or more of the adult residents in the area are unemployed;

(c) Is, in that month, a minor child and neither the head of the household nor married to the head of the household;

(d) Receives aid under ORS 412.001 to 412.155 that is not funded with grants under Title IV-A of the Social Security Act;

(e) Is enrolled at an educational institution under ORS 412.016;

(f) Is exempt from time limits pursuant to rules adopted by the department in accordance with section 408(a)(7)(C) of the Social Security Act; or

(g) Is unable to obtain or maintain employment for a sufficient number of hours in a month to satisfy the federally required participation rates because the needy caretaker relative:

(A) Is a victim of domestic violence as defined in ORS 411.117;

(B) Has a certified learning disability;

(C) Has a mental health condition or an alcohol or drug abuse problem;

(D) Has a disability as defined by the department by rule in a manner consistent with the definition of disability in the Americans with Disabilities Act;

(E) Has a child with a disability;

(F) Is deprived of needed medical care; or

(G) Is subjected to battery or extreme cruelty as defined by the department by rule.

(3) A needy caretaker relative may not be denied aid on the basis of the 60-month limitation described in subsection (1) of this section if the individual is experiencing a situation described in subsection (2) of this section.

(4)(a) The Department of Human Services shall monitor the average period of time a person receives aid and shall record such information by family size. The department shall monitor the wages and benefits received by an individual who becomes employed while receiving aid, including medical and child care benefits. The department shall monitor and record the rate at which persons who cease receiving aid for employment subsequently apply for and receive aid.

(b) The department shall report the results of the monitoring required under paragraph (a) of this subsection to the Legislative Assembly not later than the 15th day of each odd-numbered year regular session. [Formerly 418.131; 2009 c.11 §56; 2011 c.9 §54; 2011 c.545 §47]

412.080 [Repealed by 1961 c.633 §14]

412.084 Minor parents' eligibility to receive assistance and support services. (1) A person who is a minor parent of a child and is receiving or applying for aid shall reside with the person's parent, parents or legal guardian. The person may substitute an alternative supervised living arrangement if the Department of Human Services determines that it is unsafe or impractical for the person to reside with the person's parent, parents or legal guardian. Failure of a minor parent applying for or receiving temporary assistance for needy families to reside with the person's parent, parents or legal guardian or in an alternative supervised living arrangement shall result in the termination of aid.

(2) The provisions of subsection (1) of this section shall not apply to an applicant for or recipient of temporary assistance for needy families when circumstances or conditions exist that the department by rule establishes are not in the best interest of the child.

(3) If a person who is a minor parent receiving aid and who is not living with the person's parent, parents or legal guardian subsequently returns to reside with the parent, parents or guardian and is determined ineligible to receive aid by reason of the parent's or guardian's income, the minor parent shall be eligible to receive such services, including medical care, as the department determines are necessary to allow the minor parent to attain a high school diploma or the equivalent, or to participate in the job opportunity and basic skills program as described in ORS 412.006. [Formerly 418.132]

412.085 [1961 c.633 §13; 1967 c.285 §2; 1971 c.779 §33; repealed by 2005 c.381 §30]

412.089 Referral to mental health or drug abuse professional; provision of resources; staff training. (1) The Department of Human Services shall refer a person applying for or receiving temporary assistance

for needy families to an evaluation by a mental health or drug abuse professional if the department reasonably believes such referral is necessary. The Department of Human Services shall develop guidelines to assist in the identification and referral of individuals requiring mental health or drug abuse treatment.

(2) If an evaluation conducted under subsection (1) of this section determines that mental health or drug abuse treatment is necessary for the person to function successfully in the workplace, the department shall provide such resources as are necessary and available for the person to participate in and successfully complete treatment.

(3) A person who refuses to participate in an evaluation under subsection (1) of this section or treatment under subsection (2) of this section shall be subject to the provisions of ORS 412.009 (5) and (6).

(4) The department shall provide training to staff who work directly with persons applying for or receiving temporary assistance for needy families in assessment and evaluation of mental health disorders, addictions and battered women's syndrome as may be necessary to implement the provisions of subsection (1) of this section. [Formerly 418.134]

412.090 [Repealed by 1961 c.633 §14]

412.094 Public officials to cooperate in locating and furnishing information concerning parents of children receiving or applying to receive public assistance and in prosecuting nonsupport cases; use of information restricted. (1) All state, county and city agencies, officers and employees shall cooperate in the location of parents who have abandoned or deserted, or are failing to support, children receiving or applying to receive public assistance and shall on request supply the Department of Human Services, the Division of Child Support of the Department of Justice or the district attorney of any county in the state with all information on hand relative to the location, income and property of such parents, including information disclosed to the Division of Child Support under ORS 314.840 (2)(j). The granting of aid to the applicant shall not be delayed or contingent upon receipt of the answer to such requests by the Department of Human Services, the Division of Child Support or the district attorney. The Department of Human Services shall use such information only for the purposes of administration of public assistance to such children, and the district attorney and the Division of Child Support shall use such information only for the purpose of enforcing the liability of such parents to support such children, and neither shall use the information or disclose it for any other purpose. Any person who violates this prohibition against disclosure, upon conviction, is punishable as provided in ORS 314.991 (2).

(2) The Department of Human Services shall cooperate with the Division of Child Support or the district attorney prosecuting or considering the prosecution of such parent for nonsupport and shall report to the Division of Child Support or the district attorney all information contained in the case record which concerns the question of nonsupport and the suitability of prosecution as a method of obtaining support for the child in each case. [Formerly 418.135]

412.095 [1961 c.633 §9; 1969 c.69 §3; repealed by 2005 c.381 §30]

412.099 Sharing aid prohibited; defense. (1) No person over the age of 18 years, other than a stepchild, shall habitually accept subsistence or lodging in the dwelling place of any householder, who is a recipient of aid, to whom the person is neither married nor related within the fourth degree of consanguinity computed according to the rules of the civil law.

(2) It shall be a defense to a charge of violation of subsection (1) of this section that the person accused has fully paid to the householder, in cash or in kind, the actual costs of any such subsistence and the value of any such lodging so accepted. However, such payment shall constitute a defense to a charge of violation of subsection (1) of this section only if:

(a) The payment was made before the commencement of the criminal action based upon such violation;

(b) The payment was made pursuant to an express agreement entered into between the householder and the person accused, before acceptance of the subsistence or lodging; and

(c) The person accused or the householder has, within three days after entering into such agreement, furnished the Department of Human Services with a true and complete statement of the terms and conditions of such agreement. [Formerly 418.140]

412.100 [Repealed by 1961 c.633 §14]

412.104 Report required where subsistence or lodging provided nonrecipient; rules. (1) Subject to rules and regulations of the Department of Human Services, each person 18 years of age or over to whom or for whose benefit a grant of aid is made, and who provides subsistence or lodging to any individual whose needs are not provided for in such grant, shall, within three days after first providing such subsistence or lodging, and at such other times as may be required, promptly furnish the department with a true and complete statement of the circumstances,

terms and conditions under which the individual provides subsistence or lodging to such individual.

(2) The department may modify, cancel or suspend a grant of aid for the benefit of any person who fails to comply with subsection (1) of this section for such a period of time and under such terms and conditions as may be prescribed by rules or regulations of the department.

(3) Nothing set forth in subsections (1) and (2) of this section or no regulation of the department shall be construed to prevent two or more members of the same sex who are recipients of temporary assistance for needy families grants from entering into a communal lodging arrangement nor shall any recipient of such a grant have the grant reduced solely by reason of such communal lodging arrangement. Any lodging accepted by recipients for the purpose of establishing a communal lodging arrangement as specified in this section shall be subject to the approval of the department which shall determine adequacy of such lodging. [Formerly 418.145]

412.105 [1961 c.633 §10; repealed by 2005 c.381 §30]

412.108 [1967 c.217 §3; 1973 c.823 §129; repealed by 2005 c.381 §30]

412.109 Policy on absent parent. (1) The Legislative Assembly declares that the policy of this state is that, to the extent consistent with federal law, the temporary assistance for needy families program policy and practice shall recognize that an absent parent is often an important influence in the life of a child.

(2) Program policy and practice:

(a) Shall recognize that regular, frequent visits with absent parents are often in the best interests of needy children;

(b) Shall not interfere with the continuing relationship of absent parents with their children, whether the parents are temporarily or permanently out of the homes of their children; and

(c) Shall not restrict parents in adopting plans that they consider to be in the best interests of their children. [Formerly 418.147]

412.110 [Repealed by 1961 c.633 §14]

412.113 [1967 c.217 §2; 1969 c.597 §247; 1971 c.779 §34; repealed by 2005 c.381 §30]

412.114 When child deprived of parental support of absent parent; effect of joint custody decree. (1) For purposes of ORS 412.001, if a parent does not reside in the home in which the child resides, it shall be assumed that the child is deprived of parental support or care by reason of the continued absence of the parent unless:

(a) The parent visits the child in the child's home more than four times per week or more than a total of 30 hours per week; and

(b) The functioning of the parent as a provider of maintenance, physical care and guidance is not interrupted or terminated as a result of absence of the parent from the home.

(2) A determination that a needy child is not deprived of parental support or care by reason of the continued absence of a parent shall not be based solely on an award by a court of joint legal custody. [Formerly 418.149]

412.115 [1961 c.633 §11; 1999 c.745 §4; repealed by 2005 c.381 §30]

412.120 [Repealed by 1961 c.633 §14]

412.124 Post-TANF aid to employed families; rules. (1) The Department of Human Services shall continue to provide aid to families residing in Oregon that become ineligible for temporary assistance for needy families under ORS 412.006 due to employment or increased hours of work.

(2) Families may receive aid under this section for 12 consecutive months or until the household income exceeds 250 percent of the federal poverty guidelines, whichever occurs first, as long as the caretaker relatives participate in combined employment and work activities for the number of hours required each month to satisfy federally required participation rates.

(3) If the needy caretaker relatives cease to participate in employment or suitable activities for a sufficient number of hours each month to satisfy federally required participation rates, the department shall determine eligibility under ORS 412.006 based upon information available to the department. If the department does not have sufficient information available to determine eligibility for aid under ORS 412.006, the department shall provide notice and an opportunity for hearing prior to terminating aid. The notice must state the information that the department lacks and that the caretaker relatives must provide to complete the determination for aid.

(4) The department by rule shall establish standards for aid provided under this section. The department must disregard such aid for purposes of publicly subsidized child care assistance.

(5) In addition to money payments, aid includes necessary support service payments and services as part of the job opportunity and basic skills program to directly or indirectly assist the family in achieving long term financial stability. [Formerly 418.155]

Note: Section 83, chapter 630, Oregon Laws 2011, provides:

Sec. 83. Notwithstanding ORS 412.124, for the biennium beginning July 1, 2011, the Department of Human Services may provide aid described in ORS 412.124 subject to available funding as approved in the legislatively adopted or legislatively approved budget for the department.

(2) As used in this section:

(a) "Legislatively adopted budget" has the meaning given that term in ORS 291.002.

(b) "Legislatively approved budget" has the meaning given that term in ORS 291.002. [2011 c.630 §83]

412.125 [1961 c.633 §12; repealed by 2005 c.381 §30]

412.130 [Repealed by 1961 c.633 §14]

412.139 Duties of department relating to federal law. The Department of Human Services shall have the responsibility and authority to provide such services as are necessary to maintain the intent of and compliance with federal requirements for the program described in ORS 412.124. [Formerly 418.160]

412.140 [Repealed by 1961 c.633 §14]

412.144 Duties of department relating to other agencies. The Department of Human Services shall have the responsibility and authority to provide such services and engage in such cooperative and coordinated efforts with the Employment Department and other appropriate agencies as are necessary to maintain the intent of and compliance with federal requirements for the program described in ORS 412.124. [Formerly 418.163]

412.150 [Repealed by 1961 c.633 §14]

412.151 Direct deposit services; statewide electronic benefits transfer system. (1) The Department of Human Services shall provide direct deposit services for any person receiving temporary assistance for needy families who has an appropriate account at a qualified financial institution.

(2) The department shall negotiate with electronic transfer processors to establish a system for providing temporary assistance for needy families and supplemental nutrition assistance to eligible individuals through an electronic benefits transfer system.

(3) The department shall seek all state and federal approvals necessary for implementation of an electronic benefits transfer system as described in subsection (2) of this section. The department shall establish a statewide electronic benefits transfer system within six months of receiving all necessary approvals. [Formerly 418.047; 2009 c.599 §20]

Note: 412.151 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 412 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

412.155 Additional monthly payments of elderly rental assistance. The Department of Human Services shall include in the payment made under ORS 412.001 to 412.155 and 418.647 a monthly amount to be designated elderly rental assistance. The amount shall be determined by the department, subject to the total amount appropriated for that purpose by the Legislative Assembly. [Formerly 418.172]

412.160 [Amended by 1957 c.56 §1; repealed by 1961 c.633 §14]

412.161 Policy on two-parent families. The Legislative Assembly finds:

(1) That the provision of public assistance to children dependent by reasons of unemployment of parents would help keep families together and reduce hardship in times of high unemployment;

(2) That the lack of public assistance to two-parent unemployed families does not produce significant financial savings for the State of Oregon since family break-up increases the number of single-parent families receiving public assistance;

(3) That children in two-parent unemployed families have needs as urgent as those of children in single-parent unemployed families;

(4) That the provision of public assistance to two-parent unemployed families would provide access to medical care for these families, health being one of the prerequisites to seeking and maintaining employment;

(5) That because federal law now requires recent employment and active work search to be eligible for federal funds for public assistance to two-parent unemployed families, the availability of federal funds helps those families who are trying hardest to help themselves be self-supporting; and

(6) That additional funds need to be made available in the temporary assistance for needy families program to effectuate this policy. [Formerly 418.180]

412.170 [Amended by 1955 c.444 §3; repealed by 1961 c.633 §14]

412.180 [Repealed by 1953 c.550 §12]

412.510 [Amended by 1959 c.409 §1; 1969 c.69 §4; repealed by 2005 c.381 §30]

412.520 [Amended by 1959 c.409 §2; 1965 c.556 §20; 1969 c.69 §5; 1969 c.468 §3; 1973 c.651 §5; repealed by 2005 c.381 §30]

412.530 [Amended by 1963 c.71 §1; 1965 c.42 §1; 1971 c.779 §35; 1973 c.651 §6; 2005 c.22 §281; repealed by 2005 c.381 §30]

412.540 [Amended by 1959 c.409 §3; 1965 c.93 §1; repealed by 2005 c.381 §30]

412.550 [Amended by 1959 c.409 §4; repealed by 2001 c.900 §261]

412.560 [Amended by 1959 c.409 §5; repealed by 2005 c.381 §30]

412.570 [Amended by 1955 c.364 §6; 1969 c.68 §6; 1971 c.779 §36; repealed by 2005 c.381 §30]

412.580 [Amended by 1969 c.597 §248; 1971 c.734 §43; 2001 c.900 §99; repealed by 2005 c.381 §30]

412.590 [Amended by 1953 c.500 §12; 1959 c.409 §6; 1971 c.779 §37; repealed by 2005 c.381 §30]

412.600 [Amended by 1971 c.335 §1; 1975 c.386 §2; 1985 c.522 §2; 1993 c.249 §3; 1995 c.664 §92; 2001 c.900 §221; 2005 c.22 §282; 2005 c.381 §12; renumbered 411.708 in 2005]

412.610 [Amended by 1999 c.745 §5; repealed by 2005 c.381 §30]

412.620 [Repealed by 2005 c.381 §30]

412.625 [1967 c.217 §5; repealed by 2005 c.381 §30]

412.630 [Amended by 1957 c.56 §2; repealed by 2005 c.381 §30]

412.700 [1989 c.922 §§1,2,3,4; 1991 c.412 §1; renumbered 410.730 in 2005]

412.710 [1989 c.922 §5; 1991 c.412 §2; 2003 c.14 §183; renumbered 410.732 in 2005]

412.990 [Repealed by 1953 c.500 §12]

412.991 Criminal penalties. A person who violates ORS 412.074 or 412.099 (1) commits a Class A misdemeanor. [Formerly subsection (1) of 418.990]