

State of Arizona
Senate
Fifty-third Legislature
First Regular Session
2017

SENATE BILL 1108

AN ACT

AMENDING SECTIONS 46-101 AND 46-292, ARIZONA REVISED STATUTES; RELATING TO
CASH ASSISTANCE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 46-101, Arizona Revised Statutes, is amended to
3 read:

4 46-101. Definitions

5 In this title, unless the context otherwise requires:

6 1. "Aid to families with dependent children" means assistance
7 granted under section 403 of title IV of the social security act as it
8 existed before August 22, 1996.

9 2. "Applicant" means a person who has applied for assistance or
10 services under this title, or a person who has applied for assistance or
11 services under this title and who has custody of a dependent child.

12 3. "Assistance" means payments in cash or kind to or on behalf of a
13 person or persons in need as provided for in this title.

14 4. "Assistance unit" means those members of a needy family, as
15 prescribed by the department in rule, or a child only case, that meets the
16 nonfinancial eligibility criteria for cash assistance and whose needs and
17 other circumstances are considered as a whole to determine a cash
18 assistance benefit amount.

19 5. "Cash assistance" means temporary assistance for needy families
20 paid to a recipient for the purpose of meeting basic living expenses as
21 defined by the department.

22 6. "Child care personnel" means any person who supervises children
23 in a day care home or center that receives child care food program monies
24 under this article.

25 7. "Child only case" means a case in which the eligible dependent
26 child is in the legal custody of the department of child safety, A TRIBAL
27 COURT OR A TRIBAL CHILD WELFARE AGENCY LOCATED IN THIS STATE and placed in
28 foster care with an unrelated adult or with a nonparent relative who is
29 not receiving cash assistance.

30 8. "Dependent child" means a needy child who has been deprived of
31 parental support or care by reason of the death, unemployment of the
32 supporting parent as defined and prescribed by the rules of the
33 department, continued absence from the home, or physical or mental
34 incapacity of a parent, and whose relatives who are responsible under the
35 law for the child's support are not able to provide adequate care and
36 support of the child without public assistance, and who is living with his
37 father, mother, grandfather, grandmother, brother, sister, stepfather,
38 stepmother, stepbrother, stepsister, uncle, aunt, niece, nephew or cousin
39 in a place of residence maintained by one or more of such relatives as his
40 or their own home or who is in the legal custody of the department of
41 child safety and placed in a foster home or with an unrelated adult as a
42 recipient of temporary assistance for needy families. Such dependent
43 child must be under eighteen years of age or, if eighteen, must be a
44 full-time student in a high school, or in the equivalent level of

1 vocational or technical training, and shall be reasonably expected to
2 complete the program before reaching age nineteen.

3 9. "Director" means the director of the department of economic
4 security.

5 10. "Domestic violence" means battered or subject to extreme
6 cruelty as defined in section 408(a)(7)(C)(iii) of the social security
7 act.

8 11. "Employment plan" means an agreement between the department and
9 the cash assistance recipient regarding the participant's work activities
10 and services provided by the department.

11 12. "Federal poverty level" means the poverty guidelines that are
12 issued by the United States department of health and human services
13 pursuant to section 673(2) of the omnibus budget reconciliation act of
14 1981 and that are reported annually in the federal register.

15 13. "Head of household" means a dependent child's parent or the
16 spouse of the parent, or the dependent child's nonparent relative or
17 spouse of the nonparent relative, who receives cash assistance for himself
18 and on behalf of the dependent child or only on behalf of the dependent
19 child.

20 14. "Homestead property" means a home owned and occupied by the
21 applicant or recipient, or his spouse.

22 15. "Jobs program" means services established by the department to
23 ensure that participants comply with work requirements as prescribed in
24 Public Law 104-193.

25 16. "Needy family":

26 (a) Means a family that resides in the same home and includes a
27 dependent child, one or more of the dependent child's parents and
28 nonparent relatives of the dependent child and their spouses who meet
29 financial cash assistance eligibility criteria established by this title
30 and by department rule.

31 (b) Does not include a child only case.

32 17. "Nonparent relative" means a dependent child's grandfather,
33 grandmother, brother, sister, stepfather, stepmother, stepbrother,
34 stepsister, uncle, aunt, niece, nephew or cousin and includes a permanent
35 guardian who is appointed pursuant to section 8-872.

36 18. "Participant" means a recipient of cash assistance engaged in
37 work activities through the JOBS program.

38 19. "Personal responsibility declaration" means a document that is
39 prescribed by the department and in which the applicant acknowledges
40 understanding of the applicant's personal responsibility.

41 20. "Recipient" means a person who receives assistance or services
42 under the provisions of this title.

43 21. "Services" includes social casework, rehabilitation counseling
44 and similar services rendered to a person or persons in need as provided
45 for in this title.

22. "Sponsor" means any political subdivision of this state, any federally recognized Indian tribe, any military base or any other person, partnership, corporation or association contracting with this state to provide assistance in the distribution of child care food program monies pursuant to this article.

23. "State department" or "department" means the department of economic security.

24. "Temporarily deferred" means the postponement of work activities.

25. "Temporary assistance for needy families" means assistance granted under section 403 of title IV of the social security act as it exists after August 21, 1996.

26. "Vendor payment" means any payment to a person other than the recipient on his behalf.

27. "Work activities" means the following activities that are countable toward the federal work participation rate as prescribed in Public Law 104-193, section 407 (1996):

(a) Unsubsidized employment.

(b) Subsidized private or public employment.

(c) Work experience.

(d) On-the-job training.

(e) Job search and job readiness assistance.

(f) Community service programs.

(g) Vocational educational training.

(h) Job skills training directly related to employment.

(i) Education directly related to employment in the case of a recipient who has not received a high school diploma or a certificate of high school equivalency.

(j) Satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalency, in the case of a recipient who has not completed secondary school or received such a certificate.

Sec. 2. Section 46-292, Arizona Revised Statutes, is amended to read:

46-292. Eligibility for assistance

A. A family without a dependent child in the household may not receive cash assistance.

B. Cash assistance may be given under this title to any dependent child and member of a needy family:

1. Who has established residence in Arizona at the time of application and who is either:

(a) A citizen by birth or naturalization.

(b) A qualified alien who entered the United States on or before August 21, 1996.

1 (c) A qualified alien who entered the United States as a member of
2 one of the exception groups under Public Law 104-193, section 412, in
3 which case the person shall be determined eligible in accordance with
4 Public Law 104-193.

5 (d) Defined as a qualified alien by the attorney general of the
6 United States under the authority of Public Law 104-208, section 501.
7 For the purposes of subdivisions (b) and (c) of this paragraph, "qualified
8 alien" means a person who is defined as a qualified alien under Public Law
9 104-193, section 431.

10 2. If the parent or parents of the dependent child or the nonparent
11 relative head of household receiving assistance, if employable, does not
12 refuse to accept available employment. The department shall assess the
13 applicant's employability at the time of initial application for
14 assistance to establish a self-sufficiency diversion option, if
15 appropriate, before benefit issuance. The determination of employability
16 and the conditions under which employment shall be required shall be
17 determined by the state department, except that claimed unemployability
18 because of physical or mental incapacity shall be determined by the state
19 department in accordance with this title.

20 3. If the parent or parents of the dependent child or the nonparent
21 head of household in a needy family has not, within one year before
22 application, or while a recipient, transferred or assigned real or
23 personal property with the intent to evade federal or state eligibility
24 requirements. Transfer of property with retention of a life estate for
25 the purpose of qualifying for assistance is prohibited. Where fair
26 consideration for the property was received, no inquiry into motive is
27 necessary. A person found ineligible under this section shall be
28 ineligible for such time as the state department determines.

29 4. Who meets the requirements of this section and department rule
30 to qualify as part of the assistance unit.

31 C. Qualified aliens entering the United States after August 21,
32 1996 are ineligible for benefits for a period of five years beginning on
33 their date of entry, except for Cuban and Haitian entrants as defined in
34 section 501(e)(2) of the refugee education assistance act of 1980 and
35 exceptions provided under Public Law 104-193 (personal responsibility and
36 work opportunity reconciliation act of 1996) and Public Law 105-32
37 (balanced budget act of 1997).

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

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

1 2. Appearing at interviews, hearings and legal proceedings.
2 3. Submitting and having the child submit to genetic testing.
3 4. Signing authorizations for third parties to release information
4 concerning the applicant or the child, or both.
5 5. In cases in which parentage has not been established, providing
6 a sworn statement alleging paternity and setting forth facts establishing
7 a reasonable possibility of the requisite sexual contact between the
8 parties.
9 6. Supplying additional information the department requires.
10 E. The department shall sanction a recipient who, without good
11 cause as prescribed in subsection F of this section, fails to cooperate
12 with child support enforcement efforts according to the sanction
13 provisions of section 46-300.
14 F. One or more of the following circumstances constitute good cause
15 for failure to cooperate with child support enforcement efforts:
16 1. Cooperation may result in physical or emotional harm to the
17 parent, child for whom support is sought or caretaker relative with whom
18 the child is living.
19 2. Legal proceedings for adoption of the child for whom support is
20 sought are pending before a court.
21 3. The participant has been working, for less than ninety days,
22 with a public or licensed private social agency on the issue of whether to
23 allow the child for whom support is sought to be adopted.
24 4. The child for whom support is sought was conceived as a result
25 of sexual assault pursuant to section 13-1406 or incest.
26 G. A person claiming good cause has twenty days from the date the
27 good cause claim is provided to the agency to supply evidence supporting
28 the claim. When determining whether the parent or relative is cooperating
29 with the agency as provided in subsection D of this section, the agency
30 shall require:
31 1. If the good cause exception in subsection F, paragraph 1 of this
32 section is claimed, law enforcement, court, medical, criminal,
33 psychological, social service or governmental records or sworn statements
34 from persons with personal knowledge of the circumstances that indicate
35 that the alleged parent or obligor might inflict physical harm on the
36 parent, child or caretaker relative.
37 2. If the good cause exception in subsection F, paragraph 2 of this
38 section is claimed, court documents that indicate that legal proceedings
39 for adoption are pending before a court of competent jurisdiction.
40 3. If the good cause exception in subsection F, paragraph 3 of this
41 section is claimed, records from a public or licensed private social
42 services agency showing that placing the child for whom support is sought
43 is under consideration.

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

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

11 1. The period in which the parent or other relative is receiving
12 assistance benefits.

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

17 3. Any period after November 1, 1995 that is less than sixty months
18 between a voluntary withdrawal from program benefits or a period of
19 ineligibility for program benefits which immediately followed a period
20 during which program benefits were received and a subsequent reapplication
21 and eligibility approval for benefits.

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

23 1. The department shall allow an increase in cash assistance under
24 the program for a dependent child or children born as a result of an act
25 of sexual assault pursuant to section 13-1406 or incest. The department
26 shall ensure that the proper law enforcement authorities are notified of
27 allegations of sexual assault or incest made pursuant to this paragraph.
28 For the purposes of this paragraph, "an act of sexual assault" includes
29 sexual assault of a spouse if the offense was committed before August 12,
30 2005.

31 2. For those parents or other relatives who are currently
32 authorized for cash assistance the department shall allow an increase in
33 cash assistance under the program as a result of the birth of a child or
34 children to the parent or other relative only if the birth occurred within
35 ten months of the initial eligible month. The department may use only the
36 additional child or children who are born from the pregnancies covered in
37 this subsection in computing the additional benefit.

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

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

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

7 6. The department of economic security shall allow cash assistance
8 for an otherwise eligible dependent child during the period in which the
9 dependent child is in the legal custody of the department of child safety,
10 a tribal court or a tribal child welfare agency located in this state and
11 is placed in unlicensed kinship foster care with a nonparent relative **OR**
12 **UNRELATED ADULT**.

13 7. The department shall allow cash assistance for an otherwise
14 eligible child who meets one of the following:

15 (a) The court has placed the child with a nonparent relative.

16 (b) The child's parents are deceased and the child is living with a
17 nonparent relative.

18 (c) A nonparent relative has custody of the child because the child
19 is abandoned as defined in section 8-201.

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

23 1. For persons who are receiving cash assistance on November 1,
24 1995, the sixty-month time period begins on November 1, 1995. A
25 subsequent sixty-month time period begins immediately after the previous
26 period ends if the person is receiving cash assistance through two
27 sixty-month periods. If the individual is not receiving cash assistance
28 at the end of the previous sixty-month period, any subsequent sixty-month
29 time period begins on the date when cash assistance became effective
30 again, regardless of when the person received an actual payment.

31 2. For persons who begin receiving cash assistance after November
32 1, 1995, the sixty-month time period begins on the date cash assistance
33 becomes effective, regardless of when the person received an actual
34 payment. A subsequent sixty-month period begins as provided in paragraph
35 1 of this subsection.

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

41 L. For the parents or other relatives who have additional children
42 for whom they receive no cash assistance payment under subsection H of
43 this section, the department shall make any necessary program amendments
44 or request any necessary federal waivers to allow the parents or other

1 relatives to earn income in an amount equal to the disallowed cash
2 assistance payment without affecting their eligibility for assistance.

3 M. The director shall adopt rules:

4 1. To implement this section, including rules to define the
5 investigatory steps that must be taken to confirm that an act of sexual
6 assault pursuant to section 13-1406 or incest led to the birth of a
7 dependent child or children.

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

13 N. This section does not prevent an otherwise eligible child who is
14 not included in the family's calculation of benefits under this article
15 from being eligible for coverage under title 36, chapter 29 or for any
16 services that are directly linked to eligibility for the temporary
17 assistance for needy families program.

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

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

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

40 2. The total gross countable income of a needy family that includes
41 a nonparent relative head of household who is not applying for or
42 receiving cash assistance and who is requesting cash assistance only for a
43 dependent child shall not exceed one hundred thirty percent of the federal
44 poverty guidelines.

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

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

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

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