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Legislative Document

No. 1017

H.P. 719

House of Representatives, March 14, 2017

**An Act To Strengthen Work Participation in the Temporary
Assistance for Needy Families Program**

Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative SANDERSON of Chelsea.
Cosponsored by Senator BRAKEY of Androscoggin and
Representatives: FREDETTE of Newport, HARRINGTON of Sanford, MALABY of Hancock,
McELWEE of Caribou, SAMPSON of Alfred, SUTTON of Warren, Senator: CYRWAY of
Kennebec.

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

2 **Sec. 1. 22 MRSA §3762, sub-§4**, as enacted by PL 1997, c. 530, Pt. A, §16, is
3 amended to read:

4 **4. Promoting support by both parents.** The department shall enforce laws and
5 establish policies to ensure that both parents contribute to the economic support of their
6 child or children and to promote every child's right to economic support from both
7 parents. Applicants for and recipients of assistance may refuse to cooperate in the
8 establishment of paternity or child support enforcement for good cause related to
9 domestic violence, including situations when cooperation may result in harm to the parent
10 or child, or when the child was conceived as a result of incest or rape. Evidence
11 supporting a good cause determination includes, but is not limited to, the evidence
12 specified in section ~~3785~~ 3785-B, subsection 13 subsections 1 and 2. The department
13 shall notify all applicants and recipients orally and in writing of the availability of this
14 determination. When a determination of good cause is made by the department, the
15 department may not impose sanctions or penalties against the applicant or recipient or
16 engage in any other activity that could subject any member of the family to harm.

17 **Sec. 2. 22 MRSA §3762, sub-§10, ¶¶A and B**, as enacted by PL 1997, c. 530,
18 Pt. A, §16, are amended to read:

19 A. The department shall provide all applicants for assistance under this chapter with
20 information both orally and in writing of the availability of services for victims of
21 domestic violence and of the good cause determination for victims of domestic
22 violence under section ~~3785, subsection 13~~ 3785-B. If an applicant requests a good
23 cause determination under section ~~3785, subsection 13~~ 3785-B, the department shall
24 promptly determine whether the applicant qualifies for good cause. An individual
25 may not be required to participate in any TANF activity including orientation until
26 the good cause determination is made.

27 B. When a determination of good cause is made under section ~~3785, subsection 13~~
28 3785-B, the ASPIRE-TANF program may contact the individual and offer domestic
29 violence victim services or other appropriate services on a voluntary basis.

30 **Sec. 3. 22 MRSA §3763, sub-§1-A**, as enacted by PL 2011, c. 380, Pt. PP, §4, is
31 amended to read:

32 **1-A. Partial and full termination of benefits.** Benefits under this chapter must be
33 terminated by the department under the provisions of subsection 1 and sections ~~3785 and~~
34 3785-A and 3785-B as follows:

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

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

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

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

7 **Sec. 4. 22 MRSA §3785**, as amended by PL 1997, c. 530, Pt. A, §§20 to 24, is
8 repealed.

9 **Sec. 5. 22 MRSA §3785-A, first ¶**, as enacted by PL 2001, c. 335, §1, is
10 amended to read:

11 ~~Prior to imposing a sanction against an individual, the department must complete the~~
12 The sanction process, which includes the following.

13 **Sec. 6. 22 MRSA §3785-A, sub-§1**, as enacted by PL 2001, c. 335, §1, is
14 amended to read:

15 **1. Procedures.** Prior to imposing a sanction against an individual for failure to
16 comply with Temporary Assistance for Needy Families or ASPIRE-TANF rules, the
17 department shall:

18 A. Thoroughly review the circumstances of the individual; and

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

21 ~~C. Provide the individual with an opportunity to inform the department of good~~
22 ~~cause circumstances under section 3785; and~~

23 D. Obtain supervisory approval of the recommendation of the case manager to
24 impose a sanction.

25 **Sec. 7. 22 MRSA §3785-A, sub-§1-A** is enacted to read:

26 **1-A. Notice of basis for sanction.** At the time of imposing a sanction against an
27 individual for failure to comply with Temporary Assistance for Needy Families or
28 ASPIRE-TANF rules, the department shall provide the individual with a notice that states
29 the basis for the sanction and the good cause reason as set forth in section 3785-B.

30 **Sec. 8. 22 MRSA §3785-B** is enacted to read:

31 **§3785-B. Domestic violence exception from sanctions for failure to participate**

32 An individual may not be sanctioned under this program or Temporary Assistance for
33 Needy Families for failure to participate in the ASPIRE-TANF program due to domestic
34 violence if that individual is unable to participate because of physical injuries from or the
35 psychological effects of abuse; because of legal proceedings, counseling or other
36 activities related to abuse; because the abuser actively interferes with the individual's
37 participation; because the location puts the individual at risk; or for other good cause

1 related to domestic violence. Good cause for failure to participate in this program must
2 be found when there is reasonable and verifiable evidence of domestic violence. For the
3 purposes of this subsection, reasonable and verifiable evidence may include but is not
4 limited to the following:

5 1. Records. Court, medical, law enforcement, child protective, social services,
6 psychological or other records that establish that the individual has been a victim of
7 domestic violence; or

8 2. Sworn statements. Sworn statements from persons other than the individual with
9 knowledge of the circumstances affecting the individual.

10 Each individual participating in an ASPIRE-TANF orientation must receive written
11 and oral notice of what constitutes good cause for nonparticipation in ASPIRE-TANF.

12 **Sec. 9. 22 MRSA §3788, sub-§3**, as amended by PL 2013, c. 376, §1, is further
13 amended to read:

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

23 **Sec. 10. 22 MRSA §3788, sub-§3-A**, as enacted by PL 2013, c. 376, §2, is
24 amended to read:

25 **3-A. Comprehensive screening and assessment.** If upon an initial screening or at a
26 later date it is determined that a participant has physical or mental health impairments,
27 learning disabilities, cognitive impairments or limitations related to providing care for a
28 household member with a disability or serious illness or a child with a serious behavioral
29 condition, the participant must be offered the opportunity for a comprehensive assessment
30 that may result in referral for alternative services, supports and income benefits. If the
31 participant chooses to have a comprehensive assessment, the participant must be referred
32 to a qualified professional to identify the strengths and needs of and barriers faced by that
33 participant. The participant's case manager shall ensure that any accommodation or
34 support services necessary for the participant to participate in the assessment are made
35 available to the participant. The participant may supplement this assessment with
36 medical records or any other credible information related to the participant's ability to
37 participate in program activities. An assessment under this subsection may also be
38 initiated at the choice of the participant at any time. The individual performing this
39 assessment shall recommend to the case manager any services, supports and programs
40 needed to improve the economic self-sufficiency and well-being of the participant and the
41 participant's family based on the assessment.

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

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

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

11 This subsection does not preclude a determination that the participant is temporarily
12 unable to participate, including participation in any assessment pursuant to this
13 subsection, due to good cause as described in section ~~3785~~ 3785-B. Any determination
14 made under this subsection may be appealed in accordance with section 3762, subsection
15 9.

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

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

27 SUMMARY

28 This bill removes all the good cause exceptions that prevent a person from being
29 sanctioned under the Additional Support for People in Retraining and Employment -
30 Temporary Assistance for Needy Families, or ASPIRE-TANF, program or the Temporary
31 Assistance for Needy Families program for failure to participate in the ASPIRE-TANF
32 program, with the exception of domestic violence.