

House Bill 3440

Sponsored by Representatives OLSON, CONGER, Senator STEINER HAYWARD; Representatives DOHERTY, GOMBERG, MATTHEWS, SPRENGER, WHISNANT, WHITSETT, Senators BEYER, KRUSE

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 provide aid necessary to prevent family from qualifying for temporary assistance for needy families program due to temporary loss in earnings. Specifies maximum amount of aid that may be paid.

Requires department to provide employment retention services to employed families that receive aid under temporary assistance for needy families program.

Reduces period of aid in post-TANF program from 12 months to four months and specifies amount of aid to be paid.

Becomes operative July 1, 2013.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to assistance to low income families with children; creating new provisions; amending ORS
3 412.006 and 412.124; and declaring an emergency.

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

5 **SECTION 1. Section 2 of this 2013 Act is added to and made a part of ORS 412.001 to**
6 **412.155.**

7 **SECTION 2. (1) The Department of Human Services shall provide aid to a family:**

8 **(a) That would qualify for the temporary assistance for needy families program but for**
9 **the family's income from employment;**

10 **(b) If the family is experiencing a temporary loss of income due to illness, injury or other**
11 **temporary cause; and**

12 **(c) If the family is likely to become eligible for the temporary assistance for needy fam-**
13 **ilies program if the aid is not provided.**

14 **(2) The department shall provide aid, up to the amount specified in subsection (4) of this**
15 **section, that is necessary to prevent homelessness and assist a caretaker relative in re-**
16 **turning to gainful regular employment.**

17 **(3) If the caretaker relative is unable to return to work upon receiving aid under this**
18 **section, the department shall immediately determine the family's eligibility for the tempo-**
19 **rary assistance for needy families program and conduct the assessment described in ORS**
20 **412.006 (3) and (4).**

21 **(4) Total aid paid to a family during a single period of eligibility during calendar year 2013**
22 **may not exceed \$1,000. The maximum amount of aid allowed under this subsection shall be**
23 **increased in calendar years after 2013 by the percentage increase in the Portland-Salem**
24 **Consumer Price Index for All Urban Consumers for All Items as reported by the United**
25 **States Bureau of Labor Statistics.**

26 **SECTION 3. ORS 412.006 is amended to read:**

27 **412.006. (1) Aid pursuant to the temporary assistance for needy families program shall be**

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 granted under this section to any dependent child who is living in a home meeting the standards
 2 of care and health fixed by the rules of the Department of Human Services and who is a resident
 3 of the State of Oregon, if a parent or caretaker relative with whom the child is living is a resident
 4 of the State of Oregon.

5 (2) Except as provided in [*subsections (7) and (8)*] **subsection (7)** of this section, a needy care-
 6 taker relative may be required to participate in the job opportunity and basic skills program that
 7 is described in subsections (3) to (6) of this section.

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

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

17 (5) Suitable activities may include:

- 18 (a) Job readiness activities or employment;
- 19 (b) Vocational rehabilitation or training;
- 20 (c) Remedial, secondary or post-secondary education;
- 21 (d) Community service; or
- 22 (e) Other activities that reduce or eliminate barriers to full participation in the program or to
 23 employment.

24 (6) For individuals with disabilities, the goal of the individualized case plan must be to promote
 25 greater independence and may include physical or mental health evaluation or treatment.

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

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

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

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

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

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

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

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

42 **(8) For caretaker relatives who are employed, suitable activities shall include:**

43 **(a) Assistance in finding and paying for appropriate child care;**

44 **(b) Assistance with budgeting and saving money; and**

45 **(c) Other activities designed to assist the family in retaining employment.**

1 [(8)] (9) The department shall adopt rules to carry out the provisions of this section.

2 **SECTION 4.** ORS 412.124 is amended to read:

3 412.124. (1) The Department of Human Services shall continue to provide aid to families residing
4 in Oregon that become ineligible for temporary assistance for needy families under ORS 412.006 due
5 to employment or increased hours of work.

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

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

17 (4) [*The department by rule shall establish standards for aid provided under this section.*] **The aid**
18 **paid to a family under this section shall be calculated using the statewide standard adopted**
19 **by the department under ORS 411.070 for the temporary assistance for needy families pro-**
20 **gram, in accordance with the size of the family.** The department must disregard such aid for
21 purposes of publicly subsidized child care assistance. **The amount of aid shall be:**

22 (a) **In the first month of eligibility under this section, equal to the statewide standard;**

23 (b) **In the second month of eligibility under this section, no less than 75 percent of the**
24 **statewide standard;**

25 (c) **In the third month of eligibility under this section, no less than 50 percent of the**
26 **statewide standard; and**

27 (d) **In the fourth month of eligibility under this section, no less than 25 percent of the**
28 **statewide standard.**

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

32 **SECTION 5. Section 2 of this 2013 Act and the amendments to ORS 412.006 and 412.124**
33 **by sections 3 and 4 of this 2013 Act become operative July 1, 2013.**

34 **SECTION 6. This 2013 Act being necessary for the immediate preservation of the public**
35 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**
36 **on its passage.**

37 _____