

Senate Bill 977

Sponsored by Senator DINGFELDER

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**.

Requires Department of Human Services to establish income eligibility limits and payment amounts for temporary assistance for needy families at specified percentages of federal poverty guidelines.

A BILL FOR AN ACT

1
2 Relating to a family's need for temporary assistance for needy families; amending ORS 411.010,
3 411.432 and 412.009.

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

5 **SECTION 1.** ORS 412.009 is amended to read:

6 412.009. (1) The *[need]* **Department of Human Services shall prescribe by rule the eligibility**
7 **requirements** for and amount of aid pursuant to the temporary assistance for needy families to be
8 granted for any dependent child or relative pursuant to ORS 412.006 [*shall be determined, in ac-*
9 *cordance with the rules of the Department of Human Services*], taking into account:

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

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

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

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

18 (a) **Establish eligibility limits on family income that are equal to no less than 75 percent**
19 **of the federal poverty guidelines for applicants and no less than 115 percent of the federal**
20 **poverty guidelines for recipients who become employed while receiving aid;**

21 (b) **Establish payment standards for aid that are equal to no less than 75 percent of the**
22 **federal poverty guidelines for applicants and no less than 115 percent of the federal poverty**
23 **guidelines for recipients who become employed while receiving aid;**

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

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

28 (4) The department by rule shall adopt proven methods of encouraging participants' full en-
29 gagement in the job opportunity and basic skills program, including the development of an individ-
30 ualized case plan in accordance with ORS 412.006.

31 (5)(a) The department may not reduce the family's aid payment as a method of encouraging full

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 engagement in the job opportunity and basic skills program pursuant to subsection (4) of this section
 2 until the department determines that the noncompliant needy caretaker relative:

3 (A) Has no barriers or refuses to take appropriate steps to address identified barriers to par-
 4 ticipation in the program;

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

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

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

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

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

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

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

17 (6)(a) The department may reduce the aid payment to a family in accordance with subsection (5)
 18 of this section following notice and an opportunity for a hearing under ORS chapter 183, as follows:

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

21 (B) After three months of noncompliance and subject to subsection (5)(c) of this section, the
 22 department may terminate the aid payment to the family.

23 (b) Any reduction or termination in aid under this section may continue until the noncompliant
 24 individual participates in suitable activities required by the case plan for two consecutive weeks.

25 (c) A caretaker relative may request a hearing to contest the basis for a reduction in or termi-
 26 nation of an aid payment within 90 days of a reduction in or termination of aid.

27 (7) Every six months, the department shall report to the Family Services Review Commission
 28 established under ORS 411.075 the status of and outcomes for families for whom aid has been re-
 29 duced or terminated under subsection (6) of this section. The department shall work with the com-
 30 mission to establish the details to be provided in the report.

31 **SECTION 2.** ORS 411.010 is amended to read:

32 411.010. As used in this chapter and in other statutes providing for assistance and services to
 33 needy persons, unless the context or a specially applicable statutory definition requires otherwise:

34 (1) [*“Department” means the Department of Human Services.*] **“Federal poverty guidelines”**
 35 **means the most recent poverty guidelines published in the Federal Register by the United**
 36 **States Department of Health and Human Services.**

37 (2) **“General assistance”** means assistance or service of any character provided to needy persons
 38 not otherwise provided for to the extent of such need and the availability of funds, including med-
 39 ical, surgical and hospital or other remedial care.

40 (3) **“Public assistance”** means the following types of assistance:

41 (a) Temporary assistance for needy families granted under ORS 412.001 to 412.069 and 418.647;

42 (b) General assistance granted under ORS 411.710 to 411.730;

43 (c) Medical assistance;

44 (d) Assistance provided by the Oregon Supplemental Income Program;

45 (e) General assistance other than general assistance granted under ORS 411.710 to 411.730; and

1 (f) Any other functions that may be delegated to the Director of Human Services by or in ac-
2 cordance with federal and state laws.

3 **SECTION 3.** ORS 411.432 is amended to read:

4 411.432. *[(1) As used in this section, "federal poverty guidelines" means the most recent poverty*
5 *guidelines as published annually in the Federal Register by the United States Department of Health*
6 *and Human Services.]*

7 *[(2)]* Notwithstanding ORS 414.065, the Department of Human Services shall adopt rules ex-
8 emption recipients of medical assistance under ORS 414.706 (5) whose family income is no more than
9 10 percent of the federal poverty guidelines from the requirement to pay monthly premium payments.

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