

CHAPTER 602

AN ACT

HB 3183

Relating to temporary assistance for needy families program; creating new provisions; amending ORS 411.070, 411.877, 412.002, 412.006, 412.009, 412.011, 412.014, 412.016, 412.029, 412.084 and 412.124 and section 8, chapter 604, Oregon Laws 2011; repealing ORS 412.017 and section 7, chapter 604, Oregon Laws 2011, and section 29, chapter 765, Oregon Laws 2015; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 412.002 is amended to read:

412.002. (1) The Legislative Assembly finds that:

(a) The temporary assistance for needy families program is the state's primary safety net for families with children who live in extreme poverty; and

(b) Outcomes for disadvantaged parenting youth improve when the parenting youth have opportunities to connect to employment, training and education programs.

(2) In order to provide a path out of poverty for families, adults and parenting youth and to maximize the services available to assist families, adults and parenting youth in moving out of poverty, the Department of Human Services shall work with other agencies and organizations to provide **the resources, referrals or services described in ORS 412.006.**[:]

[(a) Cash aid to families;]

[(b) Strength-based case management;]

[(c) Work and work preparation services;]

[(d) Family stability resources and support; and]

[(e) Youth employment, training and education programs.]

SECTION 2. ORS 412.006 is amended to read:

412.006. [(1) Aid pursuant to the temporary assistance for needy families program shall be granted under this section to families with dependent children residing in this state.]

[(2) Except as provided in subsections (6) and (7) 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 (5) 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, may 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) For individuals with disabilities, the goal of the individualized case plan must be to promote greater independence.]

[(6) 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;]

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

[(f) If the department determines that a needy caretaker relative is exempt according to criteria adopted by rule.]

[(7) The department shall adopt rules to carry out the provisions of this section.]

(1) The Department of Human Services shall administer the temporary assistance for needy families program, consistent with the requirements in 45 C.F.R. part 260, to provide to families with children:

(a) Aid;

(b) Case management services that focus on the strengths of the parents or caretaker relatives;

(c) Resources and referrals for education and training or education or training services;

(d) Work and work preparation services; and

(e) Resources, referrals or services to improve the family's economic stability, including but not limited to:

(A) Mental health and addiction treatment;

(B) Housing; and

(C) Child care.

(2) The department shall adopt rules to carry out the provisions of this section.

SECTION 3. ORS 412.011 is amended to read:

412.011. The Department of Human Services may provide support service payments, **as prescribed by rule**, for transportation, housing or other costs as necessary to prevent the loss of employment that will result in the family qualifying for temporary

assistance for needy families program aid under ORS 412.006.

SECTION 4. ORS 412.014, as amended by section 4, chapter 604, Oregon Laws 2011, is amended to read:

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.]

(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.

SECTION 5. ORS 412.016 is amended to read:

412.016. (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.

SECTION 6. ORS 412.124, as amended by section 7, chapter 765, Oregon Laws 2015, is amended to read:

412.124. [(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.*]

(1) As used in this section, “aid” means:

(a) Cash payments to a family; and

(b) Support service payments and services through the job opportunity and basic skills program necessary to maintain employment to assist the family, directly or indirectly, in achieving long term stability.

(2) The Department of Human Services may provide aid for up to 12 months to a family if:

(a) The family is residing in this state;

(b) The family becomes ineligible for aid under the temporary assistance for needy families program due to employment or increased hours of work; and

(c) The caretaker relative is employed.

(3) The department shall adopt by rule standards for the aid provided under this section. The department may disregard the aid in determining eligibility for publicly subsidized child care assistance.

SECTION 7. ORS 411.070 is amended to read:

411.070. (1) The Department of Human Services shall adopt by rule statewide uniform standards for all public assistance programs and shall effect uniform observance of the rules throughout the state.

(2) In establishing uniform statewide standards for public assistance, the department, within the limits of available funds, shall:

(a) Take into consideration all basic requirements for a standard of living compatible with decency and health, including food, shelter, clothing, fuel, public utilities, telecommunications service, medical care and other essential items and, upon the basis of investigations of the facts, shall provide budgetary guides for determining minimum costs of meeting such requirements.

(b) Develop standards for making payments and providing support services in the job opportunity and basic skills program described in ORS [412.006] **412.009.**

SECTION 8. ORS 411.877 is amended to read:

411.877. As used in ORS 411.877 to 411.896:

(1) “Board” means the JOBS Plus Advisory Board established in ORS 411.886.

(2) “Job opportunities and basic skills program” means the program described in ORS [412.006] **412.009.**

(3) “JOBS Plus” or “program” means the JOBS Plus Program established in ORS 411.878.

(4) “Supplemental Nutrition Assistance Program” has the meaning given that term in ORS 411.806.

SECTION 9. ORS 412.009 is amended to read:

412.009. (1) The Legislative Assembly finds that:

(a) There is evidence that families who experience the most disqualifications from the job opportunity and basic skills program are often those with the most barriers to employment; and

(b) The loss of income from a program disqualification adds strain and creates instability in fami-

lies already experiencing extreme poverty, and this affects the health and food security of the dependent children in the family.

(2) The Department of Human Services 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*] and an ongoing process to ensure that the case plan is appropriate.

(3)(a) The department shall facilitate the participation of needy caretaker relatives and 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 subsection (2) of this section until the department determines that the needy caretaker relative that is not fully engaged:

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

(B) Refuses without good cause, as defined by the department by rule, to meet the requirements of an individualized and appropriate 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.

(4) Following notice and an opportunity for a hearing under ORS chapter 183 and subject to subsection (2) of this section, the department may reduce the aid payment to the family of an individual who refuses 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 in accordance with procedures adopted by the department by rule.

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

(6) 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 (4) of this section. The department shall work with the commission to establish the details to be provided in the report.

SECTION 10. ORS 412.084 is amended to read:

412.084. (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*] **412.009**.

SECTION 11. ORS 412.029 is amended to read:

412.029. 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 make purchases to meet the needs of the individuals with respect to whom the payment is made. However, the individuals may receive from the representative payee, guardian or conservator such portions of the money payments, and at such intervals, as may be permitted by rules adopted by the Department of Human Services.

SECTION 12. Section 8, chapter 604, Oregon Laws 2011, as amended by section 25, chapter 722, Oregon Laws 2013, section 24, chapter 765, Oregon Laws 2015, and section 7, chapter 725, Oregon Laws 2017, is amended to read:

Sec. 8. Section 1, chapter 604, Oregon Laws 2011, as amended by section 82, chapter 107, Oregon Laws 2012, section 23, chapter 722, Oregon Laws 2013, and section 22, chapter 765, Oregon Laws 2015, is repealed [*on July 1, 2019*].

SECTION 13. Section 7, chapter 604, Oregon Laws 2011, as amended by section 24, chapter 722, Oregon Laws 2013, section 23, chapter 765, Oregon Laws 2015, and section 6, chapter 725, Oregon Laws 2017, is repealed.

SECTION 14. If this 2019 Act does not become effective until after July 1, 2019, the amendments to ORS 412.014 by section 4 of this 2019 Act shall be operative retroactive to that date. Any otherwise lawful action taken or otherwise lawful obligation incurred under the authority of ORS 412.014, as amended by section 4 of this 2019 Act, is ratified and approved.

SECTION 15. Section 29, chapter 765, Oregon Laws 2015, as amended by section 8, chapter 725, Oregon Laws 2017, is repealed.

SECTION 16. If this 2019 Act does not become effective until after July 1, 2019, the amendments to ORS 412.124 by section 6 of this

2019 Act shall be operative retroactive to that date. Any otherwise lawful action taken or otherwise lawful obligation incurred under the authority of ORS 412.124, as amended by section 6 of this 2019 Act, is ratified and approved.

SECTION 17. ORS 412.017 is repealed.

SECTION 18. This 2019 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect on its passage.

Approved by the Governor July 23, 2019
Filed in the office of Secretary of State July 29, 2019
Effective date July 23, 2019