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An Act To Amend the Laws Governing the Temporary Assistance for Needy Families Program

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

Sec. 1. 19-A MRSA §2605, sub-§1, ¶A, as amended by PL 1997, c. 530, Pt. A, §4, is further amended to read:

A. "Public assistance" means public assistance as provided under Title 22, section 3173, 3271;~~or 3762 or 3790.~~

Sec. 2. 22 MRSA §16, sub-§1, ¶C, as amended by PL 1997, c. 530, Pt. A, §7, is further amended to read:

C. "Public assistance" means aid, assistance or benefits available through:

(1) A program of temporary assistance for needy families administered in this State pursuant to chapter 1053-B ~~or the Parents as Scholars program pursuant to chapter 1054-B;~~

(2) A program of medical assistance administered in this State pursuant to chapter 855; or

(3) Any other program that is based on need and is conducted or administered by this State.

Sec. 3. 22 MRSA §21, sub-§8-A, as enacted by PL 1997, c. 530, Pt. A, §9, is repealed.

Sec. 4. 22 MRSA §22, first ¶, as amended by PL 1997, c. 530, Pt. A, §10, is further amended to read:

The department is authorized to establish an electronic benefit transfer system for the issuance of benefits under the AFDC, food stamp, Temporary Assistance for Needy Families, ~~Parents as Scholars~~ and Medicaid programs.

Sec. 5. 22 MRSA §3762, sub-§4, as enacted by PL 1997, c. 530, Pt. A, §16, is amended to read:

4. Promoting support by both parents. The department shall enforce laws and establish policies to ensure that both parents contribute to the economic support of their child or children and to promote every child's right to economic support from both parents. Applicants for and recipients of assistance may refuse to cooperate in the establishment of paternity or child support enforcement for good cause related to domestic violence, including situations when cooperation may result in harm to the parent or child, or when the child was conceived as a result of incest or rape. ~~Evidence supporting a good cause determination includes, but is not limited to, the evidence specified in section 3785, subsection 13.~~ The department shall notify all applicants and recipients orally and in writing of the availability of this

determination. When a determination of good cause is made by the department, the department may not impose sanctions or penalties against the applicant or recipient or engage in any other activity that could subject any member of the family to harm.

Sec. 6. 22 MRSA §3762, sub-§10, as enacted by PL 1997, c. 530, Pt. A, §16, is repealed.

Sec. 7. 22 MRSA §3762, sub-§12, as enacted by PL 1997, c. 530, Pt. A, §16, is repealed.

Sec. 8. 22 MRSA §3762, sub-§14, as enacted by PL 1997, c. 530, Pt. A, §16, is amended to read:

14. Notification to Legislature. The department shall notify the joint standing committee of the Legislature having jurisdiction over health and human services matters of any request for waivers from the United States Department of Health and Human Services or any other federal agency concerning the implementation of chapters 1053-A, 1054;~~and~~ 1054-A and 1054-B.

Sec. 9. 22 MRSA §3763, sub-§1-A, as enacted by PL 2011, c. 380, Pt. PP, §4, is amended to read:

1-A. Partial and full termination of benefits. Benefits under this chapter must be terminated by the department under the provisions of subsection 1 and ~~sections 3785 and~~ section 3785-A as follows:

A. For a first failure to meet the conditions of a family contract, termination of benefits applies to the adult recipient; ~~and~~

B. For a first failure to meet the conditions of a family contract for which termination of benefits under paragraph A lasts for longer than 90 days and for a 2nd and subsequent violation, termination of benefits applies to the adult recipient and the full family unit; ~~and~~

C. ~~Prior to the implementation of a full family unit sanction, the department shall offer the adult recipient an opportunity to claim good cause for noncompliance as described in section 3785.~~

Benefits that have been terminated under this subsection must be restored once the adult recipient signs a new contract under subsection 1 and complies with the provisions of the family contract.

Sec. 10. 22 MRSA §3763, sub-§11 is enacted to read:

11. Domestic violence. The department shall provide all applicants for assistance under this chapter with information both orally and in writing of the availability of services for victims of domestic violence.

Sec. 11. 22 MRSA §3769, sub-§1, as enacted by PL 1997, c. 530, Pt. A, §16, is amended to read:

1. Payment priority. Payments made on behalf of the department for TANF assistance, ~~the Parents as Scholars Program under chapter 1054-B~~ and for foster care have priority over other payments and must be made without delay whether or not they are pursuant to a state plan or contract. The department shall cooperate with other state agencies to accomplish priority payments.

Sec. 12. 22 MRSA §3785, as amended by PL 1997, c. 530, Pt. A, §§20 to 24, is repealed.

Sec. 13. 22 MRSA §3785-A, sub-§1, ¶B, as enacted by PL 2001, c. 335, §1, is amended to read:

B. Provide the individual with a notice that states the basis for the sanction ~~and a complete list of good cause reasons as set forth in section 3785~~; and

Sec. 14. 22 MRSA §3785-A, sub-§1, ¶C, as enacted by PL 2001, c. 335, §1, is repealed.

Sec. 15. 22 MRSA §3788, sub-§1-A, as enacted by PL 1997, c. 530, Pt. A, §26, is repealed.

Sec. 16. 22 MRSA §3788, sub-§3, as amended by PL 2013, c. 376, §1, 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. 17. 22 MRSA §3788, sub-§3-A, as enacted by PL 2013, c. 376, §2, is amended to read:

3-A. Comprehensive screening and assessment. If upon an initial screening or at a later date it is determined that a 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 a serious behavioral condition, the participant must be offered the opportunity for a comprehensive assessment that may result in referral for alternative services, supports and income benefits. If the participant chooses to have a comprehensive assessment, the participant must be referred to a qualified professional to identify the strengths and needs of and barriers faced by that participant. The participant's case manager shall ensure that any accommodation or support services necessary for the participant to participate in the assessment are made available to the 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 choice of the participant at any time. The individual performing this assessment 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 based on the assessment.

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 needed by the participant to obtain federal social security disability insurance benefits or federal supplemental security income benefits.

~~This subsection does not preclude a determination that the participant is temporarily unable to participate, including participation in any assessment pursuant to this subsection, due to good cause as described in section 3785. Any determination made under this subsection may be appealed in accordance with section 3762, subsection 9.~~

A participant who chooses to participate in a comprehensive assessment under this subsection and fails to participate ~~without good cause~~ may be sanctioned in accordance with section 3763, subsection 1-A, paragraph A regardless of any previous sanctions that the participant may have incurred.

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 considering whether the participant requires reasonable accommodations in order to participate in the ASPIRE-TANF program.

Sec. 18. 22 MRSA §3788, sub-§6, as amended by PL 2009, c. 291, §9, is further amended to read:

6. Education, training and employment services. The ASPIRE-TANF program must make available a broad range of education, training and employment services in accordance with section 3781-A, subsection 3 and the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 110 Stat. 2105 and the federal Deficit Reduction Act of 2005, Public Law 109-171, 120 Stat. 4. These services and activities must include all of those services and activities offered by the Additional Support for People in Retraining and Employment Program on October 1, 1989, except in 2-year and 4-year postsecondary education ~~and except as provided in chapter 1054-B~~. This section does not prohibit the department from purchasing equivalent services from providers other than those from whom those services were purchased on October 1, 1989. When a particular approved education or training service is available at comparable quality and cost, including the cost of support services, and the implementation of the family contract would not be unreasonably delayed, the program participant may choose to enroll for that service with the provider of that person's preference. If this decision is not

mutually agreed to by the participant and the case manager, the decision must be reviewed by the case manager's supervisor. These services do not include reimbursement for the cost of tuition or mandatory fees for postsecondary education unless:

A. The participant is unable to secure other educational funding needed to complete the participant's family contract due to:

(1) Poor credit as determined by the educational funding source; or

(2) The consideration by the educational funding source of resources from past years that are not actually available to the participant;

B. In the determination of the department, failure to pay the tuition or fee would result in higher ASPIRE-TANF program costs to achieve the participant's approved goal; or

C. The participant meets an exception specified in rules adopted by the department.

When a substantially similar postsecondary education or training program of comparable quality is available at both a public and private institution, within a reasonable commuting distance for the participant, the department may choose to approve the program offered at the public institution if the participant's program can be completed at less cost at the institution.

Sec. 19. 22 MRSA §3788, sub-§10, ¶C, as amended by PL 2005, c. 480, §1, is repealed and the following enacted in its place:

C. For individuals who are satisfactorily participating in an education or training program, the department must determine the acceptability of the activity for purposes of meeting the participation requirements of this chapter using the same criteria as are used for any individual in the ASPIRE-TANF program.

Sec. 20. 22 MRSA §3788, sub-§11, ¶B, as amended by PL 1997, c. 530, Pt. A, §26, is further amended to read:

B. ASPIRE-TANF participants who are attending school or are involved in an equivalent educational program recognized by the Department of Education or a local school board are considered to be in the education, training or treatment component ~~and their participation is not limited to 24 months.~~ The department shall encourage recipients younger than 20 years of age who have not completed high school to attend traditional high school.

Sec. 21. 22 MRSA §3788, sub-§11, ¶D, as enacted by PL 2001, c. 335, §3, is amended to read:

D. If a claim of disability ~~or other good cause~~ is made by a participant, the department shall assess the circumstances of the claim. If ~~good cause~~disability is found to exist, the department shall offer reasonable alternative participation requirements if and to the extent required by federal law, and document them in the participant's family contract and case record.

Sec. 22. 22 MRSA §3789-D, sub-§3, ¶E, as enacted by PL 1997, c. 530, Pt. A, §30, is amended to read:

E. Representatives of the following groups, appointed by the council:

- (1) Nonprofit service organizations that assist parents who are nontraditional students;
- (2) TANF participants or participants of the ~~Parents as Scholars Program established in chapter 1054-B~~ who are enrolled in postsecondary education programs;
- (3) Nonprofit organizations that prepare parents to be nontraditional postsecondary education students;
- (4) Organizations that represent low-income parents and that have significant knowledge of public assistance programs;
- (5) Organizations that advocate for the interests of women;
- (6) The business community; and
- (7) Private postsecondary educational institutions.

Sec. 23. 22 MRSA c. 1054-B, as amended, is repealed.

SUMMARY

This bill makes the following changes to the laws governing the Temporary Assistance for Needy Families program.

1. It removes the provision that prohibits a person from being sanctioned under the Additional Support for People in Retraining and Employment-Temporary Assistance for Needy Families program or the Temporary Assistance for Needy Families program for failure to participate in the Additional Support for People in Retraining and Employment-Temporary Assistance for Needy Families program if that failure to participate is based on good cause.

2. It removes the 24-month limit on education, training and treatment for participants in the Additional Support for People in Retraining and Employment-Temporary Assistance for Needy Families program.

3. It eliminates the Parents as Scholars Program.