

State of Arizona  
House of Representatives  
Fifty-second Legislature  
Second Regular Session  
2016

# HOUSE BILL 2452

AN ACT

AMENDING SECTION 46-292, ARIZONA REVISED STATUTES; RELATING TO TEMPORARY ASSISTANCE FOR NEEDY FAMILIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Section 46-292, Arizona Revised Statutes, is amended to  
3 read:  
4 46-292. Eligibility for assistance  
5 A. A family without a dependent child in the household may not receive  
6 cash assistance.  
7 B. Cash assistance may be given under this title to any dependent  
8 child and member of a needy family:  
9 1. Who has established residence in Arizona at the time of application  
10 and WHO is either:  
11 (a) A citizen by birth or naturalization.  
12 (b) A qualified alien who entered the United States on or before  
13 August 21, 1996.  
14 (c) A qualified alien who entered the United States as a member of one  
15 of the exception groups under Public Law 104-193, section 412, in which case  
16 the person shall be determined eligible in accordance with Public Law  
17 104-193.  
18 (d) Defined as a qualified alien by the attorney general of the United  
19 States under the authority of Public Law 104-208, section 501.  
20 For the purposes of subdivisions (b) and (c) of this paragraph, "qualified  
21 alien" means a person who is defined as a qualified alien under Public Law  
22 104-193, section 431.  
23 2. If the parent or parents of the dependent child or the nonparent  
24 relative head of household receiving assistance, if employable, does not  
25 refuse to accept available employment. The department shall assess the  
26 applicant's employability at the time of initial application for assistance  
27 to establish a self-sufficiency diversion option, if appropriate, before  
28 benefit issuance. The determination of employability and the conditions  
29 under which employment shall be required shall be determined by the state  
30 department, except that claimed unemployability because of physical or mental  
31 incapacity shall be determined by the state department in accordance with  
32 this title.  
33 3. If the parent or parents of the dependent child or the nonparent  
34 head of household in a needy family has not, within one year ~~prior to~~ BEFORE  
35 application, or while a recipient, transferred or assigned real or personal  
36 property with the intent to evade federal or state eligibility  
37 requirements. Transfer of property with retention of a life estate for the  
38 purpose of qualifying for assistance is prohibited. Where fair consideration  
39 for the property was received, no inquiry into motive is necessary. A person  
40 found ineligible under this section shall be ineligible for such time as the  
41 state department determines.  
42 4. Who meets the requirements of this section and department rule to  
43 qualify as part of the assistance unit.  
44 C. Qualified aliens entering the United States after August 21, 1996  
45 are ineligible for benefits for a period of five years beginning on their

1 date of entry, except for Cuban and Haitian entrants as defined in section  
2 501(e)(2) of the refugee education assistance act of 1980 and exceptions  
3 provided under Public Law 104-193 (personal responsibility and work  
4 opportunity reconciliation act of 1996) and Public Law 105-32 (balanced  
5 budget act of 1997).

6 D. A parent or any other relative who applies for or WHO receives cash  
7 assistance under this title on behalf of a child shall cooperate with the  
8 department by taking the following actions:

9 1. Providing information regarding the identity of the child's father  
10 and mother and other pertinent information including their names, social  
11 security numbers and current addresses or a sworn statement that attests to  
12 the lack of this information and that is accompanied by facts supporting the  
13 asserted lack of information.

14 2. Appearing at interviews, hearings and legal proceedings.

15 3. Submitting and having the child submit to genetic testing.

16 4. Signing authorizations for third parties to release information  
17 concerning the applicant or the child, or both.

18 5. In cases in which parentage has not been established, providing a  
19 sworn statement alleging paternity and setting forth facts establishing a  
20 reasonable possibility of the requisite sexual contact between the parties.

21 6. Supplying additional information the department requires.

22 E. The department shall sanction a recipient who, without good cause  
23 as prescribed in subsection F of this section, fails to cooperate with child  
24 support enforcement efforts according to the sanction provisions of section  
25 46-300.

26 F. One or more of the following circumstances constitute good cause  
27 for failure to cooperate with child support enforcement efforts:

28 1. Cooperation may result in physical or emotional harm to the parent,  
29 child for whom support is sought or caretaker relative with whom the child is  
30 living.

31 2. Legal proceedings for adoption of the child for whom support is  
32 sought are pending before a court.

33 3. The participant has been working, for less than ninety days, with a  
34 public or licensed private social agency on the issue of whether to allow the  
35 child for whom support is sought to be adopted.

36 4. The child for whom support is sought was conceived as a result of  
37 sexual assault pursuant to section 13-1406 or incest.

38 G. A person claiming good cause has twenty days from the date the good  
39 cause claim is provided to the agency to supply evidence supporting the  
40 claim. When determining whether the parent or relative is cooperating with  
41 the agency as provided in subsection D of this section, the agency shall  
42 require:

43 1. If the good cause exception in subsection F, paragraph 1 of this  
44 section is claimed, law enforcement, court, medical, criminal, psychological,  
45 social service or governmental records or sworn statements from persons with

1 personal knowledge of the circumstances that indicate that the alleged parent  
2 or obligor might inflict physical harm on the parent, child or caretaker  
3 relative.

4 2. If the good cause exception in subsection F, paragraph 2 of this  
5 section is claimed, court documents that indicate that legal proceedings for  
6 adoption are pending before a court of competent jurisdiction.

7 3. If the good cause exception in subsection F, paragraph 3 of this  
8 section is claimed, records from a public or licensed private social services  
9 agency showing that placing the child for whom support is sought is under  
10 consideration.

11 4. If the good cause exception in subsection F, paragraph 4 of this  
12 section is claimed, law enforcement, court, medical, criminal, psychological,  
13 social service or governmental records or sworn statements from persons with  
14 personal knowledge of the circumstances surrounding the conception of the  
15 child that indicate the child was conceived as a result of sexual assault  
16 pursuant to section 13-1406 or incest.

17 H. Notwithstanding subsection B of this section and except as provided  
18 in subsection I of this section, a dependent child or children who are born  
19 during one of the following time periods are not eligible for assistance  
20 under this title:

21 1. The period in which the parent or other relative is receiving  
22 assistance benefits.

23 2. The temporary period in which the parent or other relative is  
24 ineligible pursuant to a penalty imposed by the department for failure to  
25 comply with benefit eligibility requirements, after which the parent or other  
26 relative is eligible for a continuation of benefits.

27 3. Any period after November 1, 1995 that is less than sixty months  
28 between a voluntary withdrawal from program benefits or a period of  
29 ineligibility for program benefits which immediately followed a period during  
30 which program benefits were received and a subsequent reapplication and  
31 eligibility approval for benefits.

32 I. The following exceptions apply to subsection H of this section:

33 1. The department shall allow an increase in cash assistance under the  
34 program for a dependent child or children born as a result of an act of  
35 sexual assault ~~as prescribed in~~ PURSUANT TO section 13-1406 or incest. The  
36 department shall ensure that the proper law enforcement authorities are  
37 notified of allegations of sexual assault or incest made pursuant to this  
38 paragraph. For the purposes of this paragraph, "an act of sexual assault"  
39 includes sexual assault of a spouse if the offense was committed before  
40 August 12, 2005.

41 2. For those parents or other relatives who are currently authorized  
42 for cash assistance the department shall allow an increase in cash assistance  
43 under the program as a result of the birth of a child or children to the  
44 parent or other relative only if the birth occurred within ten months of the  
45 initial eligible month. The department may use only the additional child or

1 children who are born from the pregnancies covered in this subsection in  
2 computing the additional benefit.

3 3. The department shall allow an increase in cash assistance for any  
4 dependent child born to a parent who has not received cash assistance under  
5 this title for at least twelve consecutive months if the child is born within  
6 the period beginning ten months after the twelve consecutive month period and  
7 ending ten months after the parent resumes receiving cash assistance.

8 4. A dependent child or children who were born during a period in  
9 which the custodial parent received cash assistance through the Arizona works  
10 program shall be eligible to receive assistance under this title.

11 5. A dependent child or children who were born within ten months after  
12 the custodial parent received cash assistance through the Arizona works  
13 program shall be eligible to receive assistance under this title.

14 6. THE DEPARTMENT OF ECONOMIC SECURITY SHALL ALLOW CASH ASSISTANCE FOR  
15 AN OTHERWISE ELIGIBLE DEPENDENT CHILD DURING THE PERIOD IN WHICH THE  
16 DEPENDENT CHILD IS IN THE LEGAL CUSTODY OF THE DEPARTMENT OF CHILD SAFETY AND  
17 IS PLACED IN UNLICENSED KINSHIP FOSTER CARE WITH A NONPARENT RELATIVE.

18 7. THE DEPARTMENT SHALL ALLOW CASH ASSISTANCE FOR AN OTHERWISE  
19 ELIGIBLE CHILD WHO MEETS ONE OF THE FOLLOWING:

20 (a) THE COURT HAS PLACED THE CHILD WITH A NONPARENT RELATIVE.

21 (b) THE CHILD'S PARENTS ARE DECEASED AND THE CHILD IS LIVING WITH A  
22 NONPARENT RELATIVE.

23 (c) A NONPARENT RELATIVE HAS CUSTODY OF THE CHILD BECAUSE THE CHILD IS  
24 ABANDONED AS DEFINED IN SECTION 8-201.

25 J. The department shall calculate the sixty-month time period  
26 referenced in subsection H, paragraph 3 of this section in the following  
27 manner:

28 1. For persons who are receiving cash assistance on November 1, 1995,  
29 the sixty-month time period begins on November 1, 1995. A subsequent  
30 sixty-month time period begins immediately after the previous period ends if  
31 the person is receiving cash assistance through two sixty-month periods. If  
32 the individual is not receiving cash assistance at the end of the previous  
33 sixty-month period, any subsequent sixty-month time period begins on the date  
34 when cash assistance became effective again, regardless of when the person  
35 received an actual payment.

36 2. For persons who begin receiving cash assistance after November 1,  
37 1995, the sixty-month time period begins on the date cash assistance becomes  
38 effective, regardless of when the person received an actual payment. A  
39 subsequent sixty-month period begins as provided in paragraph 1 of this  
40 subsection.

41 K. In calculating a parent's or any other relative's benefit increase  
42 that arises from any general increase that has been approved for all program  
43 recipients, the department shall not consider a child or children born under  
44 the time periods listed in subsection H of this section.

1 L. For the parents or other relatives who have additional children for  
2 whom they receive no cash assistance payment under subsection H of this  
3 section, the department shall make any necessary program amendments or  
4 request any necessary federal waivers to allow the parents or other relatives  
5 to earn income in an amount equal to the disallowed cash assistance payment  
6 without affecting their eligibility for assistance.

7 M. The director shall adopt rules:

8 1. To implement this section, including rules to define the  
9 investigatory steps that must be taken to confirm that an act of sexual  
10 assault PURSUANT TO SECTION 13-1406 or incest led to the birth of a dependent  
11 child or children.

12 2. That require the department to inform both verbally and in writing  
13 the parents and other relatives who are receiving assistance under this  
14 article of the specific family planning services that are available to them  
15 while they are enrolled as eligible persons in the Arizona health care cost  
16 containment system.

17 N. ~~Nothing in~~ This section ~~shall be construed to~~ DOES NOT prevent an  
18 otherwise eligible child who is not included in the family's calculation of  
19 benefits under this article from being eligible for coverage under title 36,  
20 chapter 29 or for any services that are directly linked to eligibility for  
21 the temporary assistance for needy families program.

22 O. Assistance shall not be denied or terminated under this article  
23 because the principal wage earner works one hundred or more hours per month.

24 P. Except as provided in paragraph 2 of this subsection, all members  
25 of a needy family, including stepparents, must meet the same financial  
26 eligibility criteria established in this title, by department rule and as  
27 follows:

28 1. The department shall include all income from every source available  
29 to a needy family requesting cash assistance, except income that is required  
30 to be disregarded by this subsection and as determined by the department in  
31 rules. For the amount of income that is received from employment, each month  
32 every employed person is entitled to receive an earned income disregard of  
33 ninety dollars plus an additional thirty ~~per cent~~ PERCENT of the remaining  
34 earned income. A needy family that includes an employed person is entitled  
35 to an earned income disregard equal to the actual amount billed to the  
36 household for the care of an adult or child dependent household member, up to  
37 two hundred dollars a month for a child under two years of age and up to one  
38 hundred seventy-five dollars a month for each other dependent. This  
39 dependent care disregard is allowed only if the expense is necessary to allow  
40 the household member to become or remain employed or to attend postsecondary  
41 training or education that is preparatory to employment.

42 2. The total gross countable income of a needy family that includes a  
43 nonparent relative head of household who is not applying for or receiving  
44 cash assistance and who is requesting cash assistance only for a dependent

1 child shall not exceed one hundred thirty ~~per-cent~~ PERCENT of the federal  
2 poverty guidelines.

3 Q. If the total gross countable income in subsection P, paragraph 2 of  
4 this section does not exceed one hundred thirty ~~per-cent~~ PERCENT of the  
5 federal poverty guidelines, in determining benefit amount, the department  
6 shall exclude the income of all members of the needy family except for the  
7 income of the eligible dependent child for whom cash assistance is requested.

8 R. For the purposes of eligibility and benefit amount, only the income  
9 of the dependent child is considered for a child only case.

10 S. Any parent or other relative who applies for or receives cash  
11 assistance under this article on behalf of a dependent child who is between  
12 six and sixteen years of age shall ensure that the child is enrolled in and  
13 attending school. An initial applicant is ineligible for benefits until the  
14 applicant's dependent children are verified to be enrolled in and attending  
15 an educational program. The department of education shall assist the  
16 department of economic security in obtaining verification of school  
17 enrollment and attendance. The director of the department of economic  
18 security may adopt rules for granting good cause exceptions from this  
19 subsection. The department of economic security shall sanction a recipient  
20 who fails, without good cause, to ensure school enrollment and attendance  
21 according to section 46-300.

22 T. Any parent or other relative who applies for or receives cash  
23 assistance under this section on behalf of a dependent child shall ensure  
24 that the child is immunized in accordance with the schedule of immunizations  
25 pursuant to section 36-672. The director of the department of economic  
26 security may adopt rules for granting good cause exceptions from this  
27 subsection. The department of economic security shall sanction a recipient,  
28 in accordance with section 46-300, who fails, without good cause, to obtain  
29 the required immunizations for a dependent child unless the recipient submits  
30 to the department of economic security the documentation described in section  
31 15-873.