

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Improve Work Readiness for Families Facing Significant Barriers to Employment

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 22 MRSA §3788, sub-§3, as amended by PL 2001, c. 335, §2, is further amended to read:

3. Assessment. Each participant's case manager shall conduct an initial assessment to determine that individual's education, training and employment needs based on available program resources, the participant's skills and aptitudes, the participant's need for supportive services, local employment opportunities, the existence of any good cause circumstances under section 3785 and, to the maximum extent possible, the preferences of the participant. The department shall document findings in the participant's case record indicating any barriers to participation, including, but not limited to, any physical or mental health problems, including learning disabilities or cognitive impairments, or other good cause circumstances specified in section 3785.

Sec. 2. 22 MRSA §3788, sub-§3-A is enacted to read:

3-A. Comprehensive screening and assessment. If a participant's case manager determines upon an initial assessment performed pursuant to subsection 3 or at a later date that the participant has physical or mental health impairments, learning disabilities, cognitive impairments or limitations related to providing care for a household member with a disability or serious illness or a child with serious behavioral problems, the case manager shall explore with the participant whether the participant wishes to have a comprehensive screening with possible referral for alternative services, supports and income benefits. If the participant elects to have a comprehensive screening and assessment, the case manager shall refer the participant to a qualified individual to identify the abilities, limitations and needs of that participant. The participant may supplement this assessment with medical records or any other credible information related to the participant's ability to participate in program activities. An assessment under this subsection may also be initiated at the request of the participant at any time. The individual performing the assessment under this subsection shall recommend to the case manager any services, supports and programs needed to improve the economic self-sufficiency and well-being of the participant and the participant's family.

In coordination with the participant, the case manager shall establish a plan for the participant and the participant's family based on the assessment that includes appropriate services, supports and programs consistent with the findings and recommendations of the assessment that may include:

A. Referral to a community agency qualified to assist the participant with services, supports, education, training and accommodations needed to reduce or overcome any barriers to achieving self-sufficiency and to fulfill the participant's personal and family responsibilities; and

B. Assistance applying for federal social security disability insurance benefits or federal supplemental security income benefits needed by that participant to obtain those benefits.

Nothing in this subsection may preclude a determination that the participant is temporarily unable to participate due to good cause circumstances as described in section 3785. Any determination made under this subsection may be appealed in accordance with section 3762, subsection 9.

A participant identified as qualifying for the comprehensive screening and assessment under this subsection may not be sanctioned for failing to comply with an assigned activity until assessment results are received and reviewed by the department.

The department shall provide training for case managers regarding their job responsibilities and their obligation to comply with the requirements of the federal Americans with Disabilities Act of 1990; the federal Rehabilitation Act of 1973; and the Maine Human Rights Act when interviewing and providing information to participants, when referring participants for alternative services or when exploring whether the participant requires reasonable accommodations in order to participate in the ASPIRE-TANF program.

SUMMARY

This bill provides that if the case manager of a participant in the ASPIRE-TANF program determines that the participant has physical or mental health impairments, learning disabilities, cognitive impairments or limitations, the case manager must explore with the participant whether the participant wishes to undergo a comprehensive screening with possible referral to alternative services, supports and benefits. Following the assessment, the case manager, in coordination with the participant, is directed to establish a plan for the participant and the participant's family that includes appropriate services, supports and programs.