

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 SENATE BILL 1555

By: Standridge

4
5
6 AS INTRODUCED

7 An Act relating to the Temporary Assistance for Needy
8 Families program; amending 56 O.S. 2011, Section
9 230.52, as amended by Section 1, Chapter 263, O.S.L.
10 2012 (56 O.S. Supp. 2015, Section 230.52), which
11 relates to minimum mandatory requirements; requiring
12 applicants to submit certain documents; requiring
13 denial of application under certain circumstances;
14 directing promulgation of rules; amending 56 O.S.
15 2011, Section 230.65, which relates to personal
16 responsibility agreements; requiring Department of
17 Human Services to sanction recipients for certain
18 violations; deleting obsolete language; clarifying
19 language; and providing an effective date.

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

21 SECTION 1. AMENDATORY 56 O.S. 2011, Section 230.52, as
22 amended by Section 1, Chapter 263, O.S.L. 2012 (56 O.S. Supp. 2015,
23 Section 230.52), is amended to read as follows:

24 Section 230.52. A. Except for specific exceptions, conditions
or restrictions authorized by the Statewide Temporary Assistance
Responsibility System (STARS) and rules promulgated by the
~~Commission for~~ Department of Human Services pursuant thereto, the

1 following are the minimum mandatory requirements for the Temporary
2 Assistance for Needy Families (TANF) program:

3 1. A recipient shall be eligible to receive assistance pursuant
4 to the TANF program only for a lifetime total of five (5) years,
5 subject to the exemptions allowed by federal law. Child-only cases
6 are not subject to the five-year limitation;

7 2. Single parents receiving temporary assistance pursuant to
8 the TANF program shall participate in work activities for a minimum
9 of twenty (20) hours per week during the month. Two-parent families
10 receiving temporary assistance pursuant to the TANF program shall
11 participate in work activities for a minimum of thirty-five (35)
12 hours per week during the month;

13 3. A recipient must be engaged in one or more of the work
14 activities set out in paragraph 4 of this subsection as soon as
15 required by the Department of Human Services pursuant to the TANF
16 program, but not later than twenty-four (24) months after
17 certification of the application for assistance, unless the person
18 is exempt from work requirements under rules promulgated by the
19 ~~Commission~~ Department pursuant to the STARS;

20 4. The Department shall develop and describe categories of
21 approved work activities for the TANF program recipients in
22 accordance with this paragraph. Work activities that qualify in
23 meeting the requirements include, but are not limited to:
24

- 1 a. (1) unsubsidized employment which is full-time
2 employment or part-time employment that is not
3 directly supplemented by federal or state funds,
4 (2) subsidized private sector employment which is
5 employment in a private for-profit enterprise or
6 a private not-for-profit enterprise that is
7 directly supplemented by federal or state funds.
8 Prior to receiving any subsidy or incentive, the
9 employer shall enter into a written contract with
10 the Department, and
11 (3) subsidized public sector employment which is
12 employment by an agency of a federal, state, or
13 local governmental entity which is directly
14 supplemented by federal or state funds. Prior to
15 receiving any subsidy or incentive, the employer
16 shall enter into a written contract with the
17 Department.

18 Subsidized hourly employment or unsubsidized hourly
19 employment pursuant to this subparagraph shall only be
20 approved by the Department as work activity if such
21 employment is subject to:

- 22 (a) the federal minimum wage requirements
23 pursuant to the Fair Labor Standards Act of
24 1938, as amended,

1 (b) the federal Social Security tax and Medicare
2 tax, and

3 (c) regulations promulgated pursuant to the
4 federal Occupational Safety and Health Act
5 of 1970 and rules promulgated by the State
6 Department of Labor pursuant thereto,

- 7 b. a program of work experience,
- 8 c. on-the-job training,
- 9 d. assisted job search which may include supervised or
10 unsupervised job-seeking activities,
- 11 e. job readiness assistance which may include, but is not
12 limited to:

- 13 (1) orientation in the work environment and basic
14 job-seeking and job retention skills,

- 15 (2) instruction in completing an application for
16 employment and writing a resume, and

- 17 (3) instruction in conducting oneself during a job
18 interview, including appropriate dress,

- 19 f. job skills training which is directly related to
20 employment in a specific occupation for which there is
21 a written commitment by an employer to offer
22 employment to a recipient who successfully completes
23 the training. Job skills training includes, but is
24 not limited to, customized training designed to meet

1 the needs of a specific employer or a specific
2 industry,

3 g. community service programs which are job-training
4 activities provided in areas where sufficient public
5 or private sector employment is not available. Such
6 activities are linked to both education or training
7 and activities that substantially enhance a
8 recipient's employability,

9 h. literacy and adult basic education programs,

10 i. vocational-educational programs, not to exceed twelve
11 (12) months for any individual, which are directed
12 toward vocational-educational training and education
13 directly related to employment,

14 j. education programs which are directly related to
15 specific employment opportunities, if a recipient has
16 not received a high school diploma or General
17 Equivalency Degree, and

18 k. child care for other STARS recipients. The recipient
19 must meet training and licensing requirements for
20 child care providers as required by the Oklahoma Child
21 Care Facilities Licensing Act;

22 5. Single, custodial parents with a child up to one (1) year of
23 age may be exempt from work activities for a lifetime total
24 exemption of twelve (12) months;

1 6. In order to receive assistance, unmarried teen parents of a
2 minor child at least twelve (12) weeks of age must participate in
3 educational activities or work activities approved by the state;

4 7. For single-parent families, except for teen parents,
5 educational activities, other than vocational-technical training, do
6 not count toward meeting the required twenty (20) hours of work
7 activity. For two-parent families, educational activities, except
8 vocational-technical training, do not count toward meeting the
9 required thirty-five (35) hours of work activity;

10 8. A teen parent must live at home or in an approved, adult-
11 supervised setting as specified in Section 230.55 of this title to
12 receive TANF assistance;

13 9. A recipient must comply with immunization requirements
14 established pursuant to the TANF program;

15 10. A recipient shall be subject to the increment in benefits
16 for additional children established by Section 230.58 of this title;

17 11. The following recipient resources are exempt from resource
18 determination criteria:

19 a. an automobile with an equity allowance of not more
20 than Five Thousand Dollars (\$5,000.00) pursuant to
21 Section 230.53 of this title,

22 b. individual development accounts established pursuant
23 to the Family Savings Initiative Act, or individual
24 development accounts established prior to November 1,

1 1998, pursuant to the provisions of Section 230.54 of
2 this title in an amount not to exceed Two Thousand
3 Dollars (\$2,000.00),

4 c. the equity value of funeral arrangements owned by a
5 recipient that does not exceed the limitation
6 specified by Section 165 of this title, and

7 d. earned income disregards not to exceed One Hundred
8 Twenty Dollars (\$120.00) and one-half (1/2) of the
9 remainder of the earned income;

10 12. An applicant who applies and is otherwise eligible to
11 receive TANF benefits but who has resided in this state less than
12 twelve (12) months shall be subject to Section 230.57 of this title;

13 13. The recipient shall enter into a personal responsibility
14 agreement with the Department for receipt of assistance pursuant to
15 Section 230.65 of this title;

16 14. The Department shall, beginning November 1, 2012, screen
17 all adult applicants for TANF to determine if they are engaged in
18 the illegal use of a controlled substance or substances. If the
19 Department has made a determination that the applicant is engaged in
20 the illegal use of a controlled substance or substances, the
21 applicant's request for TANF cash benefits shall be denied. The
22 ~~Commission for Human Services~~ Department shall adopt rules to
23 implement the requirements of this paragraph consistent with the
24 following:

- 1 a. the Department shall create a controlled substance
2 screening process to be administered at the time of
3 application. The process shall, at a minimum, include
4 a Substance Abuse Subtle Screening Inventory (SASSI)
5 or other similar screening methods. If necessary to
6 establish a reasonable expectation of certainty, the
7 Department is authorized to use further screening
8 methods, which may include, but are not limited to, a
9 clinical interview, consideration of the Department's
10 history with the applicant, and an Addictions Severity
11 Index (ASI). If the Department has reasonable cause
12 to believe that the applicant is engaged in the
13 illegal use of a controlled substance or substances,
14 the Department is authorized, though not required, to
15 request administration of a chemical drug test, such
16 as urinalysis. The cost of all such initial
17 screenings shall not be borne by the applicant,
- 18 b. if at any time during the controlled substance
19 screening process, the applicant refuses to
20 participate, that refusal shall lead to a denial of
21 TANF benefits,
- 22 c. if the Department, as the result of a controlled
23 substance screening process, has determined that the
24 applicant is engaged in the illegal use of a

1 controlled substance or substances, the applicant's
2 request for TANF cash benefits shall be denied,
3 subject to the following:

4 (1) if there has not already been a chemical drug
5 test administered as part of the controlled
6 substance screening process, the applicant may
7 submit proof of a negative chemical drug test
8 from a state certified laboratory to challenge
9 the Department's finding that the applicant is
10 engaged in the illegal use of a controlled
11 substance or substances. Proof of the chemical
12 drug test must be submitted to the Department no
13 later than the tenth calendar day following
14 denial. If denial is communicated by mail, the
15 ten (10) day window begins on the day after the
16 date of mailing of the denial notice to the
17 applicant's last-known address. The denial
18 notice is considered to be mailed on the date
19 that appears on the notice, unless otherwise
20 indicated by the facts,

21 (2) if denied due to the provisions of this
22 subparagraph, an applicant shall not be approved
23 until one (1) year has passed since the date of
24 denial,

1 (a) if the applicant is denied due to the
2 provisions of this paragraph, the Department
3 shall provide a list of substance abuse
4 treatment programs to the denied applicant,
5 (b) if an applicant has successfully complied
6 with a recommended substance abuse treatment
7 program after the date of denial, the
8 applicant may be approved for cash benefits
9 after six (6) months have passed since the
10 date of denial, rather than the required one
11 (1) year, and

12 (3) if an applicant has been denied TANF cash
13 benefits two times due to the provisions of this
14 subparagraph, the applicant shall be ineligible
15 for TANF benefits for a period of three (3) years
16 from the date of the second denial,

17 d. child-only cases and minor parents under eighteen (18)
18 years of age are not subject to the provisions of this
19 paragraph, and

20 e. in cases where the application for TANF benefits is
21 not for child-only benefits, but there is not a parent
22 who has been deemed eligible for cash benefits under
23 the provisions of this paragraph, any cash benefits
24 for which the dependent children of the family are

1 still eligible shall not be affected and may be
2 received and administered by an appropriate third
3 party approved by the Department for the benefit of
4 the members of the household;

5 15. a. ~~As~~ as a condition of participating in the STARS, all
6 recipients are deemed to have given authorization for
7 the release of any and all information necessary to
8 allow all state and federal agencies to meet the
9 program needs of the recipient~~-,~~ and

10 b. ~~The~~ the recipient shall be provided a release form to
11 sign in order to obtain the required information.
12 Failure to sign the release form may result in case
13 closure; ~~and~~

14 16. The recipient shall comply with all other conditions and
15 requirements of the STARS, and rules of the ~~Commission~~ Department
16 promulgated pursuant thereto; and

17 17. The applicant shall provide documentation of at least three
18 applications for employment submitted by the applicant to a
19 prospective employer. If the Department determines that the
20 applicant has not made at least three applications for employment
21 prior to applying for TANF benefits, the applicant's request shall
22 be denied.

23 B. 1. Agencies of this state involved in providing services to
24 recipients pursuant to the STARS shall exchange information as

1 necessary for each agency to accomplish objectives and fulfill
2 obligations created or imposed by the STARS and rules promulgated
3 pursuant thereto.

4 2. Information received pursuant to the STARS shall be
5 maintained by the applicable agency and, except as otherwise
6 provided by this subsection, shall be disclosed only in accordance
7 with any confidentiality provisions applicable to the agency
8 originating the information.

9 3. The various agencies of the state shall execute operating
10 agreements to facilitate information exchanges pursuant to the
11 STARS.

12 C. In implementing the TANF program, the Department shall:

13 1. Provide assistance to aliens pursuant to Section 230.73 of
14 this title;

15 2. Provide for the closure of the TANF case when the adult
16 recipient refuses to cooperate with agreed upon work activities or
17 other case requirements pursuant to the TANF program;

18 3. Provide for the sanctioning of parents who do not require
19 their minor children to attend school; and

20 4. Deny temporary assistance to fugitive felons.

21 D. In order to ensure that the needy citizens of this state are
22 receiving necessary benefits, the Department shall maintain a
23 listing of all recipients receiving public assistance. The listing
24 shall reflect each recipient's income, social security number, and

1 the programs in which the recipient is participating including, but
2 not limited to, TANF, food stamps, child care, and medical
3 assistance.

4 E. The Department is hereby authorized to establish a grant
5 diversion program and emergency assistance services.

6 F. The Department shall promulgate rules to implement the
7 provisions of this act.

8 SECTION 2. AMENDATORY 56 O.S. 2011, Section 230.65, is
9 amended to read as follows:

10 Section 230.65. A. 1. The Department of Human Services shall
11 conduct an employability assessment of the education, training,
12 skills, prior work experience and supportive service needs of
13 individuals applying for and receiving assistance pursuant to the
14 Temporary Assistance for Needy Families (TANF) program.

15 2. The Department shall arrange for administration of a
16 recognized literacy screening for individuals who have not obtained
17 a high school diploma or General Educational Development (GED)
18 credential and have exhibited a lack of literacy skills. If, in the
19 opinion of the Department, the applicant or recipient who has
20 obtained a high school diploma or GED lacks reading skills to the
21 extent that such insufficiency limits the applicant's or recipient's
22 ability to become self-supporting, the Department shall refer the
23 individual for a literacy assessment.
24

1 3. The Department shall utilize existing community resources,
2 including, but not limited to, volunteer literacy groups and adult
3 basic education programs, when arranging for literacy assessments
4 and remediation of clients who lack sufficient reading skills.

5 B. The Department of Human Services shall require services to
6 be provided to each applicant or recipient of benefits in any
7 program according to a written personal responsibility agreement.
8 The agreement shall reflect the education, training, skills, prior
9 work experience and supportive service needs of the applicant or
10 recipient and shall be:

- 11 1. Written in English, or translated into Spanish or other
12 language, according to the applicant's or recipient's needs;
- 13 2. Signed by the applicant or recipient;
- 14 3. Signed by the parent of the applicant or recipient if the
15 applicant or recipient is under eighteen (18) years of age;
- 16 4. Signed by the case manager; and
- 17 5. Reviewed by both the applicant or recipient and the case
18 manager at least once a year. The agreement may be revised from
19 time to time according to the needs of the recipient, the
20 recipient's family and the program.

21 C. The personal responsibility agreement shall set forth the
22 specific responsibilities of the recipient, at a minimum, to:

- 23 1. Develop a detailed plan for achieving self-sufficiency;

1 2. Participate in any educational or training program required
2 by the Department pursuant to the results of the employability and
3 literacy assessments;

4 3. Participate in life-skills training including, but not
5 limited to, financial management classes, conflict resolution
6 training, and social skills development;

7 4. Be available for and actively seek and maintain employment,
8 and accept any reasonable employment as soon as it becomes available
9 as required by the TANF program;

10 5. Participate in a community service, public works or private
11 sector job pursuant to the requirements of the Statewide Temporary
12 Assistance Responsibility System and the results of the
13 employability and literacy assessments;

14 6. If the recipient is a minor parent, live in a supervised
15 adult setting;

16 7. Accept responsibility for ensuring that the recipient's
17 child complies with the attendance requirements of the local school
18 district and attends school until the child of the recipient either:

19 a. graduates from high school or attains a high school
20 equivalency certificate, or

21 b. becomes nineteen (19) years of age,
22 whichever occurs first;

23 8. Accept responsibility for attending any classes required by
24 a program at least ninety percent (90%) of the time;

1 9. Immunize the recipients' minor children pursuant to the
2 State Department of Health's immunization schedule; and

3 10. a. Undergo a literacy skills assessment utilizing a
4 testing instrument which measures whether such
5 recipient is reading at a minimum of an eighth grade
6 reading level, where the recipient has the capacity to
7 read at such level or, regardless of reading level,
8 which indicates that the recipient would benefit from
9 compulsory participation in a literacy skills
10 improvement program.

11 b. Based on the results of the assessment, the recipient
12 shall agree to enroll and actively participate in a
13 literacy skills improvement program and provide
14 documentation of substantial quantifiable literacy
15 improvement. Any recipient who is reading at less
16 than an eighth grade level shall be required to
17 continue to substantially and quantifiably improve his
18 or her reading skills until such recipient
19 demonstrates a level of reading proficiency that is at
20 least equal to an eighth grade reading level.

21 c. On or before December 31 of each year, the Department
22 of Human Services shall annually provide to the
23 Governor, the President Pro Tempore of the Senate and
24

1 the Speaker of the House of Representatives a written
2 report outlining by age the number of recipients:

- 3 (1) assessed for literacy skills,
4 (2) who failed to demonstrate eighth grade reading
5 level proficiency,
6 (3) who agreed to enroll and participate in a
7 literacy skills improvement program, and
8 (4) who either provided documentation of substantial
9 quantifiable literacy skills improvement or whose
10 case was closed prior to completion.

11 D. The Department ~~may~~ shall sanction or impose financial
12 penalties on a recipient for failure to comply with the provisions
13 of the personal responsibility agreement.

14 SECTION 3. This act shall become effective November 1, 2016.
15

16 55-2-2168 AM 2/18/2016 6:59:53 PM
17
18
19
20
21
22
23
24