
Emergency Rules

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 40—Family Support Division
Chapter 2—Income Maintenance**

EMERGENCY AMENDMENT

13 CSR 40-2.300 Definitions Which Are Applicable for Benefit Programs Funded by the Temporary Assistance for Needy Families (TANF) Block Grant. The department is amending this regulation by adding new definitions and clarifying other definitions.

PURPOSE: The amendment rewrites the existing rule adding definitions of terms used in subsequent TA regulations.

[PURPOSE: This rule states the definitions which are applicable to benefit programs funded by the Temporary Assistance for Needy Families (TANF) Block Grant.]

PURPOSE: This rule provides the definition of terms which are applicable to the Temporary Assistance program funded by the Temporary Assistance for Needy Families (TANF) Block Grant.

EMERGENCY STATEMENT: This emergency amendment is necessary because the health and welfare of impoverished Missouri families and children will be negatively impacted if such regulation is not enacted. This regulation is required for the Family Support Division to implement changes to the Temporary Assistance (TA) program enacted in SB 24 (2015) and codified at section 208.040, RSMo. The Family Support Division has a compelling governmental interest to implement changes to the TA work requirements that go into effect August 28, 2015. The Family Support Division is required to apply the new eligibility and work participation requirements to all of its TA applications effective August 28, 2015, and to the approximately two thousand (2,000) to three thousand (3,000) families that apply for TA every month. Participants in the TA program must meet new requirements to qualify for benefits. The amendments to this regulation are necessary to enable the division to implement the new statutory requirements in the manner required by law. Many of these changes require new definitions, regulations, or amendments to existing regulations. The TA program provides vital assistance to Missouri families and children. This includes not just cash assistance for necessities, but critical job training and work ready resources to lift families out of poverty. Without a working regulatory framework in place, the families and children that this program assists will not receive the full aid available through the program as envisioned by the legislature. The division is compelled to file this emergency amendment because the amendment sets out the definition of terms used in the subsequent regulations that are necessary to enforce the terms of Senate Bill 24 (2015). Without the emergency amendment, the division's authority to achieve these smooth transitions will be weakened since the current regulations will be inconsistent with Senate Bill 24 (2015). Families will be adversely impacted without this emergency amendment because the adult family members cannot move from unemployment to self-sustaining employment. Failure to obtain employment will negatively impact the health and welfare of the family. An overview of this amendment was shared with advocates concerned with the Senate Bill 24 implications on TA participants. The advocates had an opportunity to express concerns and their concerns were considered in the final drafting of this rule. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Family Support Division believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed August 18, 2015, becomes effective August 28, 2015, and expires February 23, 2016.

[(1) The program for the provision of any public assistance funded in whole or part directly through the Temporary Assistance for Needy Families (TANF) Block Grant, section 603 of Title 42, United States Code shall be known as "Temporary Assistance."

(2) As used in 13 CSR 40-2.300 through 13 CSR 40-2.370 and except as otherwise expressly provided, the term "assistance" means every form of support provided to families under the Temporary Assistance Program (including child care, work subsidies, and allowance to meet living expenses), except: services that have no direct monetary value to an individual family and that do not involve implicit or explicit income support, such as counseling, case management, peer support, and employment services that do not involve subsidies or other forms of income support; and one-time, short-term assistance (i.e., assistance paid within a thirty (30)-day period, no more than once in any twelve (12)-month period, to meet needs that do not extend beyond a ninety (90)-day period, such as automobile repair to retain employment and avoid welfare receipt and appliance repair to maintain living arrangements).]

(1) Agent: Any entity acting on behalf of the division under a contract or memorandum of understanding.

(2) Assistance: Every form of support provided to participants and their families under the Temporary Assistance (TA) Program, including child care, work subsidies, and allowances to meet living expenses. Assistance does not include the cash diversion program in 13 CSR 40-2.480; services that have no direct monetary value to an individual family and that do not involve implicit or explicit income support, such as counseling, case management, peer support, and employment services that do not involve subsidies or other forms of income support; or one- (1-) time, short-term assistance authorized by a representative of the Family Support Division as part of an Individual Employment Plan (IEP) under 13 CSR 40-2.370(2), including assistance to pay for automobile repairs to retain employment and avoid welfare receipt, and appliance repair to maintain living arrangements.

(3) Community service programs: Structured programs and embedded activities in which TA recipients perform work for the direct benefit of the community under the auspices of public or nonprofit organizations. Community service programs must be limited to projects that serve a useful community purpose in fields such as health, social service, environmental protection, education, urban and rural redevelopment, welfare, recreation, public facilities, public safety, and child care.

(4) Division: The Family Support Division of the Department of Social Services of the State of Missouri, or its agent.

(5) Household: A family that includes:

(A) Eligible children under the age of eighteen (18); or

(B) Eligible children who are age eighteen (18) and in secondary school or the equivalent vocational or technical school, if they are expected to graduate before turning age nineteen (19); and

(C) The natural or adoptive parents of one (1) or more of the eligible children; or

(D) Any needy non-parent caretaker relative or unrelated guardian of one (1) or more of the eligible children, if there are no natural or adoptive parents in the home. The non-parent caretaker relative or the guardian, if found to be eligible for inclusion, may exclude themselves from the assistance group.

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(6) **Investigation:** A review conducted by the division to determine that a participant is not cooperating with a work participation activity requirement. The investigation may include a telephone or personal contact with the participant at the discretion of the division.

(7) **Participant:** Any individual who has applied for, or is receiving, or has been denied TA benefits or services administered by the Family Support Division.

(8) **Temporary Assistance (TA):** The division's program for the provision of any public assistance funded in whole or part directly through the Temporary Assistance for Needy Families (TANF) Block Grant, section 603 of Title 42, United States Code and Parts 260–284 of Title 45, *Code of Federal Regulations*.

(9) **Satisfactory attendance at a secondary school, provided that the participant has not already completed secondary school:** Regular attendance, in accordance with the requirements of the secondary school or course of study, at a secondary school or in a course of study leading to a certificate of general equivalence, in the case of a recipient who has not completed secondary school or received such a certificate. This activity must be supervised on an ongoing basis no less frequently than daily.

(10) **Work activities that any participant seeking TA shall engage in unless exempt include:**

- (A) Unsubsidized employment;
- (B) Subsidized private sector employment;
- (C) Subsidized public sector employment;
- (D) Work experience (including work associated with the refurbishing of publicly assisted housing) if sufficient private sector employment is not available;
- (E) On-the-job training;
- (F) Job search and job readiness assistance;
- (G) Community service programs;
- (H) Vocational educational training (not to exceed twelve (12) months with respect to any participant);
- (I) Job skills training directly related to employment;
- (J) Education directly related to employment for participants who have not received a high school diploma or a certificate of high school equivalency;
- (K) Satisfactory attendance at a secondary school provided that the participant has not already completed secondary school; and
- (L) Providing child care services to a participant who is involved in a community service program.

(11) **Subsidized Public Sector Employment:** Employment in the public sector for which the employer receives a subsidy from TA or other public funds to offset some or all of the wages and costs of employing a recipient.

(12) **Subsidized Private Sector Employment:** Employment in the private sector for which the employer receives a subsidy from TA or other public funds to offset some or all of the wages and costs of employing a recipient.

(13) **Vocational educational training:** Organized educational programs that are directly related to the preparation of individuals for employment in current or emerging occupations requiring training other than a baccalaureate or advanced degree. Vocational educational training must be supervised on an ongoing basis no less frequently than daily.

(14) **Work Experience:** A work activity, performed in return for TA, that provides an individual with an opportunity to acquire the general skills, training, knowledge, and work habits necessary to obtain employment.

(15) **Unsubsidized employment:** Full or part-time employment in the public or private sector that is not subsidized by TA or any other public program.

AUTHORITY: section[s 207.020] 207.022, RSMo Supp. 2014, and section 208.026, [208.040.5,] RSMo [1994] CCS HCS SS#2 SCS SB 24, First Regular Session, Ninety-eighth General Assembly, 2015. Emergency rule filed Feb. 18, 1998, effective March 1, 1998, terminated Aug. 10, 1998. Original rule filed Jan. 16, 1998, effective Aug. 1, 1998. Emergency amendment filed Aug. 18, 2015, effective Aug. 28, 2015, expires Feb. 23, 2016. An emergency amendment covering this same material will be published in the October 1, 2015, issue of the Missouri Register.