

House Bill 3384

Sponsored by COMMITTEE ON HUMAN SERVICES

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Removes requirement for public assistance applicant or recipient to assign child support arrearages to state that accrued during period when applicant or recipient was not receiving aid.

Permits recipient of temporary assistance for needy families to continue to be enrolled in educational institution if temporary assistance for needy families caseload declines from previous year.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to public assistance; creating new provisions; amending ORS 412.017 and 412.024; and de-
3 claring an emergency.

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

5 **SECTION 1.** ORS 412.024 is amended to read:

6 *412.024. [(1) Aid, as defined in ORS 412.001, may not be granted to, or on behalf of, any applicant*
7 *or recipient and for as long as the applicant or recipient refuses to assign to the state any rights to*
8 *support from any other person such applicant may have personally or in behalf of any other family*
9 *member for whom the applicant is applying for or receiving aid, and that have accrued at any time*
10 *such assignment is executed. If aid is paid and received for the support of a child, the rights to child*
11 *support that any person may have for the child are deemed to have been assigned by operation of law*
12 *to the state. Notice of the assignment by operation of law shall be given to the applicant at the time*
13 *of application for public assistance, and shall be given to any obligee who may hold some interest in*
14 *such support rights by depositing a notice in the United States mail, postage prepaid, addressed to the*
15 *last-known address of such person. Assignment of support rights to the state shall be as set forth in*
16 *rules adopted by the Department of Human Services and the Department of Justice.]*

17 **(1) An applicant or recipient of aid must assign to the state any right to receive child**
18 **support, up to the amount of aid paid, that:**

19 **(a) Is owed for the support of a family member who is applying for or receiving aid; and**

20 **(b) Accrues for a period of time during which the family receives aid.**

21 (2) Except as otherwise provided in this subsection, an applicant or recipient who receives aid
22 [as defined in ORS 412.001] shall cooperate with the Department of Human Services and the De-
23 partment of Justice in establishing the paternity of the applicant's or recipient's child born out of
24 wedlock and in obtaining support or other payments or property due the applicant or child. An ap-
25 plicant or recipient is not required to cooperate if:

26 **(a) No child support is due or may be due for a period that the applicant or recipient**
27 **receives aid for the child; or**

28 **(b) There is good cause or some other exception to the cooperation requirement that takes into**
29 **account the best interest of the child.**

30 **(3) The Department of Human Services shall adopt rules defining good cause, other exceptions**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [italic and bracketed] is existing law to be omitted.
New sections are in **boldfaced** type.

1 to cooperation and noncooperation by an applicant or recipient, and setting the sanction for non-
2 cooperation. The sanction may include total ineligibility of the family for aid, but in no situation
3 may the sanction be less than a 25 percent reduction of the monthly grant amount. At the time an
4 applicant applies for aid, the Department of Human Services shall inform the applicant, in writing,
5 of the requirement of and exceptions to cooperation and the sanctions for noncooperation, and shall
6 inform recipients, in writing, whenever eligibility for aid is redetermined.

7 [(3)] (4) This section shall apply to recipients of aid under ORS 412.001 to 412.069, 412.124 and
8 418.647 only as long as the aid is funded in whole or in part with federal grants under Title IV-A
9 of the Social Security Act.

10 **SECTION 2. The amendments to ORS 412.024 by section 1 of this 2009 Act become oper-**
11 **ative on October 1, 2009.**

12 **SECTION 3.** ORS 412.017 is amended to read:

13 412.017. (1) **Except as provided in subsection (2) of this section,** for a calendar year, the
14 number of parents enrolled in an educational institution under ORS 412.016 may not exceed one
15 percent of the number of households receiving temporary assistance for needy families on January
16 1 of the calendar year.

17 **(2) A parent who is receiving temporary assistance for needy families and is enrolled in**
18 **an educational institution pursuant to ORS 412.016 may not be required to disenroll from the**
19 **institution or be denied assistance on the basis that the number of households receiving as-**
20 **sistance on January 1 has decreased from the number of households receiving assistance on**
21 **January 1 of the previous year.**

22 **SECTION 4. This 2009 Act being necessary for the immediate preservation of the public**
23 **peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect**
24 **on its passage.**

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