STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 561
By: Haste

AS INTRODUCED

An Act relating to the Temporary Assistance for Needy Families (TANF) program; amending 56 O.S. 2021, Section 230.52, which relates to minimum mandatory requirements; modifying terminology; modifying certain screening procedures; requiring TANF employability plan to include substance abuse treatment for certain recipients; removing provisions relating to certain denials; deleting obsolete reference; updating statutory language; providing an effective date; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 56 O.S. 2021, Section 230.52, is amended to read as follows:

Section 230.52. A. Except for specific exceptions, conditions or restrictions authorized by the Statewide Temporary Assistance Responsibility System (STARS) and rules promulgated by the Commission for Director of the Department of Human Services pursuant thereto, the following are the minimum mandatory requirements for the Temporary Assistance for Needy Families (TANF) program:

1. A recipient shall be eligible to receive assistance pursuant to the TANF program only for a lifetime total of five (5) years,
subject to the exemptions allowed by federal law. Child-only cases are not subject to the five-year limitation;

2. Single parents receiving temporary assistance pursuant to the TANF program shall participate in work activities for a minimum of twenty (20) hours per week during the month. Two-parent families receiving temporary assistance pursuant to the TANF program shall participate in work activities for a minimum of thirty-five (35) hours per week during the month;

3. A recipient must be engaged in one or more of the work activities set out in paragraph 4 of this subsection as soon as required by the Department of Human Services pursuant to the TANF program, but not later than twenty-four (24) months after certification of the application for assistance, unless the person is exempt from work requirements under rules promulgated by the Commission Director pursuant to the STARS;

4. The Department shall develop and describe categories of approved work activities for the TANF program recipients in accordance with this paragraph. Work activities that qualify in meeting the requirements include, but are not limited to:

a. (1) unsubsidized employment which is full-time employment or part-time employment that is not directly supplemented by federal or state funds,

   (2) subsidized private sector employment which is employment in a private for-profit enterprise or
a private not-for-profit enterprise that is
directly supplemented by federal or state funds.
Prior to receiving any subsidy or incentive, the
employer shall enter into a written contract with
the Department, and

(3) subsidized public sector employment which is
employment by an agency of a federal, state, or
local governmental entity which is directly
supplemented by federal or state funds. Prior to
receiving any subsidy or incentive, the employer
shall enter into a written contract with the
Department.
Subsidized hourly employment or unsubsidized hourly
employment pursuant to this subparagraph shall only be
approved by the Department as work activity if such
employment is subject to:

(a) the federal minimum wage requirements
pursuant to the Fair Labor Standards Act of
1938, as amended,
(b) the federal Social Security tax and Medicare
tax, and
(c) regulations promulgated pursuant to the
federal Occupational Safety and Health Act
of 1970 and rules promulgated by the State Department of Labor pursuant thereto,
b. a program of work experience,
c. on-the-job training,
d. assisted job search which may include supervised or unsupervised job-seeking activities,
e. job readiness assistance which may include, but is not limited to:
   (1) orientation in the work environment and basic job-seeking and job retention skills,
   (2) instruction in completing an application for employment and writing a resume, and
   (3) instruction in conducting oneself during a job interview, including appropriate dress, and
   (4) substance abuse treatment and mental health counseling,
f. job skills training which is directly related to employment in a specific occupation for which there is a written commitment by an employer to offer employment to a recipient who successfully completes the training. Job skills training includes, but is not limited to, customized training designed to meet the needs of a specific employer or a specific industry,
g. community service programs which are job-training activities provided in areas where sufficient public or private sector employment is not available. Such activities are linked to both education or training and activities that substantially enhance a recipient’s employability,

h. literacy and adult basic education programs,

i. vocational-educational programs, not to exceed twelve (12) months for any individual, which are directed toward vocational-educational training and education directly related to employment,

j. education programs which are directly related to specific employment opportunities, if a recipient has not received a high school diploma or General Equivalency Degree General Educational Development certificate, and

k. child care for other STARS recipients. The recipient must meet training and licensing requirements for child care providers as required by the Oklahoma Child Care Facilities Licensing Act;

5. Single, custodial parents with a child up to one (1) year of age may be exempt from work activities for a lifetime total exemption of twelve (12) months;
6. In order to receive assistance, unmarried teen parents of a
minor child at least twelve (12) weeks of age must participate in
educational activities or work activities approved by the state;

7. For single-parent families, except for teen parents,
educational activities, other than vocational-technical training, do
not count toward meeting the required twenty (20) hours of work
activity. For two-parent families, educational activities, except
vocational-technical training, do not count toward meeting the
required thirty-five (35) hours of work activity;

8. A teen parent must live at home or in an approved, adult-
supervised setting as specified in Section 230.55 of this title to
receive TANF assistance;

9. A recipient must comply with immunization requirements
established pursuant to the TANF program;

10. A recipient shall be subject to the increment in benefits
for additional children established by Section 230.58 of this title;

11. The following recipient resources are exempt from resource
determination criteria:
   a. an automobile with an equity allowance of not more
      than Five Thousand Dollars ($5,000.00) pursuant to
      Section 230.53 of this title,
   b. individual development accounts established pursuant
      to the Family Savings Initiative Act, or individual
      development accounts established prior to November 1,
1998, pursuant to the provisions of Section 230.54 of this title in an amount not to exceed Two Thousand Dollars ($2,000.00),

c. the equity value of funeral arrangements owned by a recipient that does not exceed the limitation specified by Section 165 of this title, and
d. earned income disregards not to exceed One Hundred Twenty Dollars ($120.00) and one-half (1/2) of the remainder of the earned income;

12. An applicant who applies and is otherwise eligible to receive TANF benefits but who has resided in this state less than twelve (12) months shall be subject to Section 230.57 of this title;

13. The recipient shall enter into a personal responsibility agreement with the Department for receipt of assistance pursuant to Section 230.65 of this title;

14. The Department shall, beginning November 1, 2012 on the effective date of this act, screen all adult applicants for TANF recipients as part of the required TANF employability plan to determine if they are engaged in the illegal use of a controlled substance or substances. If the Department has made a determination that the applicant recipient is engaged in the illegal use of a controlled substance or substances, the applicant’s request for TANF cash benefits shall be denied. The Commission for Human Services recipient’s TANF employability plan shall include substance abuse
treatment and, if appropriate, mental health counseling, as part of the assigned work activities required by paragraph 4 of this subsection. The Director shall adopt rules to implement the requirements of this paragraph consistent with the following:

a. the Department shall create a controlled substance screening process to be administered at the time of application during the assessment process that determines the TANF employability plan. The process shall, at a minimum, include a Substance Abuse Subtle Screening Inventory (SASSI) or other similar screening methods. If necessary to establish a reasonable expectation of certainty, the Department is authorized to use further screening methods, which may include, but are not limited to, a clinical interview and consideration of the Department’s history with the applicant, and an Addictions Severity Index (ASI). If the Department has reasonable cause to believe that the applicant recipient is engaged in the illegal use of a controlled substance or substances, the Department is authorized, though not required, to request administration of a chemical drug test, such as urinalysis. The cost of all such initial screenings shall not be borne by the applicant recipient, and
b. if at any time during the controlled substance screening process, the applicant refuses to participate without good cause, that refusal shall lead to a denial closure of TANF benefits.

c. if the Department, as the result of a controlled substance screening process, has determined that the applicant is engaged in the illegal use of a controlled substance or substances, the applicant’s request for TANF cash benefits shall be denied, subject to the following:

   (1) if there has not already been a chemical drug test administered as part of the controlled substance screening process, the applicant may submit proof of a negative chemical drug test from a state certified laboratory to challenge the Department’s finding that the applicant is engaged in the illegal use of a controlled substance or substances. Proof of the chemical drug test must be submitted to the Department no later than the tenth calendar day following denial. If denial is communicated by mail, the ten (10) day window begins on the day after the date of mailing of the denial notice to the applicant’s last-known address. The denial
notice is considered to be mailed on the date that appears on the notice, unless otherwise indicated by the facts,

(2) if denied due to the provisions of this subparagraph, an applicant shall not be approved until one (1) year has passed since the date of denial,

(a) if the applicant is denied due to the provisions of this paragraph, the Department shall provide a list of substance abuse treatment programs to the denied applicant,

(b) if an applicant has successfully complied with a recommended substance abuse treatment program after the date of denial, the applicant may be approved for cash benefits after six (6) months have passed since the date of denial, rather than the required one year, and

(3) if an applicant has been denied TANF cash benefits two times due to the provisions of this subparagraph, the applicant shall be ineligible for TANF benefits for a period of three (3) years from the date of the second denial,
d. child-only cases and minor parents under eighteen (18) years of age are not subject to the provisions of this paragraph, and

e. in cases where the application for TANF benefits is not for child-only benefits, but there is not a parent who has been deemed eligible for cash benefits under the provisions of this paragraph, any cash benefits for which the dependent children of the family are still eligible shall not be affected and may be received and administered by an appropriate third party approved by the Department for the benefit of the members of the household;

15. 14. a. As a condition of participating in the STARS, all recipients are deemed to have given authorization for the release of any and all information necessary to allow all state and federal agencies to meet the program needs of the recipient.

b. The recipient shall be provided a release form to sign in order to obtain the required information. Failure to sign the release form may result in case closure; and

16. 15. The recipient shall comply with all other conditions and requirements of the STARS, and rules of the Commission promulgated pursuant thereto.
B. 1. Agencies of this state involved in providing services to recipients pursuant to the STARS shall exchange information as necessary for each agency to accomplish objectives and fulfill obligations created or imposed by the STARS and rules promulgated pursuant thereto.

2. Information received pursuant to the STARS shall be maintained by the applicable agency and, except as otherwise provided by this subsection, shall be disclosed only in accordance with any confidentiality provisions applicable to the agency originating the information.

3. The various agencies of the state shall execute operating agreements to facilitate information exchanges pursuant to the STARS.

C. In implementing the TANF program, the Department shall:

1. Provide assistance to aliens pursuant to Section 230.73 of this title;

2. Provide for the closure of the TANF case when the adult recipient refuses to cooperate with agreed upon work activities or other case requirements pursuant to the TANF program;

3. Provide for the sanctioning of parents who do not require their minor children to attend school; and

4. Deny temporary assistance to fugitive felons.

D. In order to ensure that the needy citizens of this state are receiving necessary benefits, the Department shall maintain a
listing of all recipients receiving public assistance. The listing shall reflect each recipient’s income, social security number, and the programs in which the recipient is participating including, but not limited to, TANF, food stamps, child care, and medical assistance.

E. The Department is hereby authorized to establish a grant diversion program and emergency assistance services.

SECTION 2. This act shall become effective July 1, 2023.

SECTION 3. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.