Emergency Rules

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

EMERGENCY AMENDMENT

13 CSR 40-2.310 Requirements as to Eligibility for Temporary Assistance. The department is adding subsections (1)(G) and (H) and amending subsection (8)(B).

PURPOSE: This amendment adds new requirements in TA regulations.

*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 eligibility requirements. The Family Support Division is required to apply the new eligibility 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 these new requirements to qualify for benefits. The amendments to the 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 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. Without the emergency amendment, the division's authority to achieve the required goals of Senate Bill 24 (2015) will be weakened since the current regulation will be inconsistent with Senate Bill 24 (2015). Families will be adversely impacted because the adult family members cannot be helped by the division to move from unemployment to self-sustaining employment. Failure to obtain employment will negatively impact the health and welfare of the family's minor children since the lack of employment will leave them in poverty. 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 amendment. 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 eligibility requirements for the Temporary Assistance Program shall include:

(E) Recipients of Supplemental Security Income (SSI) shall not be eligible for Temporary Assistance. The income, expenses, and resources of the SSI recipient are excluded when determining the eligibility of the household. The individual shall be excluded for purposes of determining household size; *[and]*

(F) Meeting other eligibility requirements contained in 13 CSR 40-2.300 through 13 CSR 40-2.370*[.]*;

(G) Beginning August 28, 2015, any parent or caretaker who applies for TA under these regulations shall first complete a standardized orientation which informs participants of the program's rules and requirements, available resources for work activities, and consequences if the program's requirements are not satisfied. Parents or caretakers who are applying for TA benefits for themselves shall sign a Personal Responsibility Plan in which they commit to participate in the program and specify the work activities in which they will participate; and

(H) Beginning August 28, 2015, any parent or caretaker whose TA case is closed due to work activity sanctions under these regulations shall first perform work activities for an average of thirty (30) hours per week in a one- (1-) month period before qualifying for TA again, unless such individual is otherwise exempt from work activities as provided for in these regulations.

(8) Determining the Amount of Cash Payments.

(B) Consideration of Available Income.

1. In Temporary Assistance cases, all income of the following persons who are in the household, irrespective of subsection (8)(A), shall be considered in determining whether the children (including stepchild and adopted child) are in need, and if so, the amount of that need:

A. Eligible children;

B. Biological or adoptive parents of one (1) or more of the eligible children;

C. Any needy non-parent caretaker relative or related or unrelated guardian if they desire to be included in the assistance group and are eligible for inclusion;

D. New spouse and stepparent income:

(I) Upon the marriage of a TA recipient, the division will disregard the income and resources of the TA recipient's new spouse for six (6) consecutive TA months. Only months in which a TA benefit is paid to the recipient will be counted toward the six (6) consecutive months. The disregard begins the first month following the marriage date, in which benefits would have been reduced without the application of this disregard. The TA recipient cannot receive this disregard again if he or she remarries. The TA recipient shall provide proof of a valid marriage to the division.

*[D.]***(II) Except as otherwise excluded in part (8)(B)1.D.(I) of this subsection,** *[A]* stepparent living in the same home as such child as exceeds the sum of a) the first ninety dollars ($90) of the stepparent's earned income, for such month; b) the Standard of Need for a family of the same composition as the stepparent and those other individuals living in the same household as the dependent child and claimed or who could be claimed by such stepparent as dependents for purposes of determining the stepparent's federal personal income tax liability but whose needs are not taken into account; c) amounts paid by the stepparent to individuals not living in such household and claimed by him/her as dependents for purposes of determining the stepparent's federal personal income tax liability; and d) payments by such stepparent of court ordered alimony or child support with respect to individuals not living in such household;

E. Any biological or adoptive brother or sister of an eligible child, if such brother or sister meets the conditions described in 13 CSR 40-2.310(5) and 13 CSR 40-2.325(1)(A)1. and 2., and is living in the home;

F. With respect to an eligible child who is living with a parent or legal guardian who is under age eighteen (18), the income of such minor parent's own parents who are living in the home shall be included to the same extent that the income of a stepparent is included (see subparagraph (8)(B)1.D. above). The minor parent's parents' earned income shall be disregarded up to one hundred percent (100%) of the federal poverty level; and

G. Income of all other persons in the household will be considered in the amount made available to the household.

2. In computing the income of an applicant or recipient, or of the household of which s/he is a member, only that income which is available during the period under consideration shall be taken into account. To be considered as available, the income shall actually and presently exist (not to be a potential or remote income) and shall be sufficient to have some appreciable significance in meeting the immediate requirements of the applicant or recipient.

AUTHORITY: sections [207.020, RSMo 2000 and 208.040.5, RSMo Supp. 2003] ***207.022, RSMo Supp. 2014 and 208.040, 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 July 22, 2003, effective Aug. 1, 2003, expired Jan. 27, 2004. Amended: Filed Jan. 23, 2004, effective July 30, 2004. 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****.*