

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

HOUSE BILL NO. 2498

BY: MAXEY

AS INTRODUCED

AN ACT RELATING TO POOR PERSONS; CREATING THE
OKLAHOMA FAMILY SUPPORT ACT; DEFINING TERMS;
PROVIDING PURPOSE; PROVIDING FOR MAINTAINING A
FAMILY SUPPORT PROGRAM; PROVIDING FOR
QUALIFICATIONS; PROVIDING FOR RULES AND
REGULATIONS; PROVIDING PROCEDURES; AUTHORIZING
CERTAIN ASSISTANCE PAYMENTS; PROVIDING AND
SPECIFYING USES; REQUIRING CERTAIN REPORTS;
PROVIDING FOR TERMINATION; AUTHORIZING APPEALS;
PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE
DATE; AND DECLARING AN EMERGENCY.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 501 of Title 56, unless there is
created a duplication in numbering, reads as follows:

Sections 2 through 8 of this act shall be known and may be cited
as the "Oklahoma Family Support Act".

SECTION 2. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 502 of Title 56, unless there is
created a duplication in numbering, reads as follows:

As used in the Oklahoma Family Support Act:

1. "Department" means the Department of Human Services;
2. "Family" means a family member and his or her parent or legal guardian; and
3. "Family member" means a person less than eighteen (18) years of age with mental retardation or other developmental disability as defined in Section 1408 of Title 10 of the Oklahoma Statutes.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 503 of Title 56, unless there is created a duplication in numbering, reads as follows:

The Oklahoma Family Support Act is intended to:

1. Keep families together;
2. Facilitate the return of children with developmental disabilities from out-of-home placements to their families' homes;
3. Prevent or delay the out-of-home placement of children with severe developmental disabilities who reside in their families' homes.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 504 of Title 56, unless there is created a duplication in numbering, reads as follows:

The Director of the Department shall, within the constraints of funding appropriated to the Department, maintain a Family Support Program for children with severe developmental disabilities who reside in their family homes in accordance with the following criteria:

1. The family member resides with the family;
2. The family resides in the State of Oklahoma;
3. The gross adjusted income of the family for the year immediately preceding the date of application for the assistance did not exceed Forty-five Thousand Dollars (\$45,000.00);
4. The family is headed by a biological parent, adoptive parent, or legal guardian of the eligible family member. Provided, however that if the eligible family member lives with an adoptive

parent or parents who already receive the Department of Human Services' adoption subsidy, the family cannot receive family support assistance authorized by this section; and

5. The family or family member does not receive Medicaid Home and Community-based Waiver Services.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 505 of Title 56, unless there is created a duplication in numbering, reads as follows:

The Director of the Department shall promulgate necessary rules and regulations to ensure the proper and efficient operation of the Family Support Program.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 506 of Title 56, unless there is created a duplication in numbering, reads as follows:

If an application for family support assistance pursuant to the Oklahoma Family Support Act is approved by the Department of Human Services and Developmental Disabilities Services Division:

1. A family support assistance payment shall be paid to the parent or legal guardian on behalf of a family member and shall be considered a benefit to the family member;

2. The family support assistance payment shall be used to meet the special needs of the family associated with the family member. Except as otherwise provided in the Oklahoma Family Support Act, this assistance payment is intended to complement, not to supplant, public assistance or other social service benefits based on economic need, available through governmental programs;

3. The amount of the family support assistance payment shall be a maximum of Four Hundred Dollars (\$400.00) per month. Increases to this amount shall be determined annually by legislative appropriation. In addition, the parent or legal guardian of a family member who is in an out-of-home placement at the time of application may receive a one-time, lump-sum advance payment of

twice the monthly family support assistance amount for the purpose of meeting the special needs of the family to prepare for the placement or return of the family member to in-home care.

4. The parent or legal guardian who receives a family support assistance payment shall report, in writing, at least the following information to the Department:

- a. not less than annually, a statement and any supporting documentation requested by the Department that the family support assistance payment was used to meet the special needs of the family,
- b. immediately, if the parent or legal guardian requests termination of the family support assistance,
- c. immediately, upon the occurrence of any event listed in Section 7 of this act.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 507 of Title 56, unless there is created a duplication in numbering, reads as follows:

The family support assistance shall terminate if any of the following occurs:

1. The family member dies;
2. The family no longer meets the eligibility criteria referenced in Section 4 of this act;
3. The family member no longer meets the eligibility criteria referenced in Section 4 of this act; and
4. A report required by Section 6 of this act is not timely made or is determined to be false.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 508 of Title 56, unless there is created a duplication in numbering, reads as follows:

If an application for a family support assistance is denied or a family support assistance payment is terminated by the Department,

the parent or legal guardian of the affected family member may demand, in writing, a hearing by the Department.

SECTION 9. This act shall become effective July 1, 1992.

SECTION 10. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

43-2-8138

KSM