

# A-Engrossed House Bill 2469

Ordered by the House May 3  
Including House Amendments dated May 3

Sponsored by Representative KOTEK; Representative DINGFELDER

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Expands temporary assistance for needy families to include new [*temporary assistance for needy families SSI*] **State Family Pre-SSI/SSDI** program and new temporary assistance for needy families program for working families. [*Eliminates absent parent requirement for receipt of aid.*] **Increases number of hours absent parent may visit child without loss of assistance.**

Describes [*work*] **suitable** activities for job opportunity and basic skills program. Requires screening, assessment and case planning. Creates special provisions for participants with disabilities. Extends program exemption to [*12*] **six** months for parent of newborn **with exception of parent under 20 years of age**. [*Authorizes*] **Creates** sanctions for failing to comply with case plan in program.

Changes time limit for receipt of temporary assistance for needy families to 60-month lifetime limit. Specifies exceptions.

Exempts specified participants in temporary assistance for needy families program and [*temporary assistance for needy families SSI*] **State Family Pre-SSI/SSDI** program from requirement to assign child support. **Requires Department of Justice to pass through to family receiving aid \$50 of monthly child support received for each child up to maximum of \$200.** Requires Department of Human Services to [*implement*] **disregard** child support [*pass-through*] **in determination of aid.** Adds temporary assistance for needy families recipients to list of individuals rebuttably presumed to be unable to pay child support. Authorizes department to recover adult portion of temporary assistance for needy families from retroactive Supplemental Security Income payments.

**Removes requirement to receive aid for three of six months to qualify for extended medical assistance after increase in number of hours worked or earnings.**

**Declares emergency, effective on passage.**

## A BILL FOR AN ACT

1  
2 Relating to public assistance for families with dependent children; creating new provisions; amend-  
3 ing ORS 25.020, 25.245, 411.070, 411.105, 411.892, 414.025, 414.042, 414.428, 418.035, 418.040,  
4 418.042, 418.045, 418.070, 418.075, 418.085, 418.131, 418.132, 418.149, 418.155, 418.160 and 418.163;  
5 repealing ORS 418.095 and 418.185 and section 4, chapter 212, Oregon Laws 2003; and declaring  
6 an emergency.

7 **Be It Enacted by the People of the State of Oregon:**

8 **SECTION 1.** ORS 418.035 is amended to read:

9 418.035. As used in ORS 418.035 to 418.172, unless the context or a specially applicable statutory  
10 definition requires otherwise:

11 (1) "Aid" means money payments with respect to, or on behalf of, a dependent child or children  
12 and includes:

13 (a) Money payments to meet the needs of the relative with whom the child is living and[:]

14 [(A)] the spouse of the relative if the spouse lives with the relative, the relative is the child's  
15 parent and the child is a dependent child by reason of the physical or mental incapacity, **or the**  
16 **unemployment or underemployment**, of a parent; or

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1        *[(B) The spouse of the relative if the spouse lives with the relative, the relative is the child's parent*  
2 *and the child is a dependent child as defined in ORS 418.070 (2)(a) and is dependent by reason of the*  
3 *unemployment of parents.]*

4        (b) Payments made to a representative payee or guardian pursuant to ORS 418.050 or 418.054.

5        **(2) "Caretaker relative" means a dependent child's father, mother, grandfather, grand-**  
6 **mother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first**  
7 **cousin, nephew or niece who lives in a residence maintained by one or more of the relatives**  
8 **as the child's or the relative's own home.**

9        [(2)(a)] **(3)(a)** "Dependent child" means a needy child **who**:

10        (A) [Who] Has been deprived of parental support or care by reason of the death, continued ab-  
11 sence from the home or physical or mental incapacity, **or unemployment or underemployment,**  
12 of a parent;

13        *[(B) Whose relatives are not able to provide adequate care and support for the child without public*  
14 *assistance, as defined in ORS 411.010;]*

15        *[(C) Who is living with the child's father, mother, grandfather, grandmother, brother, sister,*  
16 *stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew or niece in a place of*  
17 *residence maintained by one or more of such relatives as the child's or their own home; and]*

18        **(B) Lives with a caretaker relative; and**

19        [(D)] **(C)** [Who] Meets the requirements of paragraph (b) of this subsection.

20        (b)(A) Except as provided in subparagraphs (B) and (C) of this paragraph, a "dependent child"  
21 must be under the age of 18 years.

22        (B) A child may qualify as a "dependent child," subject to the availability of funds, if the child  
23 is 18 or 19 or 20 years of age and a student regularly attending a school in grade 12 or below or  
24 regularly attending a course of professional or technical training designed to fit the child for gainful  
25 employment, other than a course provided by or through a college or university.

26        (C) Students under the age of 21 years and regularly attending a school, college or university  
27 or regularly attending a course of professional or technical training designed to fit the child for  
28 gainful employment may be included in the description in subparagraph (B) of this paragraph at the  
29 option of the Department of Human Services.

30        **(4) "Federally required participation rates" means the participation rates as required by**  
31 **section 407 of the Social Security Act.**

32        **(5) "Needy" means unable to obtain, or unable to provide to a dependent child, adequate**  
33 **care and support without public assistance.**

34        [(3)] **(6)** "Representative payee" means an individual designated by the department to receive  
35 money payments of aid pursuant to ORS 418.050.

36        **SECTION 2.** ORS 418.040 is amended to read:

37        418.040. (1) Aid pursuant to the temporary assistance for needy families program shall be  
38 granted under [ORS 418.035 to 418.125] **this section** to any dependent child who is living in a home  
39 meeting the standards of care and health fixed by the rules [and regulations] of the Department of  
40 Human Services and who is a resident of the State of Oregon, if [the] a parent or [other] **caretaker**  
41 relative with whom the child is living is a resident of the State of Oregon.

42        [(2) No parent of a child receiving aid under ORS 418.035 to 418.125 shall be exempt from a re-  
43 quirement to participate in programs to develop employment or self-sufficiency skills due to the age of  
44 the child except:]

45        [(a) During the first two months of the third trimester of pregnancy, the parent shall not be re-

1 *quired to participate more than 10 hours per week and shall be exempt from participation during the*  
2 *last month of pregnancy; and]*

3 *[(b) During the first 90 days after the birth of a child.]*

4 *[(3) No individual in a household receiving aid under ORS 418.035 to 418.125 shall be exempt, due*  
5 *to the pregnancy of the individual, from a requirement to obtain a high school diploma or its equivalent*  
6 *or to participate in programs to develop employment or self-sufficiency skills.]*

7 *[(4) No parent shall be eligible to receive aid under ORS 418.035 to 418.125 if the parent fails to*  
8 *participate in programs to develop employment or self-sufficiency skills during the period of eligibility*  
9 *determination.]*

10 *[(5) The provisions of subsection (3) of this section shall not apply to an individual experiencing*  
11 *medical complications due to pregnancy, as determined by a person licensed by the Board of Medical*  
12 *Examiners or the Oregon State Board of Nursing, that prohibit participation in the activities otherwise*  
13 *required.]*

14 *[(6) Notwithstanding section 16, chapter 739, Oregon Laws 1993, and subsection (5) of this section,*  
15 *no individual in a household receiving aid under ORS 418.035 to 418.125 shall be exempt from any*  
16 *requirement to participate in programs to develop employment or self-sufficiency skills, as defined by*  
17 *the department, unless the individual and the individual's department case manager agree in writing*  
18 *that the exemption is appropriate under guidelines developed by the department.]*

19 **(2) Except as provided in subsections (7) and (8) of this section, a needy caretaker rela-**  
20 **tive may be required to participate in the job opportunity and basic skills program that is**  
21 **described in subsections (3) to (6) of this section.**

22 **(3) The department shall use a basic assessment tool to determine if a caretaker relative**  
23 **applying for or receiving aid under this section has or may have a barrier to employment or**  
24 **to family stability. If the basic assessment tool indicates that there is or may be a barrier,**  
25 **the caretaker relative shall be referred for an in-depth assessment by a person with relevant**  
26 **expertise or specialized training.**

27 **(4) Based upon the assessment described in subsection (3) of this section, the depart-**  
28 **ment, in cooperation with appropriate partner agencies or professionals, shall work with the**  
29 **participant to create an effective individualized case plan that establishes goals and identifies**  
30 **suitable activities that promote family stability and financial independence.**

31 **(5) Suitable activities may include:**

32 **(a) Job readiness activities or employment;**

33 **(b) Vocational rehabilitation or training;**

34 **(c) Remedial, secondary or post-secondary education;**

35 **(d) Community service; or**

36 **(e) Other activities that reduce or eliminate barriers to full participation in the program**  
37 **or to employment.**

38 **(6) For individuals with disabilities, the goal of the individualized case plan must be to**  
39 **promote greater independence and may include physical or mental health evaluation or**  
40 **treatment.**

41 **(7) A needy caretaker relative receiving aid under ORS 418.035 to 418.125 may volunteer**  
42 **for but may not be required to participate in the job opportunity and basic skills program:**

43 **(a) More than 10 hours per week during the first two months of the third trimester of**  
44 **the parent's pregnancy;**

45 **(b) During the last month of the parent's pregnancy;**

1 (c) If the caretaker relative is experiencing medical complications due to pregnancy that  
2 prohibit participation in activities in the program;

3 (d) For one parent per family, during the first six months after the birth of a child, up  
4 to a total of 12 months per family except that:

5 (A) The department may require a parent to participate in suitable activities, with a  
6 preference for educational activities, 16 weeks after the birth of a child if the parent is under  
7 20 years of age; and

8 (B) The department may require a parent of a child under 12 months of age to participate  
9 in evidence-based parenting classes or family stability activities; or

10 (e) If participation is likely to cause undue hardship or is contrary to the best interests  
11 of the child or caretaker relative.

12 [(7)] (8) The department [by rule shall define programs to develop employment or self-sufficiency  
13 skills for purposes of this section] shall adopt rules to carry out the provisions of this section.

14 **SECTION 3.** ORS 418.045 is amended to read:

15 418.045. (1) The need for and amount of aid pursuant to the temporary assistance for needy  
16 families to be granted for any dependent child or relative pursuant to ORS [418.035 to 418.172]  
17 **418.040** shall be determined, in accordance with the rules [and regulations] of the Department of  
18 Human Services, taking into account:

19 (a) The income, resources and maintenance available to such child and relative from whatever  
20 source derived, allowable deductions and the statewide income and payment standards.

21 (b) The income and financial condition of the stepparent, if any, of the child for whom aid is  
22 sought.

23 (2) Subsection (1)(b) of this section is not intended to relieve any [father] **parent** of any legal  
24 obligation in respect of the support of the natural or adopted children of the [father] **parent**.

25 [(3) In the determination of eligibility and the amount of need, and in any reconsideration thereof,  
26 with respect to an applicant or recipient of aid pursuant to ORS 418.035 to 418.172, such amounts of  
27 income and resources may be disregarded as the department may prescribe by rules and regulations  
28 promulgated by it. The amounts to be disregarded shall be within the limits required or permitted by  
29 federal laws and by federal rules and orders thereto applicable.]

30 [(4)(a) Notwithstanding section 16 (5)(d), chapter 739, Oregon Laws 1993, an individual who fails  
31 to cooperate in such education, employment or job training programs as may be required by law shall  
32 have aid payments reduced by the amount of \$50 for a period of two months.]

33 [(b) Continued failure of an adult aid recipient to cooperate in mandatory education, employment  
34 or job training programs for more than two months as described in paragraph (a) of this subsection  
35 shall result in the removal of the noncooperating adult from the eligibility determination for the corre-  
36 sponding recipient family for a period of two months in addition to the period required under para-  
37 graph (a) of this subsection.]

38 [(c) Subsequent and continued failure of an individual to cooperate in mandatory education, em-  
39 ployment or job training programs beyond the period described in paragraph (b) of this subsection shall  
40 result in termination of all aid.]

41 [(d) The department shall adopt rules defining standards for cooperation in programs for educa-  
42 tion, employment or job training as provided in this subsection.]

43 [(5) Aid terminated under subsection (4) of this section shall be restored upon demonstrated coop-  
44 eration, as defined by the department, in applicable education, employment or job training programs.]

45 (3) In determining the need for and amount of aid to be granted under subsection (1) of

1 this section and under ORS 411.070, the department shall:

2 (a) Disregard no less than \$50 of the amount of child support received for each child per  
3 month, up to a total of \$200 or the maximum established by federal law, for the family; and

4 (b) Disregard any other amounts of income and resources of the family as the depart-  
5 ment may prescribe by rule.

6 (4) The department by rule shall adopt proven methods of encouraging participants' full  
7 engagement in the job opportunity and basic skills program, including the development of  
8 an individualized case plan in accordance with ORS 418.040.

9 (5)(a) The department may not reduce the family's aid payment as a method of encour-  
10 aging full engagement in the job opportunity and basic skills program pursuant to subsection  
11 (4) of this section until the department determines that the noncompliant caretaker relative:

12 (A) Has no barriers or refuses to take appropriate steps to address identified barriers to  
13 participation in the program;

14 (B) Has the ability to be fully engaged in the program as defined by the department by  
15 rule; and

16 (C) Is willfully noncompliant with the requirements of the individualized case plan.

17 (b) The department may not reduce aid payments under this subsection to families:

18 (A) Receiving aid pursuant to ORS 418.155 or section 8 of this 2007 Act;

19 (B) In which the caretaker relative participates in suitable activities for the number of  
20 hours required each month to satisfy federally required participation rates; or

21 (C) Until the department has screened for and, if appropriate, assessed barriers to par-  
22 ticipation, including but not limited to physical or mental health needs, substance abuse,  
23 domestic violence or learning needs.

24 (c) The department may not reduce aid payments under this subsection before assessing  
25 the risk of harm posed to the children in the household by the reduction in aid payments and  
26 taking steps to ameliorate the risk.

27 (6)(a) The department may reduce the aid payment to a family in accordance with sub-  
28 section (5) of this section following notice and an opportunity for a hearing under ORS  
29 chapter 183, as follows:

30 (A) The department may reduce the aid payment by the portion attributable to the needs  
31 of the noncompliant individual for up to three months.

32 (B) After three months of noncompliance and subject to subsection (5)(c) of this section,  
33 the department may terminate the aid payment to the family.

34 (b) Any reduction or termination in aid under this section may continue until the  
35 noncompliant individual participates in suitable activities required by the case plan for two  
36 consecutive weeks.

37 (c) A caretaker relative may request a hearing to contest the basis for a reduction in or  
38 termination of an aid payment within 90 days of a reduction in or termination of aid.

39 (7) Every six months, the department shall report to the Family Services Review Com-  
40 mission established under ORS 411.125 the status of and outcomes for families for whom aid  
41 has been reduced or terminated under subsection (6) of this section. The department shall  
42 work with the commission to establish the details to be provided in the report.

43 **SECTION 4.** ORS 418.070 is amended to read:

44 418.070. (1) [For the purposes of ORS 418.035 to 418.185,] With respect to any period for which  
45 federal funds are made available to this state in aid of a state-administered program of aid to any

1 child defined in and meeting the requirements of this section[:], **the Department of Human Ser-**  
2 **VICES may provide foster care payments**

3 [(1) "Aid" includes foster care] in behalf of a child [described in subsection (2)(b) of this section]  
4 in the foster home of any individual or in a licensed nonprofit private child-caring agency[.] **who:**

5 [(2) "Dependent Child" includes:]

6 (a) **Is** a needy child meeting the requirements of ORS 418.035 [(2)(b)(A)] **(3)(b)(A)** or (B) who has  
7 been deprived of parental support or care by reason of the **continued absence from the home, the**  
8 **physical or mental incapacity or the unemployment or underemployment** of a parent or  
9 parents; [and who is living with any of the relatives specified in ORS 418.035 (2) in a place of resi-  
10 dence maintained by one or more of such relatives as the relative's or relatives' own home].

11 [(b) a child:]

12 [(A)] **(b)** [Who] Would meet the requirements of ORS [418.035 (2) or of paragraph (a) of this  
13 subsection] **418.040** except for **the removal of the child** from the home of a **caretaker** relative  
14 [specified in ORS 418.035 (2)] as a result of a judicial determination to the effect that continuation  
15 therein would be contrary to the welfare of such child;

16 [(B)] **(c)** [Who] Has been accepted for placement and care by the department [of Human  
17 Services];

18 [(C)] **(d)** [Who] Has been placed in a foster home or licensed nonprofit private child-caring  
19 agency as a result of such determination; and

20 [(D)] **(e)** [Who] Received aid in or for the month in which court proceedings leading to such  
21 determination were initiated, or would have received such aid in or for such month if application  
22 had been made therefor, or in the case of a child who had been living with a **caretaker** relative  
23 [specified] **as defined** in ORS 418.035 [(2)] within six months prior to the month in which such pro-  
24 ceedings were initiated, would have received such aid in or for such month if in such month the  
25 child had been living with and removed from the home of such a relative and application had been  
26 made therefor.

27 [(3)] **(2)** "Foster home" means a foster home which is certified by this state or has been ap-  
28 proved, by the agency of this state responsible for the certification of foster homes, as meeting the  
29 standards established for such certification.

30 [(4) "Unemployment of parent" shall be defined by the department and such definition may take into  
31 account definitions used to establish the availability of federal funds for the program of temporary as-  
32 sistance for needy families.]

33 **SECTION 5.** ORS 418.131 is amended to read:

34 418.131. (1) **Except as provided in subsections (2) and (3) of this section, a needy caretaker**  
35 **relative may** [a person shall] not receive aid **under ORS 418.040** for more than a total of [24 months  
36 in any period of 84 consecutive] **60** months.

37 [(2) For purposes of determining the 24-month limitation described in subsection (1) of this section,  
38 a month in which one parent of a family receiving aid under ORS 418.035 to 418.125 receives gross  
39 earnings in an amount equal to 173 times the hourly minimum wage as provided in ORS 653.025 but  
40 in an amount that does not exceed the eligibility requirements for aid under ORS 418.035 to 418.125  
41 shall be counted as two-fifths of a month.]

42 [(3) The 24-month limitation described in subsection (1) of this section shall not apply to:]

43 [(a) A month in which a dependent child receiving aid resides with a person other than the child's  
44 natural or adoptive parent;]

45 [(b) Up to three months within a two-year period for the care of any family members who suffer

1 *serious health conditions as defined in ORS 659A.150; or]*

2 *[(c) A household with only one parent in which the basis of eligibility is the incapacity of that*  
3 *parent or, in a household with two parents, if both parents are incapacitated or one parent is required*  
4 *in the home to care for the incapacitated parent.]*

5 *[(4) A person whose aid is terminated under subsection (1) of this section may become eligible to*  
6 *receive aid, as determined by the Department of Human Services, in excess of 24 months if:]*

7 *[(a) The former recipient is a dependent child in a two-parent household and the primary wage*  
8 *earner in the household dies;]*

9 *[(b) The former recipient is a dependent child and the child resides with a person other than the*  
10 *parent, parents or legal guardian with whom the child lived at the time the child was receiving aid;*  
11 *or]*

12 *[(c) The former recipient is a parent of a dependent child receiving aid and the department deter-*  
13 *mines that the parent is making diligent efforts in good faith to obtain permanent employment. The*  
14 *number of families receiving aid under this paragraph in any month may not exceed one percent of the*  
15 *total number of families receiving aid in that month or 400 families, whichever is greater.]*

16 *[(5)(a) The time limitations described in subsection (1) of this section do not apply to any person*  
17 *who is:]*

18 *[(A) Required to participate in the JOBS Program unless the person has been offered the oppor-*  
19 *tunity to participate in an education, employment or job training program including teen parent pro-*  
20 *grams as defined by the department.]*

21 *[(B) Participating in an employment and training program including any employment search ac-*  
22 *tivities required by the program.]*

23 *[(C) Enrolled at an educational institution under section 1, chapter 212, Oregon Laws 2003.]*

24 *[(b) The department shall report to each session of the Legislative Assembly the number of families*  
25 *whose period of time receiving aid has exceeded the time limitations of subsection (1) of this section*  
26 *because of the exceptions provided under paragraph (a) of this subsection. The report shall include*  
27 *information sufficient to permit the Legislative Assembly to determine if the exceptions make a signif-*  
28 *icant contribution to increased self-sufficiency of persons granted an exemption.]*

29 **(2) The Department of Human Services may not count toward the 60-month limit on re-**  
30 **ceipt of aid described in subsection (1) of this section any month in which a needy caretaker**  
31 **relative:**

32 **(a) Receives a grant of temporary assistance to needy families under ORS 418.035 to**  
33 **418.125, or assistance funded under Title IV-A of the Social Security Act in this or another**  
34 **state, prior to July 1, 2003;**

35 **(b) Resides in an area described in 18 U.S.C. 1151, and 50 percent or more of the adult**  
36 **residents in the area are unemployed;**

37 **(c) Is, in that month, a minor child and neither the head of the household nor married**  
38 **to the head of the household;**

39 **(d) Is a victim of domestic violence as defined in ORS 411.117;**

40 **(e) Has a certified learning disability;**

41 **(f) Has a mental health condition or an alcohol or drug abuse problem;**

42 **(g) Has a disability as defined by the department by rule in a manner consistent with the**  
43 **definition of disability in the Americans with Disabilities Act;**

44 **(h) Has a child with a disability that prevents the caretaker relative from obtaining or**  
45 **maintaining employment for the number of hours required each month to satisfy federally**

1 **required participation rates;**

2 (i) **Receives aid under ORS 418.035 to 418.172 that is not funded with grants under Title**  
3 **IV-A of the Social Security Act;**

4 (j) **Is deprived of needed medical care;**

5 (k) **Is subjected to battery or extreme cruelty as defined by the department by rule;**

6 (L) **Is enrolled at an educational institution under section 1, chapter 212, Oregon Laws**  
7 **2003; or**

8 (m) **Is exempt from time limits pursuant to rules adopted by the department in accord-**  
9 **ance with section 408(a)(7)(C) of the Social Security Act.**

10 (3) **A needy caretaker relative may not be denied aid on the basis of the 60-month limi-**  
11 **tation described in subsection (1) of this section if the individual is experiencing a situation**  
12 **described in subsection (2) of this section.**

13 [(6)(a)] (4)(a) The Department of Human Services shall monitor the average period of time a  
14 person receives aid and shall record such information by family size. The department shall monitor  
15 the wages and benefits received by an individual who becomes employed while receiving aid, in-  
16 cluding medical and child care benefits. The department shall monitor and record the rate at which  
17 persons who cease receiving aid for employment subsequently apply for and receive aid.

18 (b) The department shall report the results of the monitoring required under paragraph (a) of  
19 this subsection to the Legislative Assembly not later than the 15th day of each legislative session.

20 **SECTION 5a.** ORS 418.149 is amended to read:

21 418.149. (1) For purposes of ORS 418.035, [*where a parent is living out of*] **if a parent does not**  
22 **reside in** the home in which the child resides, it shall be assumed that the child is deprived of  
23 parental support or care by reason of the continued absence of the parent unless:

24 (a) The parent visits the child in the child's home more than [*four times per week or more than*  
25 *a total of 12*] **a total of 30** hours per week; and

26 (b) The functioning of the parent as a provider of maintenance, physical care and guidance is  
27 not interrupted or terminated as a result of absence of the parent from the home.

28 (2) A determination that a needy child is not deprived of parental support or care by reason of  
29 the continued absence of a parent shall not be based solely on an award by a court of joint legal  
30 custody.

31 (3) **For purposes of this section, a child is presumed to reside in the home in which the**  
32 **child spends the greatest amount of time.**

33 **SECTION 6.** ORS 418.155 is amended to read:

34 418.155. [*As used in ORS 418.150 to 418.172, unless the context or a specially applicable statutory*  
35 *definition requires otherwise:*]

36 [(1) "*Employment and training program*" means a program for placing as many individuals as is  
37 possible in employment.]

38 [(2) "*JOBS Plus Program and work experience program*" and "*on the job training*" mean work site  
39 programs for those individuals for whom such training is likely to lead to regular employment.]

40 [(3) "*JOBS program*" means programs established by the Department of Human Services, pursuant  
41 to the temporary assistance for needy families program and rules adopted thereunder.]

42 (1) **The Department of Human Services shall continue to provide aid to families residing**  
43 **in Oregon that become ineligible for temporary assistance for needy families under ORS**  
44 **418.040 due to employment or increased hours of work.**

45 (2) **Families may receive aid under this section for 12 consecutive months or until the**



1 household income exceeds 250 percent of the federal poverty guidelines, whichever occurs  
2 first, as long as the caretaker relatives participate in combined employment and work ac-  
3 tivities for the number of hours required each month to satisfy federally required partic-  
4 ipation rates.

5 (3) If the needy caretaker relatives cease to participate in employment or suitable activ-  
6 ities for a sufficient number of hours each month to satisfy federally required participation  
7 rates, the department shall determine eligibility under ORS 418.040 based upon information  
8 available to the department. If the department does not have sufficient information available  
9 to determine eligibility for aid under ORS 418.040, the department shall provide notice and  
10 an opportunity for hearing prior to terminating aid. The notice must state the information  
11 that the department lacks and that the caretaker relatives must provide to complete the  
12 determination for aid.

13 (4) The department by rule shall establish standards for aid provided under this section.  
14 The department must disregard such aid for purposes of publicly subsidized child care as-  
15 sistance.

16 (5) In addition to money payments, aid includes necessary support service payments and  
17 services as part of the job opportunity and basic skills program to directly or indirectly assist  
18 the family in achieving long term financial stability.

19 **SECTION 7.** Section 8 of this 2007 Act is added to and made a part of ORS 418.035 to  
20 418.125.

21 **SECTION 8.** (1) There is created in the Department of Human Services the State Family  
22 Pre-SSI/SSDI program. The department shall provide aid under this section to families that  
23 are eligible for temporary assistance for needy families under ORS 418.035 to 418.125 and that  
24 include a needy caretaker relative who is unable to maintain substantial gainful activity due  
25 to a disability or combination of disabilities that meet the criteria of section 216 of the Social  
26 Security Act.

27 (2) The department shall assist families receiving aid under this section in qualifying for  
28 federal Supplemental Security Income and Social Security disability benefits, including ob-  
29 taining necessary medical records and evaluations. The department shall contract with  
30 nonprofit legal services organizations, or lawyers lawfully admitted to the bar of any state,  
31 to represent recipients in any administrative appeal.

32 (3) The department shall adopt rules for determining the amount of aid granted under  
33 this section that is not less than the combined total of 43 percent of the Supplemental Se-  
34 curity Income payment in effect at that time and the amount of aid the child would receive  
35 under ORS 418.040 if the caretaker relative did not receive aid.

36 (4) Participation in the State Family Pre-SSI/SSDI program shall be voluntary. The de-  
37 partment shall provide information to potential participants in the State Family  
38 Pre-SSI/SSDI program about the opportunities for employment while receiving Supplemental  
39 Security Income benefits and about employment resources available to State Family  
40 Pre-SSI/SSDI program participants. The information must be in a format accessible to the  
41 potential participant.

42 (5) Participants in the State Family Pre-SSI/SSDI program must cooperate with the de-  
43 partment in establishing eligibility for Supplemental Security Income or Social Security dis-  
44 ability benefits. The department by rule may establish policies for monitoring and  
45 encouraging full engagement in the State Family Pre-SSI/SSDI program. The department

1 **shall offer participants the opportunity to participate in any suitable activity in the job op-**  
2 **portunity and basic skills program under ORS 418.045.**

3 **SECTION 9.** ORS 411.105 is amended to read:

4 411.105. (1) A person seeking public assistance shall file an application for public assistance with  
5 the Department of Human Services. At the time of application, the applicant shall declare to the  
6 department any circumstance that directly affects the applicant's eligibility to receive assistance or  
7 the amount of assistance available to the applicant. Upon the receipt of property or income or upon  
8 any other change in circumstances that directly affects the eligibility of the recipient to receive  
9 assistance or the amount of assistance available to the recipient, the applicant, recipient or other  
10 person in the assistance household shall immediately notify the department of the receipt or pos-  
11 session of such property or income, or other change in circumstances. The department shall recover  
12 from the recipient the amount of assistance improperly disbursed by reason of failure to comply with  
13 the provision of this section.

14 (2) The department may recover any cash assistance granted for general assistance under ORS  
15 411.710 to 411.730 **and the recipient's portion of the temporary assistance for needy families**  
16 **under ORS 418.040 and 418.155** that has been paid to any recipient **18 years of age or older, and**  
17 **for the costs incurred by the department to provide representation to the recipient under**  
18 **section 8 (2) of this 2007 Act**, when [*that*] the recipient is presently receiving or subsequently re-  
19 ceives Supplemental Security Income. The amount of recovery shall be limited to the total amount  
20 of Supplemental Security Income that was received for the same time period that the general as-  
21 sistance **or the temporary assistance** was being paid.

22 (3) Nothing in subsection (1) or (2) of this section shall be construed as to prevent the depart-  
23 ment from entering into a compromise agreement for recovery of assistance improperly disbursed,  
24 if the department determines that the administration and collection costs involved would exceed the  
25 amount that can reasonably be expected to be recovered.

26 **SECTION 10.** ORS 25.020 is amended to read:

27 25.020. (1) Support payments for or on behalf of any person, ordered, registered or filed under  
28 ORS chapter 25, 107, 108, 109, 110, 416, 419B or 419C, unless otherwise authorized by ORS 25.030,  
29 shall be made to the Department of Justice, as the state disbursement unit:

30 (a) During periods for which support is assigned under ORS 418.032, 418.042, 419B.406 or  
31 419C.597;

32 (b) As provided by rules adopted under ORS 180.345, when public assistance is provided to a  
33 person who receives or has a right to receive support payments on the person's own behalf or on  
34 behalf of another person;

35 (c) After the assignment of support terminates for as long as amounts assigned remain owing;

36 (d) For any period during which support enforcement services are provided under ORS 25.080;

37 (e) When ordered by the court under ORS 419B.400;

38 (f) When a support order that is entered or modified on or after January 1, 1994, includes a  
39 provision requiring the obligor to pay support by income withholding; or

40 (g) When ordered by the court under any other applicable provision of law.

41 (2)(a) The Department of Justice shall disburse payments, after lawful deduction of fees and in  
42 accordance with applicable statutes and rules, to those persons and entities that are lawfully enti-  
43 tled to receive such payments.

44 (b) **The department shall distribute to the obligee, from child support collected each**  
45 **month, \$50 for each child up to a maximum of \$200 per family.**

1 (3)(a) When the administrator is providing support enforcement services under ORS 25.080, the  
2 obligee may enter into an agreement with a collection agency, as defined in ORS 697.005, for as-  
3 sistance in collecting child support payments.

4 (b) The Department of Justice:

5 (A) Shall disburse support payments, to which the obligee is legally entitled, to the collection  
6 agency if the obligee submits the completed form referred to in paragraph (c)(A) of this subsection  
7 to the department;

8 (B) May reinstate disbursements to the obligee if:

9 (i) The obligee requests that disbursements be made directly to the obligee;

10 (ii) The collection agency violates any provision of this subsection; or

11 (iii) The Department of Consumer and Business Services notifies the Department of Justice that  
12 the collection agency is in violation of the rules adopted under ORS 697.086;

13 (C) Shall credit the obligor's account for the full amount of each support payment received by  
14 the department and disbursed to the collection agency; and

15 (D) Shall develop the form referred to in paragraph (c)(A) of this subsection, which shall include  
16 a notice to the obligee printed in type size equal to at least 12-point type that the obligee may be  
17 eligible for support enforcement services from the department or the district attorney without pay-  
18 ing the interest or fee that is typically charged by a collection agency.

19 (c) The obligee shall:

20 (A) Provide to the department, on a form approved by the department, information about the  
21 agreement with the collection agency; and

22 (B) Promptly notify the department when the agreement is terminated.

23 (d) The collection agency:

24 (A) May provide investigative and location services to the obligee and disclose relevant infor-  
25 mation from those services to the administrator for purposes of providing support enforcement ser-  
26 vices under ORS 25.080;

27 (B) May not charge interest or a fee for its services exceeding 29 percent of each support pay-  
28 ment received unless the collection agency, if allowed by the terms of the agreement between the  
29 collection agency and the obligee, hires an attorney to perform legal services on behalf of the  
30 obligee;

31 (C) May not initiate, without written authorization from the administrator, any enforcement  
32 action relating to support payments on which support enforcement services are provided by the ad-  
33 ministrator under ORS 25.080; and

34 (D) Shall include in the agreement with the obligee a notice printed in type size equal to at least  
35 12-point type that provides information on the fees, penalties, termination and duration of the  
36 agreement.

37 (e) The administrator may use information disclosed by the collection agency to provide support  
38 enforcement services under ORS 25.080.

39 (4) The Department of Justice may immediately transmit payments received from any obligor  
40 who has not previously tendered any payment by a check or instrument that was not paid or was  
41 dishonored, to the obligee, without waiting for payment or clearance of the check or instrument  
42 received.

43 (5) The Department of Justice shall notify each obligor and obligee by mail when support pay-  
44 ments shall be made to the department and when the obligation to make payments in this manner  
45 shall cease.

1 (6)(a) The administrator shall provide information about a child support account directly to a  
2 party to the support order regardless of whether the party is represented by an attorney. As used  
3 in this subsection, "information about a child support account" means the:

4 (A) Date of issuance of the support order.

5 (B) Amount of the support order.

6 (C) Dates and amounts of payments.

7 (D) Dates and amounts of disbursements.

8 (E) Payee of any disbursements.

9 (F) Amount of any arrearage.

10 (G) Source of any collection.

11 (b) Nothing in this subsection limits the information the administrator may provide by law to a  
12 party who is not represented by an attorney.

13 (7) Any pleading for the entry or modification of a support order must contain a statement that  
14 payment of support under a new or modified order will be by income withholding unless an excep-  
15 tion to payment by income withholding is granted under ORS 25.396.

16 (8)(a) Except as provided in paragraphs (d) and (e) of this subsection, a judgment or order es-  
17 tablishing paternity or including a provision concerning support must contain:

18 (A) The residence, mailing or contact address, Social Security number, telephone number and  
19 driver license number of each party;

20 (B) The name, address and telephone number of all employers of each party;

21 (C) The names and dates of birth of the joint children of the parties; and

22 (D) Any other information required by rule adopted by the Chief Justice of the Supreme Court  
23 under ORS 1.002.

24 (b) The judgment or order shall also include notice that the obligor and obligee:

25 (A) Must inform the court and the administrator in writing of any change in the information  
26 required by this subsection within 10 days after the change; and

27 (B) May request that the administrator review the amount of support ordered after two years  
28 or at any time upon a substantial change of circumstances.

29 (c) The administrator may require of the parties any additional information that is necessary for  
30 the provision of support enforcement services under ORS 25.080.

31 (d)(A) Upon a finding, which may be made ex parte, that the health, safety or liberty of a party  
32 or child would unreasonably be put at risk by the disclosure of information specified in this sub-  
33 section or by the disclosure of other information concerning a child or party to a paternity or sup-  
34 port proceeding or if an existing order so requires, a court or administrator or administrative law  
35 judge, when the proceeding is administrative, shall order that the information not be contained in  
36 any document provided to another party or otherwise disclosed to a party other than the state.

37 (B) The Department of Justice shall adopt rules providing for similar confidentiality for infor-  
38 mation described in subparagraph (A) of this paragraph that is maintained by an entity providing  
39 support enforcement services under ORS 25.080.

40 (e) The Chief Justice of the Supreme Court may, in consultation with the Department of Justice,  
41 adopt rules under ORS 1.002 to designate information specified in this subsection as confidential and  
42 require that the information be submitted through an alternate procedure to ensure that the infor-  
43 mation is exempt from public disclosure under ORS 192.502.

44 (9)(a) Except as otherwise provided in paragraph (b) of this subsection, in any subsequent child  
45 support enforcement action, the court or administrator, upon a showing of diligent effort made to

1 locate the obligor or obligee, may deem due process requirements to be met by mailing notice to the  
2 last-known residential, mailing or employer address or contact address as provided in ORS 25.085.

3 (b) Service of an order directing an obligor to appear in a contempt proceeding is subject to  
4 ORS 33.015 to 33.155.

5 (10) Subject to ORS 25.030, this section, to the extent it imposes any duty or function upon the  
6 Department of Justice, shall be deemed to supersede any provisions of ORS chapters 107, 108, 109,  
7 110, 416, 419A, 419B and 419C that would otherwise impose the same duties or functions upon the  
8 county clerk or the Department of Human Services.

9 (11) Except as provided for in subsections (12), (13) and (14) of this section, credit may not be  
10 given for payments not made to the Department of Justice as required under subsection (1) of this  
11 section.

12 (12) The Department of Justice shall give credit for payments not made to the department:

13 (a) When payments are not assigned to this or another state and the obligee and obligor agree  
14 in writing that specific payments were made and should be credited;

15 (b) When payments are assigned to the State of Oregon, the obligor and obligee make sworn  
16 written statements that specific payments were made, canceled checks or other substantial evidence  
17 is presented to corroborate their statements and the obligee has been given prior written notice of  
18 any potential criminal or civil liability that may attach to an admission of the receipt of assigned  
19 support;

20 (c) When payments are assigned to another state and that state verifies that payments not paid  
21 to the department were received by the other state; or

22 (d) As provided by rule adopted under ORS 180.345.

23 (13) An obligor may apply to the Department of Justice for credit for payments made other than  
24 to the Department of Justice. If the obligee or other state does not provide the agreement, sworn  
25 statement or verification required by subsection (12) of this section, credit may be given pursuant  
26 to order of an administrative law judge assigned from the Office of Administrative Hearings after  
27 notice and opportunity to object and be heard are given to both obligor and obligee. Notice shall  
28 be served upon the obligee as provided by ORS 25.085. Notice to the obligor may be by regular mail  
29 at the address provided in the application for credit. A hearing conducted under this subsection is  
30 a contested case hearing and ORS 183.413 to 183.470 apply. Any party may seek a hearing de novo  
31 in the circuit court.

32 (14) Nothing in this section precludes the Department of Justice from giving credit for payments  
33 not made to the department when there has been a judicially determined credit or satisfaction or  
34 when there has been a satisfaction of support executed by the person to whom support is owed.

35 (15) The Department of Justice shall adopt rules that:

36 (a) Direct how support payments that are made through the department are to be applied and  
37 distributed; and

38 (b) Are consistent with federal regulations.

39 **SECTION 11.** ORS 25.245 is amended to read:

40 25.245. (1) Notwithstanding any other provision of Oregon law, a parent who is eligible for and  
41 receiving cash payments [*under Title IV-A of the Social Security Act*] **under ORS 418.035 to**  
42 **418.125**, the general assistance program as provided in ORS chapter 411 or a general assistance  
43 program of another state or tribe, the Oregon Supplemental Income Program or the federal Supple-  
44 mental Security Income Program shall be rebuttably presumed unable to pay child support and a  
45 child support obligation does not accrue unless the presumption is rebutted.

1 (2) Each month, the Department of Human Services shall identify those persons receiving cash  
2 payments under the programs listed in subsection (1) of this section that are administered by the  
3 State of Oregon and provide that information to the administrator. If benefits are received from  
4 programs listed in subsection (1) of this section that are administered by other states, tribes or  
5 federal agencies, the obligor shall provide the administrator with written documentation of the  
6 benefits. The Department of Human Services shall adopt rules to implement this subsection.

7 (3) The administrator shall refer to the information provided in subsection (2) of this section  
8 prior to establishing any child support obligation. Within 30 days following identification of persons  
9 under subsection (2) of this section, the entity responsible for support enforcement services under  
10 ORS 25.080 shall provide notice of the presumption to the obligee and obligor and shall inform all  
11 parties to the support order that, unless a party objects as provided in subsection (4) of this section,  
12 child support shall cease accruing beginning with the support payment due on or after the date the  
13 obligor first begins receiving the cash payments and continuing through the support payment due  
14 in the last month in which the obligor received the cash payments. The entity responsible for sup-  
15 port enforcement services shall serve the notice on the obligee in the manner provided for the ser-  
16 vice of summons in a civil action or by certified mail, return receipt requested, and shall serve the  
17 notice on the obligor by first class mail to the obligor's last-known address. The notice shall specify  
18 the month in which cash payments are first made and shall contain a statement that the adminis-  
19 trator represents the state and that low cost legal counsel may be available.

20 (4) A party may object to the presumption by sending an objection to the entity responsible for  
21 support enforcement services under ORS 25.080 within 20 days after the date of service of the no-  
22 tice. The objection must describe the resources of the obligor or other evidence that might rebut the  
23 presumption of inability to pay child support. The entity receiving the objection shall cause the case  
24 to be set for a hearing before a court or an administrative law judge. The court or administrative  
25 law judge may consider only whether the presumption has been rebutted.

26 (5) If no objection is made, or if the court or administrative law judge finds that the presumption  
27 has not been rebutted, the Department of Justice shall discontinue billing the obligor for the period  
28 of time described in subsection (3) of this section and no arrearage shall accrue for the period dur-  
29 ing which the obligor is not billed. In addition, the entity providing support enforcement services  
30 shall file with the circuit court in which the support order or judgment has been entered a copy of  
31 the notice described in subsection (3) of this section or, if an objection is made and the presumption  
32 is not rebutted, a copy of the administrative law judge's order.

33 (6)(a) Within 30 days after the date the obligor ceases receiving cash payments under a program  
34 listed in subsection (1) of this section, the Department of Justice shall provide notice to all parties  
35 to the support order:

36 (A) Specifying the last month in which a cash payment was made;

37 (B) Stating that the payment of those benefits has terminated and that by operation of law bill-  
38 ing and accrual of support resumes; and

39 (C) Informing the parties of their rights to request a review and modification of the support  
40 order based on a substantial change in circumstance or pursuant to ORS 25.287 or any other pro-  
41 vision of law.

42 (b) The notice shall include a statement that the administrator represents the state and that low  
43 cost legal counsel may be available.

44 (c) The entity providing enforcement services shall file a copy of the notice required by para-  
45 graph (a) of this subsection with the circuit court in which the support order or judgment has been

1 entered.

2 (7) Receipt by a child support obligor of cash payments under any of the programs listed in  
3 subsection (1) of this section shall be sufficient cause for a court or administrative law judge to al-  
4 low a credit and satisfaction against child support arrearage for months that the obligor received  
5 the cash payments.

6 (8) The notice and finding of financial responsibility required by ORS 416.415 shall include no-  
7 tice of the presumption, nonaccrual and arrearage credit rights provided for in this section.

8 (9) The presumption, nonaccrual and arrearage credit rights created by this section shall apply  
9 whether or not child support enforcement services are being provided under Title IV-D of the Social  
10 Security Act.

11 (10) Application of the presumption, nonaccrual and arrearage credit rights created by this  
12 section does not constitute a modification but does not limit the right of any party to seek a mod-  
13 ification of a support order based upon a change of circumstances or pursuant to ORS 25.287 or any  
14 other provision of law. In determining whether a change in circumstances has occurred or whether  
15 two years have elapsed since entry of a support order, the court or administrative law judge may  
16 not consider any action taken under this section as entry of a support order. The presumption stated  
17 in subsection (1) of this section applies in any modification proceeding.

18 **SECTION 12.** ORS 418.042 is amended to read:

19 418.042. (1) Aid, as defined in ORS 418.035, may not be granted to, or on behalf of, any applicant  
20 or recipient and for as long as the applicant or recipient refuses to assign to the state any rights  
21 to support from any other person such applicant may have personally or in behalf of any other  
22 family member for whom the applicant is applying for or receiving aid, and that have accrued at any  
23 time such assignment is executed. If aid is paid and received for the support of a child, the rights  
24 to child support that any person may have for the child are deemed to have been assigned by op-  
25 eration of law to the state. Notice of the assignment by operation of law shall be given to the ap-  
26 plicant at the time of application for public assistance, and shall be given to any obligee who may  
27 hold some interest in such support rights by depositing a notice in the United States mail, postage  
28 prepaid, addressed to the last-known address of such person. Assignment of support rights to the  
29 state shall be as set forth in rules adopted by the Department of Human Services and the Depart-  
30 ment of Justice.

31 (2) Except as otherwise provided in this subsection, an applicant or recipient who receives aid  
32 as defined in ORS 418.035 shall cooperate with the Department of Human Services and the Depart-  
33 ment of Justice in establishing the paternity of the applicant's or recipient's child born out of  
34 wedlock and in obtaining support or other payments or property due the applicant or child. An ap-  
35 plicant or recipient is not required to cooperate if there is good cause or some other exception to  
36 the cooperation requirement that takes into account the best interest of the child. The Department  
37 of Human Services shall adopt rules defining good cause, other exceptions to cooperation and non-  
38 cooperation by an applicant or recipient, and setting the sanction for noncooperation. The sanction  
39 may include total ineligibility of the family for aid, but in no situation may the sanction be less than  
40 a 25 percent reduction of the monthly grant amount. At the time an applicant applies for aid, the  
41 Department of Human Services shall inform the applicant, in writing, of the requirement of and ex-  
42 ceptions to cooperation and the sanctions for noncooperation, and shall inform recipients, in writing,  
43 whenever eligibility for aid is redetermined.

44 **(3) This section shall apply to recipients of aid under ORS 418.035 to 418.125 only as long**  
45 **as the aid is funded in whole or in part with federal grants under Title IV-A of the Social**

1 **Security Act.**

2 **SECTION 13.** ORS 411.070 is amended to read:

3 411.070. The Department of Human Services shall by rule fix statewide uniform standards for  
4 all public assistance programs and effect uniform observance thereof throughout the state. In es-  
5 tablishing statewide standards for public assistance, the department, within the limits of available  
6 funds, shall:

7 (1) Take into consideration all basic requirements for a standard of living compatible with de-  
8 cency and health, including food, shelter, clothing, fuel, public utilities, telecommunications service,  
9 medical care and other essential items and, upon the basis of investigations of the facts, shall pro-  
10 vide budgetary guides for determining minimum costs of meeting such requirements.

11 (2) Develop standards for making payments and providing support services [*for the employment*  
12 *and self-sufficiency skills programs*] **in the job opportunity and basic skills program** described in  
13 ORS 418.040.

14 **SECTION 14.** ORS 418.075 is amended to read:

15 418.075. Aid[, *as defined in ORS 418.035,*] **under ORS 418.040** shall not be granted with respect  
16 to, or on behalf of, a dependent child [*as defined in ORS 418.070 (2)(a)*] **living with an unemployed**  
17 **parent** if, and for as long as, the unemployed parent of such child refuses without good cause to  
18 accept employment in which the unemployed parent is able to engage and which is offered through  
19 any employment office defined in ORS 657.010 or which is otherwise offered by any employer if such  
20 offer is determined by the Department of Human Services after notification by such employer to be  
21 a bona fide offer of such employment.

22 **SECTION 15.** ORS 418.085 is amended to read:

23 418.085. During any period in which aid may be granted **under ORS 418.040** with respect to,  
24 or on behalf of, a dependent child [*as defined in ORS 418.070 (2)(a)*] **living with an unemployed**  
25 **parent**, the Department of Human Services and the Director of the Employment Department shall  
26 enter into cooperative arrangements looking toward employment of the unemployed parent of any  
27 such child, shall provide for the registration and periodic reregistration of such parent at employ-  
28 ment offices established pursuant to ORS 657.705 to 657.725 and shall, with respect to such parent,  
29 effect maximum utilization of the job placement services and other services and facilities of such  
30 offices.

31 **SECTION 16.** ORS 418.132 is amended to read:

32 418.132. (1) A person who is a minor parent of a child and is receiving or applying for aid [*as*  
33 *defined in ORS 418.035*] shall reside with the person's parent, parents or legal guardian. The person  
34 may substitute an alternative supervised living arrangement if the Department of Human Services  
35 determines that it is unsafe or impractical for the person to reside with the person's parent, parents  
36 or legal guardian. Failure of a minor parent applying for or receiving temporary assistance for needy  
37 families to reside with the person's parent, parents or legal guardian or in an alternative supervised  
38 living arrangement shall result in the termination of aid.

39 (2) The provisions of subsection (1) of this section shall not apply to an applicant for or recipient  
40 of temporary assistance for needy families when circumstances or conditions exist that the depart-  
41 ment by rule establishes are not in the best interest of the child.

42 (3) If a person who is a minor parent receiving aid and who is not living with the person's  
43 parent, parents or legal guardian subsequently returns to reside with the parent, parents or guard-  
44 ian and is determined ineligible to receive aid by reason of the parent's or guardian's income, the  
45 minor parent shall be eligible to receive such services, including medical care, as the department



1 determines are necessary to allow the minor parent to attain a high school diploma or the equiv-  
2 alent, or to participate in [*programs to develop employment or self-sufficiency skills*] **the job oppor-**  
3 **tunity and basic skills program** as described [*by the department*] in ORS 418.040.

4 **SECTION 17.** ORS 411.892 is amended to read:

5 411.892. (1)(a) All employers, including public and private sector employers within the State of  
6 Oregon, are eligible to participate in the JOBS Plus Program. The Department of Human Services  
7 or Employment Department, as appropriate, shall adopt by rule a method to disqualify employers  
8 from participating in the program. No employer is required to participate in the JOBS Plus Program.  
9 In the event that there are unassigned participants whom no employer desires to utilize, the par-  
10 ticipants may be assigned to work for a public agency.

11 (b) The maximum number of program participants that any employer is authorized to receive at  
12 any one time may not exceed 10 percent of the total number of the employer's employees. However,  
13 each employer may receive one participant. The Director of Human Services or Director of the  
14 Employment Department, as appropriate, may waive the limit in special circumstances.

15 (c) The Department of Human Services or Employment Department, as appropriate, by rule shall  
16 establish criteria for excluding employers from participation for failure to abide by program re-  
17 quirements, showing a pattern of terminating participants prior to the completion of training or  
18 other demonstrated unwillingness to comply with the stated intent of the program.

19 (2) The Department of Human Services or Employment Department, as appropriate, shall ensure  
20 that jobs made available to program participants:

21 (a) Do not require work in excess of 40 hours per week;

22 (b) Are in conformity with section 3304(a)(5) of the Federal Unemployment Tax Act;

23 (c) Are not used to displace regular employees or to fill unfilled positions previously established;  
24 and

25 (d) Do not pay a wage that is substantially less than the wage paid for similar jobs in the local  
26 economy with appropriate adjustments for experience and training.

27 (3)(a) Eligibility for the program shall be limited to residents who are:

28 (A) Adults and caretaker relatives who are receiving temporary assistance for needy families  
29 benefits;

30 (B) Adult food stamp program recipients except as described in subsection (5)(b) of this section;

31 (C) Unemployment compensation recipients; and

32 (D) Unemployed noncaretaker parents of children who are receiving temporary assistance for  
33 needy families benefits.

34 (b) In addition to those residents eligible for the program under paragraph (a) of this subsection,  
35 additional residents who are seeking employment may be eligible for the program if there are  
36 legislatively allocated funds available from the savings attributable to the program in the Unem-  
37 ployment Compensation Trust Fund or in the temporary assistance for needy families budget of the  
38 Department of Human Services.

39 (4)(a) Individuals desiring work through the program shall contact the nearest Department of  
40 Human Services office serving the county in which they reside if they are temporary assistance for  
41 needy families program or food stamp program applicants or recipients or noncustodial parents of  
42 individuals receiving temporary assistance for needy families. Unemployment insurance applicants  
43 or recipients or others seeking employment may gain access to the program through their local  
44 Employment Department office.

45 (b) With the assistance of the local JOBS Plus Implementation Councils and the JOBS Plus

1 Advisory Board, the Department of Human Services shall develop a job inventory of sufficient size  
2 to accommodate all of the participants who desire to work in the program. In consultation with the  
3 participant, the department shall try to match the profile of each participant with the needs of an  
4 employer when assigning a participant to work with the employer.

5 (c) Either the employer or the participant may terminate the assignment by contacting the ap-  
6 propriate Department of Human Services or Employment Department office. In such event, the De-  
7 partment of Human Services or Employment Department shall reassess the needs of the participant  
8 and assign the participant to another JOBS Plus Program placement or another [*JOBS*] **job oppor-**  
9 **tunity and basic skills** program component and, at the employer's request, provide the employer  
10 with another participant.

11 (d)(A) Subject to ORS 657.925 (6)(d), if after four months in a placement, a participant has not  
12 been hired for an unsubsidized position, the employer shall allow the worker to undertake eight  
13 hours of job search per week. Participating employers shall consider such time as hours worked for  
14 the purposes of paying wages.

15 (B) Subject to ORS 657.925 (6)(d), if after six months in a placement, a participant has not been  
16 hired for an unsubsidized position, the placement shall be terminated, and the caseworker shall re-  
17 assess the participant's employment development plan.

18 (e) The Department of Human Services may pay placement and barrier removal payments to  
19 temporary assistance for needy families and food stamp program participants as necessary to enable  
20 participation in the JOBS Plus Program.

21 (f) The Department of Human Services shall accept eligible volunteers into the program prior  
22 to mandating program participation by eligible persons.

23 (5)(a) Assignment of participants to available jobs shall be based on a preference schedule de-  
24 veloped by the Department of Human Services and the Employment Department. Any temporary  
25 assistance for needy families recipient or food stamp recipient may volunteer for the program.

26 (b) The following individuals may not be required to participate in the program:

27 (A) Temporary assistance for needy families and food stamp recipients who are eligible for  
28 Supplemental Security Income benefits or other ongoing state or federal maintenance benefits based  
29 on age or disability.

30 (B) Food stamp applicants or recipients who are employed full-time or are college students eli-  
31 gible for food stamps and enrolled full-time in a community college or an institution of higher edu-  
32 cation, or enrolled half-time in a community college or an institution of higher education and  
33 working at least 20 hours per week.

34 (C) Teenage parents who remain in high school if progressing toward a diploma. Teenage par-  
35 ents not in school are eligible for the JOBS Plus Program.

36 (c) The Department of Human Services shall provide life skills classes and opportunities to  
37 achieve General Educational Development (GED) certificates to appropriate participants in con-  
38 junction with working in the JOBS Plus Program.

39 (d) Temporary assistance for needy families and food stamp benefits shall be suspended at the  
40 end of the calendar month in which an employer makes the first wage payment to a participant who  
41 is a custodial parent in a family that receives temporary assistance for needy families or to any  
42 adult member of a household receiving food stamp benefits. Failure of the participant to cooperate  
43 with the requirements of the JOBS Plus Program may result in the participant's removal, in ac-  
44 cordance with rules adopted by the Department of Human Services, from the JOBS Plus Program  
45 and suspension of the participant's temporary assistance for needy families grant and food stamp

1 benefits. A temporary assistance for needy families and food stamp benefits recipient who has been  
2 removed from the program for failing to cooperate shall be eligible to reapply to participate in the  
3 program and shall have eligibility for program services determined without regard to the length of  
4 time the person was not participating following removal.

5 (6)(a) Employers shall pay all participating individuals at least the hourly rate of the Oregon  
6 minimum wage.

7 (b) Sick leave, holiday and vacation absences shall conform to the individual employer's rules  
8 for temporary employees.

9 (c) Group health insurance benefits shall be provided by the employer to program participants  
10 if, and to the extent that, state or federal law requires the employer to provide such benefits.

11 (d) All persons participating in the JOBS Plus Program shall be considered to be temporary  
12 employees of the individual employer providing the work and shall be entitled only to benefits re-  
13 quired by state or federal law.

14 (e) Employers shall provide workers' compensation coverage for each JOBS Plus Program par-  
15 ticipant.

16 (7) In the event that the net monthly full-time wage paid to a participant would be less than the  
17 level of income from the temporary assistance for needy families program and the food stamp benefit  
18 amount equivalent that the participant would otherwise receive, the Department of Human Services  
19 shall determine and pay a supplemental payment as necessary to provide the participant with that  
20 level of net income. The department shall determine and pay in advance supplemental payments to  
21 participants on a monthly basis as necessary to ensure equivalent net program wages. Participants  
22 shall be compensated only for time worked.

23 (8) In addition to and not in lieu of the payments provided for under subsections (6) and (7) of  
24 this section, participants shall be entitled to retain the full child support payments collected by the  
25 Department of Justice.

26 (9) Program participants who are eligible for federally and state funded medical assistance at  
27 the time they enter the program shall remain eligible as long as they continue to participate in the  
28 program. In conformity with existing state day care program regulations, child day care shall be  
29 provided for all program participants who require it.

30 (10) JOBS Plus Program employers shall:

31 (a) Endeavor to make JOBS Plus Program placements positive learning and training experiences;

32 (b) Maintain health, safety and working conditions at or above levels generally acceptable in the  
33 industry and no less than that of comparable jobs of the employer;

34 (c) Provide on-the-job training to the degree necessary for the participants to perform their du-  
35 ties;

36 (d) Recruit volunteer mentors from among their regular employees to assist the participants in  
37 becoming oriented to work and the workplace; and

38 (e) Sign an agreement to abide by all requirements of the program, including the requirement  
39 that the program not supplant existing jobs. All agreements shall include provisions noting the em-  
40 ployer's responsibility to repay reimbursements in the event the employer violates program rules.  
41 When a professional placement service, professional employment organization or temporary employ-  
42 ment agency is acting as an employer pursuant to subsection (14) of this section, agreements under  
43 this paragraph shall require a three-party agreement between the professional placement service,  
44 professional employment organization or temporary employment agency, the organization where the  
45 participant has been placed to perform services and the State of Oregon. The three-party agreement

1 shall include provisions requiring that all JOBS Plus reimbursements received by the professional  
2 placement service, professional employment organization or temporary employment agency be cred-  
3 ited to the organization where the participant has been placed to perform services.

4 (11) Program participant wages shall be subject to federal and state income taxes, Social Secu-  
5 rity taxes and unemployment insurance tax or reimbursement as applicable under ORS chapter 657,  
6 which shall be withheld and paid in accordance with state and federal law. Supplemental payments  
7 made pursuant to subsection (7) of this section shall not be subject to state income taxes under ORS  
8 chapter 316 and, to the extent allowed by federal law, shall not be subject to federal income taxes  
9 and Social Security taxes.

10 (12)(a)(A) The Department of Human Services shall reimburse employers for the employers'  
11 share of Social Security, unemployment insurance and workers' compensation premiums paid on be-  
12 half of program participants, other than those who are unemployment insurance claimants, referred  
13 to the employer by the Department of Human Services, as well as the minimum wage earnings paid  
14 by the employer to program participants referred to the employer by the Department of Human  
15 Services.

16 (B) The Employment Department shall reimburse employers \$5 per hour paid by the employer  
17 as earnings to JOBS Plus Program participants, who are unemployment insurance claimants and are  
18 referred to the employer by the Employment Department.

19 (b) If the Department of Human Services or Employment Department finds that an employer has  
20 violated any of the rules of the JOBS Plus Program, the appropriate department:

21 (A) Shall withhold any amounts due to employers under paragraph (a) of this subsection.

22 (B) May seek repayment of any amounts paid to employers under paragraph (a) of this sub-  
23 section.

24 (13) Subject to ORS 657.925 (6)(d), for unemployment insurance claimants participating in the  
25 JOBS Plus Program:

26 (a) If after nine weeks in a placement, a participant has not been hired for an unsubsidized po-  
27 sition, the employer shall allow the worker to undertake up to five hours of job search per week.  
28 Participating employers shall consider this time as hours worked for the purposes of paying wages.

29 (b) If after 13 weeks in a placement, a participant has not been hired for an unsubsidized posi-  
30 tion, the employer shall terminate the placement and the Employment Department shall assess the  
31 participant's employment development plan.

32 (14) For purposes of this section, "employer" shall include professional placement services, pro-  
33 fessional employment organizations and temporary employment agencies.

34 **SECTION 18.** ORS 414.025 is amended to read:

35 414.025. As used in this chapter, unless the context or a specially applicable statutory definition  
36 requires otherwise:

37 (1) "Category of aid" means assistance provided by the Oregon Supplemental Income Program,  
38 [*temporary assistance for needy families*] **aid** granted under ORS 418.035 to 418.125 or federal Sup-  
39 plemental Security Income payments.

40 (2) "Categorically needy" means, insofar as funds are available for the category, a person who  
41 is a resident of this state and who:

42 (a) Is receiving a category of aid.

43 (b) Would be eligible for, but is not receiving a category of aid.

44 (c) Is in a medical facility and, if the person left such facility, would be eligible for a category  
45 of aid.

1 (d) Is under the age of 21 years and would be a dependent child [*under the program for temporary*  
2 *assistance for needy families*] **as defined in ORS 418.035** except for age and regular attendance in  
3 school or in a course of professional or technical training.

4 (e)(A) [*Is a caretaker relative named in ORS 418.035 (2)(a)(C) who cares for a dependent child who*  
5 *would be a dependent child under the program for temporary assistance for needy families*] **Is a needy**  
6 **caretaker relative, as defined in ORS 418.035, who cares for a child who would be a dependent**  
7 **child** except for age and regular attendance in school or in a course of professional or technical  
8 training; or

9 (B) Is the spouse of [*such*] **the** caretaker relative [*and fulfills the requirements of ORS 418.035*  
10 *(1)*].

11 (f) Is under the age of 21 years, is in a foster family home or licensed child-caring agency or  
12 institution under a purchase of care agreement and is one for whom a public agency of this state  
13 is assuming financial responsibility, in whole or in part.

14 (g) Is a spouse of an individual receiving a category of aid and who is living with the recipient  
15 of a category of aid, whose needs and income are taken into account in determining the cash needs  
16 of the recipient of a category of aid, and who is determined by the Department of Human Services  
17 to be essential to the well-being of the recipient of a category of aid.

18 (h) Is a caretaker relative [*named*] **as defined** in ORS 418.035 [(2)(a)(C)] who cares for a de-  
19 pendent child receiving [*temporary assistance for needy families*] **aid granted under ORS 418.035**  
20 **to 418.125** or is the spouse of [*such*] **the** caretaker relative [*and fulfills the requirements of ORS*  
21 *418.035 (1)*].

22 (i) Is under the age of 21 years, is in a youth care center and is one for whom a public agency  
23 of this state is assuming financial responsibility, in whole or in part.

24 (j) Is under the age of 21 years and is in an intermediate care facility which includes institutions  
25 for the mentally retarded; or is under the age of 22 years and is in a psychiatric hospital.

26 (k) Is under the age of 21 years and is in an independent living situation with all or part of the  
27 maintenance cost paid by the Department of Human Services.

28 (L) Is a member of a family that received [*temporary assistance for needy families in at least three*  
29 *of the six months immediately preceding the month in which such family became ineligible for such*  
30 *assistance because of*] **aid in the preceding month under ORS 418.040 or under section 8 of this**  
31 **2007 Act and became ineligible for aid due to** increased hours of or increased income from em-  
32 ployment. As long as the member of the family is employed, such families will continue to be eligible  
33 for medical assistance for a period of at least six calendar months beginning with the month in  
34 which such family became ineligible for assistance [*because of*] **due to** increased hours of employ-  
35 ment or increased earnings.

36 (m) Is an adopted person under 21 years of age for whom a public agency is assuming financial  
37 responsibility in whole or in part.

38 (n) Is an individual or is a member of a group who is required by federal law to be included in  
39 the state's medical assistance program in order for that program to qualify for federal funds.

40 (o) Is an individual or member of a group who, subject to the rules of the department and within  
41 available funds, may optionally be included in the state's medical assistance program under federal  
42 law and regulations concerning the availability of federal funds for the expenses of that individual  
43 or group.

44 (p) Is a pregnant woman who would be eligible for [*temporary assistance for needy families in-*  
45 *cluding such aid based on the unemployment of a parent*] **aid granted under ORS 418.035 to**

1 **418.125**, whether or not the woman is eligible for cash assistance.

2 *[(q) Would be eligible for temporary assistance for needy families pursuant to 42 U.S.C. 607 based*  
3 *upon the unemployment of a parent, whether or not the state provides cash assistance.]*

4 *[(r)]* **(q)** Except as otherwise provided in this section and to the extent of available funds, is a  
5 pregnant woman or child for whom federal financial participation is available under Title XIX of the  
6 federal Social Security Act.

7 *[(s)]* **(r)** Is not otherwise categorically needy and is not eligible for care under Title XVIII of the  
8 federal Social Security Act or is not a full-time student in a post-secondary education program as  
9 defined by the Department of Human Services by rule, but whose family income is less than the  
10 federal poverty level and whose family investments and savings equal less than the investments and  
11 savings limit established by the department by rule.

12 (3) "Income" has the meaning given that term in ORS 411.704.

13 (4) "Investments and savings" means cash, securities as defined in ORS 59.015, negotiable in-  
14 struments as defined in ORS 73.0104 and such similar investments or savings as the Department of  
15 Human Services may establish by rule that are available to the applicant or recipient to contribute  
16 toward meeting the needs of the applicant or recipient.

17 (5) "Medical assistance" means so much of the following medical and remedial care and services  
18 as may be prescribed by the Department of Human Services according to the standards established  
19 pursuant to ORS 414.065, including payments made for services provided under an insurance or  
20 other contractual arrangement and money paid directly to the recipient for the purchase of medical  
21 care:

22 (a) Inpatient hospital services, other than services in an institution for mental diseases;

23 (b) Outpatient hospital services;

24 (c) Other laboratory and X-ray services;

25 (d) Skilled nursing facility services, other than services in an institution for mental diseases;

26 (e) Physicians' services, whether furnished in the office, the patient's home, a hospital, a skilled  
27 nursing facility or elsewhere;

28 (f) Medical care, or any other type of remedial care recognized under state law, furnished by  
29 licensed practitioners within the scope of their practice as defined by state law;

30 (g) Home health care services;

31 (h) Private duty nursing services;

32 (i) Clinic services;

33 (j) Dental services;

34 (k) Physical therapy and related services;

35 (L) Prescribed drugs, including those dispensed and administered as provided under ORS chapter  
36 689;

37 (m) Dentures and prosthetic devices; and eyeglasses prescribed by a physician skilled in diseases  
38 of the eye or by an optometrist, whichever the individual may select;

39 (n) Other diagnostic, screening, preventive and rehabilitative services;

40 (o) Inpatient hospital services, skilled nursing facility services and intermediate care facility  
41 services for individuals 65 years of age or over in an institution for mental diseases;

42 (p) Any other medical care, and any other type of remedial care recognized under state law;

43 (q) Periodic screening and diagnosis of individuals under the age of 21 years to ascertain their  
44 physical or mental impairments, and such health care, treatment and other measures to correct or  
45 ameliorate impairments and chronic conditions discovered thereby;

1 (r) Inpatient hospital services for individuals under 22 years of age in an institution for mental  
2 diseases; and

3 (s) Hospice services.

4 (6) "Medical assistance" includes any care or services for any individual who is a patient in a  
5 medical institution or any care or services for any individual who has attained 65 years of age or  
6 is under 22 years of age, and who is a patient in a private or public institution for mental diseases.  
7 "Medical assistance" includes "health services" as defined in ORS 414.705. "Medical assistance"  
8 does not include care or services for an inmate in a nonmedical public institution.

9 (7) "Medically needy" means a person who is a resident of this state and who is considered el-  
10 igible under federal law for medically needy assistance.

11 (8) "Resources" has the meaning given that term in ORS 411.704. For eligibility purposes, "re-  
12 sources" does not include charitable contributions raised by a community to assist with medical  
13 expenses.

14 **SECTION 19.** ORS 418.160 is amended to read:

15 418.160. The Department of Human Services shall have the responsibility and authority to pro-  
16 vide such services as are necessary to maintain the intent of and compliance with federal require-  
17 ments for the [*programs defined*] **program described** in ORS 418.155.

18 **SECTION 20.** ORS 418.163 is amended to read:

19 418.163. The Department of Human Services shall have the responsibility and authority to pro-  
20 vide such services and engage in such cooperative and coordinated efforts with the Employment  
21 Department and other appropriate agencies as are necessary to maintain the intent of and compli-  
22 ance with federal requirements for the [*programs defined*] **program described** in ORS 418.155.

23 **SECTION 21.** ORS 414.042 is amended to read:

24 414.042. (1) The need for and the amount of medical assistance to be made available for each  
25 eligible group of recipients of medical assistance shall be determined, in accordance with the rules  
26 of the Department of Human Services, taking into account:

27 (a) The requirements and needs of the person, the spouse and other dependents;

28 (b) The income, resources and maintenance available to the person but, except as provided in  
29 ORS 414.025 [(2)(s)] **(2)(r)**, resources shall be disregarded for those eligible by reason of having in-  
30 come below the federal poverty level and who are eligible for medical assistance only because of the  
31 enactment of chapter 836, Oregon Laws 1989;

32 (c) The responsibility of the spouse and, with respect to a person who is blind or is permanently  
33 and totally disabled or is under 21 years of age, the responsibility of the parents; and

34 (d) The report of the Health Services Commission as funded by the Legislative Assembly and  
35 such other programs as the Legislative Assembly may authorize. However, medical assistance, in-  
36 cluding health services, shall not be provided to persons described in ORS 414.025 [(2)(s)] **(2)(r)** un-  
37 less the Legislative Assembly specifically appropriates funds to provide such assistance.

38 (2) Such amounts of income and resources may be disregarded as the department may prescribe  
39 by rules, except that the department may not require any needy person over 65 years of age, as a  
40 condition of entering or remaining in a hospital, nursing home or other congregate care facility, to  
41 sell any real property normally used as such person's home. Any rule of the department inconsistent  
42 with this section is to that extent invalid. The amounts to be disregarded shall be within the limits  
43 required or permitted by federal law, rules or orders applicable thereto.

44 (3) In the determination of the amount of medical assistance available to a medically needy  
45 person, all income and resources available to the person in excess of the amounts prescribed in ORS

1 414.038, within limits prescribed by the department, shall be applied first to costs of needed medical  
2 and remedial care and services not available under the medical assistance program and then to the  
3 costs of benefits under the medical assistance program.

4 **SECTION 22.** ORS 414.428 is amended to read:

5 414.428. (1) An individual described in ORS 414.025 [(2)(s)] **(2)(r)** who is eligible for or receiving  
6 medical assistance and who is an American Indian and Alaskan Native beneficiary shall receive the  
7 benefit package of health care services described in ORS 414.835 if:

8 (a) The Department of Human Services receives 100 percent federal medical assistance per-  
9 centage for payments made by the department for the health care services provided as part of the  
10 benefit package described in ORS 414.835 that are not included in the benefit package described in  
11 ORS 414.834; or

12 (b) The department receives funding from the Indian tribes for which federal financial partic-  
13 ipation is available.

14 (2) As used in this section, "American Indian and Alaskan Native beneficiary" means:

15 (a) A member of a federally recognized Indian tribe, band or group;

16 (b) An Eskimo or Aleut or other Alaskan native enrolled by the United States Secretary of the  
17 Interior pursuant to the Alaska Native Claims Settlement Act, 43 U.S.C. 1601; or

18 (c) A person who is considered by the United States Secretary of the Interior to be an Indian  
19 for any purpose.

20 **SECTION 23.** ORS 418.095 and 418.185 are repealed.

21 **SECTION 24.** Section 4, chapter 212, Oregon Laws 2003, is repealed.

22 **SECTION 25.** The amendments to ORS 25.020 by section 10 of this 2007 Act and the repeal  
23 of section 4, chapter 212, Oregon Laws 2003, by section 24 of this 2007 Act become operative  
24 on October 1, 2008.

25 **SECTION 26.** This 2007 Act being necessary for the immediate preservation of the public  
26 peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect  
27 October 1, 2007.

28