

# House Bill 2029

Sponsored by Representative PILUSO, Senator MONNES ANDERSON; Representatives DOHERTY, KENY-GUYER, MCKEOWN, MCLAIN, Senator SHIELDS

## 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 prescribe income limits for temporary assistance to needy families program that are equal to 66 percent of federal poverty guidelines.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to income limits for temporary assistance for needy families; creating new provisions;  
3 amending ORS 411.635, 412.001, 412.009 and 412.089; and declaring an emergency.

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

5 **SECTION 1. (1) The Department of Human Services shall prescribe by rule the eligibility**  
6 **requirements and payment standards for aid granted pursuant to ORS 412.006, taking into**  
7 **account:**

8 (a) **The income, resources and maintenance available to meet the needs of the dependent**  
9 **child.**

10 (b) **The income and financial condition of the stepparent, if any, of the dependent child.**

11 (2) **Subsection (1)(b) of this section is not intended to relieve any parent of any legal ob-**  
12 **ligation to support the natural or adopted children of the parent.**

13 (3) **In determining the income, resources and maintenance available to meet the needs**  
14 **of a dependent child under subsection (1) of this section, the department shall:**

15 (a) **Disregard no less than \$50 per month of the amount of child support received for each**  
16 **dependent child, up to the maximum established by federal law; and**

17 (b) **Disregard any other amounts of income and resources available to meet the needs**  
18 **of the dependent child as the department may prescribe by rule.**

19 (4) **The eligibility requirements prescribed by the department by rule under subsection**  
20 **(1) of this section shall include income limits equal to 66 percent of the federal poverty**  
21 **guidelines for the applicable family size. The department shall amend the rules prescribing**  
22 **the income limits to correspond to each annual update to the federal poverty guidelines**  
23 **published in the Federal Register.**

24 **SECTION 2. ORS 412.001 is amended to read:**

25 412.001. As used in ORS 412.001 to 412.155 and 418.647 **and section 1 of this 2015 Act**, unless  
26 the context or a specially applicable statutory definition requires otherwise:

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

29 (a) Money payments to meet the needs of the relative with whom the child is living and the  
30 spouse of the relative if the spouse lives with the relative, the relative is the child's parent and the

**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 child is a dependent child by reason of the physical or mental incapacity, or the unemployment or  
 2 underemployment, of a parent; or

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

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

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

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

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

14 (C) Who lives with a caretaker relative; and

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

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

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

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

26 (4) **"Federal poverty guidelines" means the poverty guidelines for the 48 contiguous**  
 27 **states and the District of Columbia that are annually updated by the United States Depart-**  
 28 **ment of Health and Human Services and published as a notice in the Federal Register.**

29 [(4)] (5) "Federally required participation rates" means the participation rates as required by  
 30 section 407 of the Social Security Act.

31 [(5)] (6) "Representative payee" means an individual designated by the department to receive  
 32 money payments of aid pursuant to ORS 412.026.

33 **SECTION 3.** ORS 412.009 is amended to read:

34 412.009. [(1) *The need for and amount of aid pursuant to the temporary assistance for needy fam-*  
 35 *ilies to be granted for any dependent child or relative pursuant to ORS 412.006 shall be determined,*  
 36 *in accordance with the rules of the Department of Human Services, taking into account:]*

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

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

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

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

45 [(a) *Disregard no less than \$50 of the amount of child support received for each child per month,*

1 up to a total of \$200 or the maximum established by federal law, for the family; and]

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

4 [(4)] (1) The Department **of Human Services** by rule shall adopt proven methods of encouraging  
5 participants' full engagement in the job opportunity and basic skills program, including the devel-  
6 opment of an individualized case plan in accordance with ORS 412.006.

7 [(5)(a)] (2)(a) The department may not reduce the family's aid payment as a method of encour-  
8 aging full engagement in the job opportunity and basic skills program pursuant to subsection [(4)]  
9 (1) of this section until the department determines that the noncompliant needy caretaker relative:

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

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

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

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

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

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

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

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

24 [(6)] (3) Following notice and an opportunity for a hearing under ORS chapter 183 and subject  
25 to subsection [(5)] (2) of this section, the department may reduce the aid payment to an individual  
26 who fails to participate in suitable activities required by the individual's case plan or may terminate  
27 the aid payment to the family of a noncompliant individual as follows:

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

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

33 (c) After three months of noncompliance, and subject to subsection [(5)(c)] (2)(c) of this section,  
34 the department may terminate the aid payment to the family. The family is ineligible for aid for two  
35 calendar months after a termination under this paragraph, unless within one month of the effective  
36 date of the termination the noncompliant individual participates in suitable activities required by  
37 the case plan for two consecutive weeks.

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

40 [(7)] (4) Every six months, the department shall report to the Family Services Review Commis-  
41 sion established under ORS 411.075 the status of and outcomes for families for whom aid has been  
42 reduced or terminated under subsection [(6)] (3) of this section. The department shall work with the  
43 commission to establish the details to be provided in the report.

44 **SECTION 4.** ORS 411.635 is amended to read:

45 411.635. (1)(a) Medical assistance improperly disbursed as a result of recipient conduct that is

1 not in violation of ORS 411.630 may be recouped pursuant to ORS 293.250 by the Oregon Health  
 2 Authority or the Department of Human Services.

3 (b) Public assistance improperly disbursed as a result of recipient conduct that is not in vio-  
 4 lation of ORS 411.630 may be recouped pursuant to ORS 293.250 by the department.

5 (2) The department and the authority may also recoup public assistance and medical assistance  
 6 improperly disbursed from earnings that the state disregards pursuant to ORS 411.083 and [412.009]  
 7 **section 1 of this 2015 Act** as follows:

8 (a) The department and the authority shall notify the recipient that the recipient may elect to  
 9 limit the recoupment monthly to an amount equal to one-half the amount of disregarded earnings  
 10 by granting the department or the authority a confession of judgment for the amount of the over-  
 11 payment.

12 (b) If the recipient does not elect to grant the confession of judgment within 30 days the de-  
 13 partment or the authority may recoup the overpayment from the entire amount of disregarded  
 14 earnings. The recipient may at any time thereafter elect to limit the monthly recoupment to one-half  
 15 the disregarded earnings by entering into a confession of judgment.

16 (3) The department and the authority shall not execute on a confession of judgment until the  
 17 recipient is no longer receiving public assistance or medical assistance and has either refused to  
 18 agree to or has defaulted on a reasonable plan to satisfy the judgment.

19 (4) This section does not prohibit the department or the authority from adopting rules to exempt  
 20 from recoupment any portion of disregarded earnings.

21 **SECTION 5.** ORS 412.089 is amended to read:

22 412.089. (1) The Department of Human Services shall refer a person applying for or receiving  
 23 temporary assistance for needy families to an evaluation by a mental health or drug abuse profes-  
 24 sional if the department reasonably believes such referral is necessary. The Department of Human  
 25 Services shall develop guidelines to assist in the identification and referral of individuals requiring  
 26 mental health or drug abuse treatment.

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

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

34 (4) The department shall provide training to staff who work directly with persons applying for  
 35 or receiving temporary assistance for needy families in assessment and evaluation of mental health  
 36 disorders, addictions and battered women’s syndrome as may be necessary to implement the pro-  
 37 visions of subsection (1) of this section.

38 **SECTION 6.** **Section 1 of this 2015 Act applies to applicants and recipients of temporary**  
 39 **assistance for needy families on or after October 1, 2015.**

40 **SECTION 7.** **This 2015 Act being necessary for the immediate preservation of the public**  
 41 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**  
 42 **on its passage.**