

By: Nelson

S.B. No. 1716

A BILL TO BE ENTITLED

AN ACT

relating to the administration, operation, financing, and enforcement of the financial assistance program.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Section 31.001, Human Resources Code, is amended to read as follows:

Sec. 31.001. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES [~~AID TO FAMILIES WITH DEPENDENT CHILDREN~~].

SECTION 2. The heading to Section 31.002, Human Resources Code, is amended to read as follows:

Sec. 31.002. DEFINITIONS [~~DEFINITION OF DEPENDENT CHILD~~].

SECTION 3. Section 31.002, Human Resources Code, is amended by adding Subsection (c) to read as follows:

(c) In this chapter, "Work Plus program" means the program established by the department under Section 31.015 that is an integrated process that includes an eligibility interview and comprehensive assessment services and that is designed to promote economic independence and ensure a financial assistance recipient's permanent attachment to the workforce.

SECTION 4. Sections 31.0031(c) and (f), Human Resources Code, are amended to read as follows:

(c) The department shall adopt rules governing sanctions and penalties under this section to or for:

(1) a person who fails to comply with each applicable

1 requirement of the responsibility agreement prescribed by this  
2 section; and

3 (2) the family of a person who fails to comply with  
4 each applicable requirement of the responsibility agreement.

5 (f) The department by rule may provide for exemptions from  
6 Subsection (d)(4) or for a teen parent under Subsection (d)(6). In  
7 adopting those rules, the department shall limit the exemptions  
8 from Subsection (d)(4) to the exemptions as allowed by federal law  
9 or specifically provided by this chapter. The department may not  
10 require participation in an activity under Subsection (d)(4) or for  
11 a teen parent under Subsection (d)(6) if funding for support  
12 services is unavailable.

13 SECTION 5. Section 31.0032, Human Resources Code, is  
14 amended by amending Subsections (a) and (c) and adding Subsection  
15 (d) to read as follows:

16 (a) Except as provided by Section 231.115, Family Code, [~~as~~  
17 ~~added by Chapter 911, Acts of the 75th Legislature, Regular~~  
18 ~~Session, 1997,~~] if after an investigation the department or the  
19 Title IV-D agency determines that a person is not complying with a  
20 requirement of the responsibility agreement required under Section  
21 31.0031, the department [~~immediately~~] shall immediately apply a  
22 sanction terminating the total amount of financial assistance  
23 provided under this chapter to or for the person and the person's  
24 family [~~apply appropriate sanctions or penalties regarding the~~  
25 ~~assistance provided to or for that person under this chapter~~].

26 (c) This section does not prohibit the department from  
27 providing medical assistance, child care, or any other social or

1 support services for a person who or a family that is [~~an~~  
2 ~~individual~~] subject to sanctions or penalties under this chapter.

3 (c) The department shall apply a sanction or penalty imposed  
4 under Subsection (a) until the person demonstrates compliance with  
5 the requirement of the responsibility agreement for which the  
6 sanction was imposed, or for a period established by department  
7 rules.

8 SECTION 6. Section 31.0033(c), Human Resources Code, is  
9 amended to read as follows:

10 (c) If the department finds that good cause for  
11 noncompliance was not shown at a hearing, the department shall  
12 apply appropriate sanctions or penalties to or for that person and  
13 the person's family as provided by Section 31.0032 until the  
14 department, or the Title IV-D agency in a Title IV-D case,  
15 determines that the person has demonstrated [~~is in~~] compliance with  
16 the terms of the responsibility agreement, or for a period  
17 established by department rules.

18 SECTION 7. Section 31.0065, Human Resources Code, is  
19 amended to read as follows:

20 Sec. 31.0065. TIME-LIMITED BENEFITS. (a) The department  
21 may provide financial assistance under this chapter only in  
22 accordance with the time limits specified by this section. The  
23 department by rule may provide for exceptions to these time limits  
24 if severe personal hardship or community economic factors prevent  
25 the recipient from obtaining employment or if the state is unable to  
26 provide support services.

27 (b) The department shall limit the [~~financial~~] assistance

1 and ~~[transitional]~~ benefits provided to a person and the person's  
2 family to a cumulative total of 36 months of financial assistance,  
3 and 12 months of transitional benefits, if the family includes a  
4 person who is certified as an adult for purposes of the financial  
5 assistance program ~~[in accordance with the following schedule:]~~

6 ~~[(1) financial assistance is limited to a cumulative~~  
7 ~~total of 12 months and transitional benefits are limited to 12~~  
8 ~~months if the person receiving financial assistance on behalf of a~~  
9 ~~dependent child has:]~~

10 ~~[(A) a high school diploma, a high school~~  
11 ~~equivalency certificate, or a certificate or degree from a two-year~~  
12 ~~or four-year institution of higher education or technical or~~  
13 ~~vocational school; or~~

14 ~~[(B) recent work experience of 18 months or more;~~

15 ~~[(2) financial assistance is limited to a cumulative~~  
16 ~~total of 24 months and transitional benefits are limited to 12~~  
17 ~~months if the person receiving financial assistance on behalf of a~~  
18 ~~dependent child has:]~~

19 ~~[(A) completed three years of high school; or~~

20 ~~[(B) recent work experience of not less than six~~  
21 ~~or more than 18 months; and~~

22 ~~[(3) financial assistance is limited to a cumulative~~  
23 ~~total of 36 months and transitional benefits of 12 months if the~~  
24 ~~person receiving financial assistance on behalf of a dependent~~  
25 ~~child has:]~~

26 ~~[(A) completed less than three years of high~~  
27 ~~school; and~~

1                   ~~[(B) less than six months of work experience.]~~

2           (c) In addition to the time limits imposed by Subsection  
3 (b), a person who receives financial assistance and the person's  
4 family are subject to the time limits for the assistance that are  
5 imposed by federal law if the family includes a person who is  
6 certified as an adult for purposes of the financial assistance  
7 program ~~[If the recipient has completed less than three years of~~  
8 ~~high school and has less than six months work experience, the~~  
9 ~~department shall perform an in-depth assessment of the needs of~~  
10 ~~that person and that person's family. If the recipient cooperates~~  
11 ~~with the department's assessment, the time period prescribed by~~  
12 ~~Subsection (b)(3) begins on the first anniversary of the date on~~  
13 ~~which the department completes the assessment, as determined by the~~  
14 ~~department].~~

15           (d) The computation of time limits under Subsection (b)  
16 includes any month on or after September 1, 2003, during which the  
17 family member certified as an adult received financial assistance  
18 under this chapter ~~[begins when the adult or teen parent recipient~~  
19 ~~receives notification under Section 31.012(b) of the availability~~  
20 ~~of an opening in and eligibility for the job opportunity and basic~~  
21 ~~skills (JOBS) program Part F, Subchapter IV, Social Security Act~~  
22 ~~(42 U.S.C. Section 682)].~~

23           (e) In implementing the time-limited benefits program, the  
24 department:

25                   (1) subject to the exceptions established under  
26 Subsection (a), shall provide that a participant in the program may  
27 who is certified as an adult reapply with the department for

1 financial assistance on or after the fifth anniversary of the date  
2 on which the participant and the participant's family are [~~is~~]  
3 totally disqualified from receiving assistance because of the  
4 application of Subsection (b); and

5 (2) shall establish the criteria for determining what  
6 constitutes [~~severe personal~~] a hardship under Subsection (a).

7 [~~(f) If the department is imposing time-limited benefits on~~  
8 ~~an individual, the department shall consider:~~

9 [~~(1) the assessment of the individual's need that was~~  
10 ~~conducted by the department, provided that if the needs assessment~~  
11 ~~indicates discrepancies between a client's self-reported~~  
12 ~~educational level and the client's functional abilities, the time~~  
13 ~~limits shall be based upon the functional educational level; and~~

14 [~~(2) the prevailing economic and employment~~  
15 ~~conditions in the area of the state where the individual resides.]~~

16 SECTION 8. Subchapter A, Chapter 31, Human Resources Code,  
17 is amended by adding Section 31.015 to read as follows:

18 Sec. 31.015. COMPREHENSIVE ASSESSMENT SERVICES FOR  
19 RECIPIENTS RETURNING TO THE FINANCIAL ASSISTANCE PROGRAM. (a) The  
20 department by rule shall develop and implement the Work Plus  
21 program to promote economic independence and ensure a financial  
22 assistance recipient's permanent attachment to the workforce. The  
23 program must be designed as an integrated process that is initiated  
24 with a combined financial assistance eligibility interview and  
25 employability determination to identify applicants who previously  
26 received financial assistance. The department may use call centers  
27 to conduct the eligibility interview and employability

1 determination.

2 (b) Based on the interview and employability determination  
3 under Subsection (a), the department shall:

4 (1) direct an adult applicant to employment programs  
5 under Section 31.0126 if the applicant is required to work or  
6 participate in employment activities and did not receive financial  
7 assistance at any time during the 12-month period preceding the  
8 date of application;

9 (2) direct an adult applicant to services under the  
10 Work Plus program and employment programs under Section 31.0126 if  
11 the applicant is required to work or participate in employment  
12 activities and received financial assistance at any time during the  
13 12-month period preceding the date of application; and

14 (3) offer to an adult applicant who is exempt from work  
15 or employment activities requirements an opportunity to  
16 participate in employment programs under Section 31.0126 and to  
17 receive services under the Work Plus program.

18 (c) In addition to the interview and employability  
19 determination required by Subsection (a), the Work Plus program  
20 must be designed to include, at a minimum:

21 (1) for each recipient directed to the program:

- 22 (A) a comprehensive job retention assessment;
- 23 (B) a job retention and family independence plan;
- 24 (C) compliance incentives and sanctions;
- 25 (D) integrated case management, including  
26 post-employment planning; and
- 27 (E) a job retention stipend, as provided by

1 Subsection (i); and

2 (2) for local workforce development boards, support in  
3 marketing recipients receiving services under the program to  
4 potential employers.

5 (d) The department shall design the comprehensive job  
6 retention assessment under Subsection (c) to identify the reasons a  
7 recipient leaves the financial assistance program and later  
8 reapplies for benefits under the program by determining the  
9 recipient's:

10 (1) strengths, career interests, and training needs,  
11 if any;

12 (2) previous work history and education and training;

13 (3) previous receipt of financial assistance and  
14 history of penalties and sanctions; and

15 (4) child care and transportation needs and resources.

16 (e) In addition to the requirements of Subsection (d), the  
17 comprehensive job retention assessment under Subsection (c) must  
18 also include screening questions designed to determine whether  
19 substance abuse, mental health concerns, family violence, learning  
20 disabilities, or any other factors pose significant barriers to  
21 employment placement and job stability.

22 (f) The job retention and family independence plan required  
23 by Subsection (c) must be developed with input from the recipient,  
24 the recipient's case manager, employment services staff, and where  
25 appropriate, employers in the recipient's local workforce  
26 development area, and community and faith-based organizations. The  
27 plan must identify specific actions needed to address each of the



1 recipient's barriers to employment. In developing the plan,  
2 department staff shall also assist the recipient to develop  
3 strategies to achieve employment stability, job advancement, and  
4 long-term independence from welfare programs.

5 (g) To provide support through the Work Plus program to the  
6 local workforce development boards as required by Subsection (c),  
7 the department shall use labor-market information that identifies  
8 employers in local workforce development areas that meet specific  
9 criteria, such as high turnover rate or potential for career  
10 advancement.

11 (h) Department staff shall identify through the  
12 comprehensive assessment services potential barriers to compliance  
13 faced by a recipient participating in the program and shall assist  
14 the recipient in eliminating those barriers to achieve permanent  
15 attachment to the workforce.

16 (i) The department by rule may develop a program to provide  
17 a job retention stipend for recipients participating in the Work  
18 Plus program. Under the program, a recipient who particulates in  
19 post-employment services provided under Subsection (c) and remains  
20 employed for nine consecutive months from the date of initial  
21 employment may be offered a job retention stipend not to exceed  
22 \$400. In addition, a recipient who receives the \$400 bonus and who  
23 remains employed for 18 consecutive months from the date of initial  
24 employment may be offered a job retention stipend not to exceed  
25 \$600. A recipient who receives a stipend under this subsection must  
26 use the money to pay for child care, educational expenses,  
27 transportation expenses, or other items or expenses related to

1 achieving continuous employment and self-sufficiency, as  
2 determined by the department.

3 SECTION 9. Section 31.009, Human Resources Code, is  
4 repealed.

5 SECTION 10. The changes in law made by this Act apply to a  
6 person who receives financial assistance under Chapter 31, Human  
7 Resources Code, on or after the effective date of this Act,  
8 regardless of the date on which eligibility for the financial  
9 assistance was determined.

10 SECTION 11. Not later than January 1, 2004, the Texas  
11 Department of Human Services shall develop and implement the Work  
12 Plus program required by Section 31.015, Human Resources Code, as  
13 added by this Act.

14 SECTION 12. If before implementing any provision of this  
15 Act a state agency determines that a waiver or authorization from a  
16 federal agency is necessary for implementation of that provision,  
17 the agency affected by the provision shall request the waiver or  
18 authorization and may delay implementing that provision until the  
19 waiver or authorization is granted.

20 SECTION 13. This Act takes effect September 1, 2003.