

## **Eligibility Requirements for Temporary Assistance for Needy Families, Child Care Assistance, and Food Assistance; Senate Sub. for HB 2258**

**Senate Sub. for HB 2258** places the authorization of the Temporary Assistance for Needy Families (TANF) program in statute rather than by rule and regulation, which had been used to establish the program. The bill also modifies and creates certain definitions and requirements pertaining to child care, TANF assistance, and food assistance programs. It repeals certain sections of law that authorize the KanWork Act and general assistance. In addition, the bill requires an electronic check for any false information provided on an application for TANF or other programs by the Department for Children and Families (DCF). DCF is required to maintain sufficient staffing to conduct work program case management services in a timely manner.

### ***Definitions***

“Assistance” is redefined to include food assistance and not food stamps or coupons; reference to the provision of institutional care also is omitted from the term. “Aid to Families with Dependent Children” (AFDC) is renamed “Temporary Assistance for Needy Families,” and the new name replaces AFDC where it appears in law. The uses of TANF are broadened to include meeting the needs of a qualifying caretaker of a dependent child. The definition of “dependent children” omits reference to a child who is deprived of parental or guardian support or care, a full-time student in a vocational or technical program, and expected to complete the training prior to turning 19 years old; the definition makes reference to children in the care of biological or adoptive parents or those persons appointed by a court to provide care. Reference to “blood relative” is omitted from the definition, as well. The bill also repeals the authority of the Secretary for Children and Families (Secretary) to extend by rule and regulation the deprivation of care requirement to children of parents or guardians who have been unemployed.

Definitions for “general assistance” and “transitional assistance” are deleted, and the term “TANF diversion assistance” means a one-time voluntary payment option in lieu of ongoing TANF assistance, designed to meet a crisis that endangers an applicant’s ability to remain in or accept employment. A household which has a recipient accepting TANF diversion assistance is ineligible to receive on-going TANF assistance for 12 months following the payment of diversion assistance. The recipient may receive a maximum of 42 months of TANF cash assistance during a lifetime if the recipient has received a diversion payment. A hardship extension of no more than 12 months may be granted at the discretion of the Secretary.

### ***TANF Assistance and Requirements***

On and after January 1, 2017, DCF is required to conduct an electronic check for false information on an application for TANF and other benefits programs administered by DCF.

General eligibility for federal assistance is revised to include reference to cohabiting partners in addition to a husband and wife living together. The husband and wife, or cohabiting partners, are required to register for work in accordance with criteria set by the Secretary by rule and regulation. A family group is ineligible for TANF if one household member has received the maximum number of months of TANF assistance under state law. When determining eligibility for federally funded assistance, the Secretary considers the equity owned in any boat, personal

water craft, recreational vehicle, or all-terrain vehicle, as those terms are defined by law. An additional motor vehicle used by the applicant or the applicant's spouse or cohabiting partner for the primary purpose of making income may be considered exempt personal property at the discretion of the Secretary. The Secretary had been required to consider the value of additional motor vehicles owned with one vehicle exempted as personal property.

All adults applying for TANF are required to complete a work program assessment as specified by DCF. This includes adults who were previously disqualified or denied TANF due to non-cooperation (which the bill defines), drug testing, or fraud. Adults who are ineligible aliens or receiving Supplemental Security Income are not required to complete the assessment process. An adult is exempt from the work program assessment if the applicant can demonstrate:

- An existing certification verifying completion of the work program assessment;
- A valid offer of employment or is employed a minimum of 20 hours a week;
- The individual is a parenting teen without a GED or high school diploma;
- Enrollment in Job Corps;
- Working with a refugee social services agency; or
- Completion of the work program assessment within the past 12 months.

Recipients are limited over a lifetime to receiving 36 months of TANF assistance. The bill allows for hardship assistance during an additional 12 months if the Secretary finds the recipient to be:

- The caretaker of a disabled family member living in the household;
- Disabled, which precludes long-term employment or requires substantial rehabilitation;
- Needing to overcome the effects of domestic violence or sexual assault;
- Involved with prevention and protection services and has an open social service plan; or
- Experiencing an extreme hardship, as determined by an executive review team.

In order to meet mandatory work participation requirements, households are required to work at least 30 hours per week, which includes 20 hours of primary components and 10 hours of secondary components in one-parent households where the youngest child is 6 years of age or older. In two-parent households, participation hours are 55 hours, with 35 hours per week if child care is not used. The maximum assignment per week per individual is 40 hours.

To meet federal work participation requirements, the following work participation is required:

- For two-parent families:

- Both parents are required to participate in a combined total of 55 hours per week, 50 hours of which must be in primary components; or
- One or both parents may be assigned a combined total of 35 hours per week, including 30 hours of primary components, if child care paid by DCF is not provided.
- For single-parent families with a child under the age of 6, the parent is required to engage in work or work activities for at least 20 hours per week in a primary work component.

Primary components include full- or part-time employment, apprenticeship, work study, self-employment, Job Corps, subsidized employment, work experience sites, on-the-job training, supervised community service, vocational education, and job search and readiness. Secondary components include job skills training, education directly related to employment, and completion of a GED or high school diploma.

A parent or other caretaker with a child less than three months of age is not required to engage in work participation. The three-month limitation does not apply to a parent or other caretaker personally providing care for a child born significantly prematurely, with serious medical conditions or with a disability as defined by the Secretary, in consultation with the Secretary of Health and Environment, and adopted in rules and regulations. Under certain conditions, the exemption from work participation for caring for a child under three months may not apply.

Work experience placements are reviewed after 90 days and are limited to 6 months per 48-month lifetime limit. However, client progress is reviewed prior to each placement. TANF participants with disabilities are required to engage in employment activities to the maximum extent consistent with their abilities.

If a TANF participant or a recipient for child care subsidies engages in non-cooperation, which the bill defines, the penalty for the first instance is for three months; for a second penalty, six months; for a third penalty, one year; and for a fourth or subsequent penalty, ten years. Individuals who have not cooperated without good cause with child support services are ineligible to participate in the food assistance program. If an individual is found to have committed TANF or child care fraud or found guilty of theft on or after July 1, 2015, all adults in the family unit are ineligible for TANF assistance for a lifetime. In that case, households are required to name a protective payee, which the Secretary approves, to receive TANF payments or food assistance on behalf of the children.

No TANF cash assistance is available for use to purchase alcohol, cigarettes, tobacco products, lottery tickets, concert tickets, professional or collegiate sporting event tickets, tickets for other entertainment events intended for the general public, or sexually oriented adult materials. No TANF cash assistance is allowed for use in a liquor store, casino, gaming establishment, jewelry store, tattoo or body piercing parlor, spa, massage parlor, nail salon, lingerie shop, tobacco paraphernalia store, vapor cigarette store, psychic or fortune telling business, bail bond company, video arcade, movie theater, swimming pool, cruise ship, theme park, dog or horse racing facility, parimutuel facility, or an adult sexually oriented retail business or entertainment establishment.

A photograph of a recipient on a Kansas benefits card issued by DCF, which is used to obtain food, cash, or other services, is to be placed on the benefits card only if agreed to by the recipient. If the recipient is a minor or otherwise incapacitated individual, a parent or guardian's photograph may be used instead. TANF cash assistance transactions using automated teller machines are limited to one \$25 transaction per day. (This limitation was modified in Senate Sub. for HB 2281.) No TANF cash assistance may be used for purchases at points of sale outside of the state. A benefits card with the recipient's photograph is a valid form of identification for voting purposes.

### ***Child Care Assistance***

The Secretary is required to adopt rules and regulations in determining the eligibility for the child care subsidy program and non-TANF child care support. DCF provides child care support, for a lifetime maximum of 24 months per adult, to persons studying for degrees or certification that have an average job outlook, as reported by the U.S. Bureau of Labor Statistics. Other educational pursuits require the discretionary approval of the Secretary. Students are required to work for a minimum of 15 hours per week; in a two-parent adult household, child care support is not provided if both are exclusively going to school at the same time.

### ***Food Assistance***

Food stamps are renamed food assistance, and eligibility is limited to citizens and qualified non-citizens as determined by the U.S. Department of Agriculture (USDA). Non-citizens who are unwilling or unable to provide documentation, as defined by USDA, are not included in their household sizes when benefits are calculated. No funds from federal or state sources are to be used for promoting food assistance. The Secretary is prohibited from requesting or implementing a food assistance waiver from USDA for able-bodied adults. The Secretary also is prohibited from enacting the state option from the USDA for broad-based categorical eligibility for households applying for food assistance. The Secretary is not permitted to apply gross income standards for food assistance higher than the standards specified by federal law.

Any person convicted on or after July 1, 2015, of a felony involving controlled substances or their analogs is disqualified permanently from receiving food assistance. Individuals are eligible for food assistance if they enroll and participate in a drug treatment program approved by the Secretary. Individuals must submit to drug testing, if requested by DCF pursuant to a drug-testing plan. Failure to submit to a drug test or pass it results in ineligibility for food assistance until the individual complies with the drug treatment plan approved by the Secretary. The drug treatment plan exception does not apply to any individual convicted on or after July 1, 2015, of a second or subsequent felony involving controlled substances or their analogs.

### ***Other Provisions***

The eligibility requirements for general assistance funded by non-federal sources are repealed. The bill also repeals the requirement for a list of all recipients' names and addresses be made available to the public. Any statistics collected are to be reported in an aggregate, non-identifying nature. The Secretary is authorized to negotiate debts or liabilities owed to the

agency for purposes of providing Title IV-D child support enforcement services. [See also the bill summary for Senate Sub. for HB 2281.]