

HOUSE BILL NO. 542

INTRODUCED BY B. BESSETTE, M. CAFERRO, K. DUDIK, E. KERR-CARPENTER,
S. STEWART PEREGOY

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING EMPLOYMENT AND TRAINING REQUIREMENTS FOR THE TEMPORARY ASSISTANCE TO NEEDY FAMILIES PROGRAM; CLARIFYING THAT SUBSTANCE USE DISORDER TREATMENT IS AN EMPLOYMENT AND TRAINING ACTIVITY; REQUIRING CHILD CARE ASSISTANCE FOR SUBSTANCE USE DISORDER TREATMENT; AND AMENDING SECTION 53-4-212, MCA."

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

NEW SECTION. Section 1. Substance use disorder treatment -- employment and training activity

-- child care assistance. (1) A recipient of financial assistance may count participation in a substance use disorder treatment program or activity as an allowable activity for fulfilling the recipient's employment and training requirements.

(2) Participation in a substance use disorder program or activity includes inpatient and outpatient treatment. Outpatient treatment includes but is not limited to:

- (a) treatment provided by a licensed addiction counselor;
- (b) a program offered through a private or public treatment facility approved under Title 53, chapter 24;

or

(c) a program in which individuals with a substance use disorder follow a set of guiding principles and assist each other in abstaining from the use of alcohol or drugs.

(3) A parent participating in substance use disorder treatment as an employment and training activity is eligible for child care assistance during the time spent in the treatment program or activity.

Section 2. Section 53-4-212, MCA, is amended to read:

"53-4-212. Department to adopt rules. (1) The department shall adopt rules and take action as necessary or desirable for the administration of public assistance programs.

(2) Subject to subsection (3), the department shall adopt rules that may include but are not limited to rules concerning:



- 1 (a) eligibility requirements, including gross and net income limitations, resource limitations, and income
2 and resource exclusions;
- 3 (b) amounts of assistance, methods for computing benefit amounts, and the length of time for which
4 benefits may be granted;
- 5 (c) the degree of kinship required for a person to qualify as a specified caretaker relative in order to be
6 eligible for assistance;
- 7 (d) procedures and policies for employment and training programs, requirements for participation in
8 employment and training programs, and exemptions, if any, from participation requirements;
- 9 (e) requirements for specified caretaker relatives, including cooperation with assessments, the number
10 of hours of participation required for each month, specific activities required to address employment barriers, and
11 other terms of performance;
- 12 (f) eligibility for and terms and conditions of child-care assistance for financial assistance recipients,
13 including maximum amounts of assistance payable and amounts of copayments required by specified caretaker
14 relatives;
- 15 (g) eligibility criteria and participation requirements for nonfinancial assistance recipients;
- 16 (h) terms of ineligibility or sanctions against a specified caretaker relative or other family member who
17 fails to enter into a family investment agreement, as provided for in 53-4-606, or to comply with the individual's
18 obligations under the agreement, including the length of the period of ineligibility, if any;
- 19 (i) requirements, if any, for participation in the employment and training demonstration project;
- 20 (j) eligibility for and terms and conditions of extended medical assistance benefits;
- 21 (k) reporting requirements;
- 22 (l) sanctions, disqualification, or other penalties for failure or refusal to comply with the rules or
23 requirements of a public assistance program;
- 24 (m) exemptions from the 60-month limitation on assistance provided in 53-4-231 based on hardship or
25 for families that include an individual who has been battered or subjected to extreme cruelty, as defined in section
26 103 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 42 U.S.C. 608, including
27 but not limited to the duration of the exemption;
- 28 (n) individuals who must be included as members of an assistance unit;
- 29 (o) categories of aliens who may receive assistance, if any;
- 30 (p) requirements relating to the assignment of child and medical support rights and cooperation in

1 establishing paternity and obtaining child and medical support;

2 (q) requirements for eligibility and other terms and conditions of other programs to strengthen and
3 preserve families;

4 (r) special eligibility or participation requirements applicable to teenage parents, if any;

5 (s) conditions under which assistance may be continued when an adult or a dependent child is
6 temporarily absent from the home and the length of time for which assistance may be continued;

7 (t) any random drug testing or reporting requirements for persons who are required to comply with the
8 conditions provided under 53-4-231(3) and graduated sanctions that may include terms of ineligibility for violations
9 of conditions of supervision or treatment requirements. The department may enter into agreements with the
10 department of corrections regarding testing and reporting on offenders under the supervision of the department
11 of corrections.

12 (u) approved educational programs, appropriate educational courses of study, employee assessment
13 instruments, and administration of the Montana parents as scholars program provided for in 53-4-209.

14 (3) Rules adopted under this section must count participation in a substance use disorder treatment
15 program in accordance with [section 1] as an allowable employment and training activity.

16 ~~(3)(4) By October 1, 2009, the~~ The department shall adopt rules establishing a net income limit of 250%
17 of the current federal poverty level for federal funds or state general fund money used for participating families
18 in the child care for working caretaker relatives program. The department may incorporate an earned income work
19 disregard of \$200 and an additional 25% disregard from the household's gross income to determine the
20 household's net income."

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22 NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an
23 integral part of Title 53, chapter 4, part 2, and the provisions of Title 53, chapter 4, part 2, apply to [section 1].

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