



Senate

General Assembly

File No. 644

February Session, 2022

Substitute Senate Bill No. 197

Senate, April 26, 2022

The Committee on Appropriations reported through SEN. OSTEN of the 19th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING TEMPORARY FAMILY ASSISTANCE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 17b-112 of the 2022 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective July 1, 2022*):

4 (a) The Department of Social Services shall administer a temporary
5 family assistance program under which cash assistance shall be
6 provided to eligible families in accordance with the temporary
7 assistance for needy families program, established pursuant to the
8 Personal Responsibility and Work Opportunity Reconciliation Act of
9 1996. The Commissioner of Social Services may operate portions of the
10 temporary family assistance program as a solely state-funded program,
11 separate from the federal temporary assistance for needy families
12 program, if the commissioner determines that doing so will enable the
13 state to avoid fiscal penalties under the temporary assistance for needy
14 families program. Families receiving assistance under the solely state-
15 funded portion of the temporary family assistance program shall be

16 subject to the same conditions of eligibility as those receiving assistance
17 under the federal temporary assistance for needy families program.
18 Under the temporary family assistance program, benefits shall be
19 provided to a family for not longer than [twenty-one] sixty months,
20 except as provided in [subsections (b) and (c)] subsection (b) of this
21 section. For the purpose of calculating said [twenty-one-month] sixty-
22 month time limit: [, months]

23 (1) Months of assistance received on and after January 1, 1996,
24 pursuant to time limits under the aid to families with dependent
25 children program, shall be included. For purposes of this section,
26 "family" means one or more individuals who apply for or receive
27 assistance together under the temporary family assistance program. If
28 the commissioner determines that federal law allows individuals not
29 otherwise in an eligible covered group for the temporary family
30 assistance program to become covered, such family may also, at the
31 discretion of the commissioner, be composed of [(1)] (A) a pregnant
32 woman, or [(2)] (B) a parent, both parents or other caretaker relative and
33 at least one child who is under the age of eighteen, or who is under the
34 age of nineteen and a full-time student in a secondary school or its
35 equivalent. A caretaker relative shall be related to the child or children
36 by blood, marriage or adoption or shall be the legal guardian of such a
37 child or pursuing legal proceedings necessary to achieve guardianship.
38 If the commissioner elects to allow state eligibility consistent with any
39 change in federal law, the commissioner may administratively transfer
40 any qualifying family cases under the cash assistance portion of the
41 state-administered general assistance program to the temporary family
42 assistance program without regard to usual eligibility and enrollment
43 procedures. If such families become an ineligible coverage group under
44 the federal law, the commissioner shall administratively transfer such
45 families back to the cash assistance portion of the state-administered
46 general assistance program without regard to usual eligibility and
47 enrollment procedures to the degree that such families are eligible for
48 the state program; [.]

49 [(b) The Commissioner of Social Services shall exempt a family from

50 such time-limited benefits for circumstances including, but not limited
51 to: (1) A family with a needy caretaker relative who is incapacitated or
52 of an advanced age, as defined by the commissioner, if there is no other
53 nonexempt caretaker relative in the household; (2) a family with a needy
54 caretaker relative who is needed in the home because of the incapacity
55 of another member of the household, if there is no other nonexempt
56 caretaker relative in the household; (3) a family with a caretaker relative
57 who is not legally responsible for the dependent children in the
58 household if such relative's needs are not considered in calculating the
59 amount of the benefit and there is no other nonexempt caretaker relative
60 in the household; (4) a family with a caretaker relative caring for a child
61 who is under one year of age if there is no other nonexempt caretaker
62 relative in the household; (5) a family with a pregnant or postpartum
63 caretaker relative if a physician has indicated that such relative is unable
64 to work and there is no other nonexempt caretaker relative in the
65 household; (6) a family with a caretaker relative determined by the
66 commissioner to be unemployable and there is no other nonexempt
67 caretaker relative in the household; and (7) minor parents attending and
68 satisfactorily completing high school or high school equivalency
69 programs.

70 (c) A family who is subject to time-limited benefits may petition the
71 Commissioner of Social Services for six-month extensions of such
72 benefits. The commissioner shall grant not more than two extensions to
73 such family who has made a good faith effort to comply with the
74 requirements of the program and despite such effort has a total family
75 income at a level below the payment standard, or has encountered
76 circumstances preventing employment including, but not limited to: (1)
77 Domestic violence or physical harm to such family's children; or (2)
78 other circumstances beyond such family's control. The commissioner
79 shall disregard ninety dollars of earned income in determining
80 applicable family income. The commissioner may grant a subsequent
81 six-month extension if each adult in the family meets one or more of the
82 following criteria: (A) The adult is precluded from engaging in
83 employment activities due to domestic violence or another reason
84 beyond the adult's control; (B) the adult has two or more substantiated

85 barriers to employment including, but not limited to, the lack of
86 available child care, substance abuse or addiction, severe mental or
87 physical health problems, one or more severe learning disabilities,
88 domestic violence or a child who has a serious physical or behavioral
89 health problem; (C) the adult is working thirty-five or more hours per
90 week, is earning at least the minimum wage and continues to earn less
91 than the family's temporary family assistance payment standard; or (D)
92 the adult is employed and works less than thirty-five hours per week
93 due to (i) a documented medical impairment that limits the adult's
94 hours of employment, provided the adult works the maximum number
95 of hours that the medical condition permits, or (ii) the need to care for a
96 disabled member of the adult's household, provided the adult works the
97 maximum number of hours the adult's caregiving responsibilities
98 permit. Families receiving temporary family assistance shall be notified
99 by the department of the right to petition for such extensions.
100 Notwithstanding the provisions of this section, the commissioner shall
101 not provide benefits under the state's temporary family assistance
102 program to a family that is subject to the twenty-one month benefit limit
103 and has received benefits beginning on or after October 1, 1996, if such
104 benefits result in that family's receiving more than sixty months of time-
105 limited benefits unless that family experiences domestic violence, as
106 defined in Section 402(a)(7)(B), P.L. 104-193. For the purpose of
107 calculating said sixty-month limit: (I)]

108 (2) A month shall count toward the limit if the family receives
109 assistance for any day of the month, [provided] except that any months
110 of temporary family assistance received during the public health
111 emergency declared by Governor Ned Lamont related to the COVID-19
112 pandemic shall not be included; [,] and [(II) a]

113 (3) A month in which a family receives temporary assistance for
114 needy families benefits that are issued from a jurisdiction other than
115 Connecticut shall count toward the limit.

116 (b) The Commissioner of Social Services may exempt a family from
117 time-limited benefits for circumstances, including, but not limited to: (1)

118 A family with a needy caretaker relative who is incapacitated or of an
119 advanced age, as defined by the commissioner, if there is no other
120 nonexempt caretaker relative in the household; (2) a family with a needy
121 caretaker relative who is needed in the home because of the incapacity
122 of another member of the household, if there is no other nonexempt
123 caretaker relative in the household; (3) a family with a caretaker relative
124 who is not legally responsible for the dependent children in the
125 household if such relative's needs are not considered in calculating the
126 amount of the benefit and there is no other nonexempt caretaker relative
127 in the household; (4) a family with a caretaker relative caring for a child
128 who is under one year of age if there is no other nonexempt caretaker
129 relative in the household; (5) a family with a pregnant or postpartum
130 caretaker relative if a physician has indicated that such relative is unable
131 to work and there is no other nonexempt caretaker relative in the
132 household; (6) a family with a caretaker relative determined by the
133 commissioner to be unemployable and there is no other nonexempt
134 caretaker relative in the household; (7) minor parents attending and
135 satisfactorily completing high school or high school equivalency
136 programs; and (8) a family that has encountered circumstances
137 preventing employment, including, but not limited to, (A) domestic
138 violence or physical harm to such family's children; or (B) other
139 circumstances beyond such family's control. The commissioner shall
140 disregard ninety dollars of earned income in determining applicable
141 family income.

142 [(d)] (c) Under said program, no family shall be eligible that has total
143 gross earnings exceeding the federal poverty level, however, in the
144 calculation of the benefit amount for eligible families and previously
145 eligible families that become ineligible temporarily because of receipt of
146 workers' compensation benefits by a family member who subsequently
147 returns to work immediately after the period of receipt of such benefits,
148 earned income shall be disregarded up to the federal poverty level.
149 [Except when determining eligibility for a six-month extension of
150 benefits pursuant to subsection (c) of this section, the] The commissioner
151 shall disregard the first fifty dollars per month of income attributable to
152 current child support that a family receives in determining eligibility

153 and benefit levels for temporary family assistance. Any current child
154 support in excess of fifty dollars per month collected by the department
155 on behalf of an eligible child shall be considered in determining
156 eligibility but shall not be considered when calculating benefits and
157 shall be taken as reimbursement for assistance paid under this section,
158 except that when the current child support collected exceeds the family's
159 monthly award of temporary family assistance benefits plus fifty
160 dollars, the current child support shall be paid to the family and shall be
161 considered when calculating benefits.

162 [(e)] (d) A family receiving assistance under said program shall
163 cooperate with child support enforcement, under title IV-D of the Social
164 Security Act. A family shall be ineligible for benefits for failure to
165 cooperate with child support enforcement.

166 [(f)] (e) A family leaving assistance at the end of [(1) said twenty-one-
167 month] the sixty-month time limit, including a family with income
168 above the payment standard, [or (2) the sixty-month limit] shall have an
169 interview for the purpose of being informed of services that may
170 continue to be available to such family, including employment services
171 available through the Labor Department. Such interview shall include
172 [(A)] (1) a determination of benefits available to the family provided by
173 the Department of Social Services; and [(B)] (2) a determination of
174 whether such family is eligible for supplemental nutrition assistance or
175 Medicaid. Information and referrals shall be made to such a family for
176 services and benefits including, but not limited to, the earned income
177 tax credit, rental subsidies emergency housing, employment services
178 and energy assistance.

179 [(g)] (f) Notwithstanding section 17b-104, commencing on July 1,
180 2023, the Commissioner of Social Services shall provide an annual cost-
181 of-living adjustment in temporary family assistance benefits equal to the
182 most recent percentage increase in the consumer price index for urban
183 consumers whenever funds appropriated for temporary family
184 assistance lapse at the close of any fiscal year and such adjustment has
185 not otherwise been included in the budget for the temporary family

186 assistance program, provided the increase would not create a budget
187 deficiency in succeeding years. The commissioner shall provide a
188 prorated benefit increase from such available lapsed funds in any fiscal
189 year when such funds are not sufficient to cover a cost-of-living
190 adjustment in accordance with this subsection.

191 ~~[(h)]~~ (g) An applicant or recipient of temporary family assistance who
192 is adversely affected by a decision of the Commissioner of Social
193 Services may request and shall be provided a hearing in accordance
194 with section 17b-60.

195 Sec. 2. Subsection (a) of section 17b-112b of the general statutes is
196 repealed and the following is substituted in lieu thereof (*Effective July 1,*
197 *2022*):

198 (a) An applicant or recipient who is a past or present victim of
199 domestic violence or at risk of further domestic violence, pursuant to
200 subsection (c) of section 17b-112a, shall, for good cause: (1) Be excused
201 from failing to participate in a work activity; or (2) be exempted from
202 child support enforcement requirements pursuant to subsection ~~[(e)]~~ (d)
203 of section 17b-112, as amended by this act. Such an applicant or recipient
204 may, for good cause, be granted an [extension of cash assistance beyond
205 twenty-one months] exemption of the sixty-month time limit for
206 temporary family assistance, pursuant to section 17b-112, as amended
207 by this act, provided the domestic violence experienced is of sufficient
208 magnitude to reasonably render the individual unable to obtain or
209 maintain employment.

210 Sec. 3. Section 17b-112e of the general statutes is repealed and the
211 following is substituted in lieu thereof (*Effective July 1, 2022*):

212 (a) The Department of Social Services shall provide safety net services
213 for certain families identified as having significant barriers to
214 employment and families who are at risk of losing benefits under the
215 temporary family assistance program or no longer receiving program
216 benefits. To be eligible for safety net services, such families shall: (1)
217 Have been identified as having significant barriers to employment

218 during the initial assessment by the department's eligibility worker or
219 during the first twelve months of employment services by an
220 employment services case manager; (2) have made a good faith effort to
221 seek and maintain employment but have not been able to do so or be at
222 risk of failing to complete the employment services program; or (3) have
223 exhausted their eligibility for temporary family assistance program
224 benefits; [; or (4) not be eligible for six-month extensions of temporary
225 family assistance benefits due to: (A) The receipt of two sanctions from
226 the department during the first twenty months of the twenty-one-month
227 time limit of said temporary family assistance program; or (B) the
228 determination by the department that such a family has not made a
229 good faith effort to seek and maintain employment.]

230 (b) Said safety net shall consist of services provided through the
231 existing community service delivery network with additional resources
232 provided by the Department of Social Services. Services shall be
233 provided in-kind or through vendor or voucher payment. Services may
234 include the following: (1) Food, shelter, clothing and employment
235 assistance; (2) eviction prevention; (3) an in-depth family needs
236 assessment; (4) intensive case management that includes visits to the
237 family's home; (5) continuous monitoring for child abuse or neglect; and
238 (6) for families at risk of losing benefits under the temporary family
239 assistance program, individual performance contracts administered by
240 the Labor Department that require job training, job searching, volunteer
241 work, participation in parenting programs or counseling or any other
242 requirements deemed necessary by the Labor Commissioner.

243 [(c) Families successfully meeting the program requirements
244 established by the individual performance contracts in subdivision (6)
245 of subsection (b) of this section prior to the end of the twenty-one-month
246 time limit shall be considered to have made a good faith effort to comply
247 with the requirements of the program, for the purposes of qualifying for
248 a six-month extension, provided they have made a good faith effort to
249 comply with the individual performance contract or have not incurred
250 a sanction subsequent to completing the individual performance
251 contract.]

252 [(d)] (c) The Commissioner of Social Services shall implement policies
253 and procedures necessary for the purposes of this section while in the
254 process of adopting such policies and procedures in regulation form,
255 provided the commissioner [prints] posts notice of intention to adopt
256 the regulations [in the Connecticut Law Journal within twenty days of]
257 on the eRegulations System and the department's Internet web site not
258 later than twenty days after implementing such policies and procedures.
259 Policies and procedures implemented pursuant to this subsection shall
260 be valid until the time final regulations are effective.

261 Sec. 4. Subsection (d) of section 17b-112g of the 2022 supplement to
262 the general statutes is repealed and the following is substituted in lieu
263 thereof (*Effective July 1, 2022*):

264 (d) A family receiving diversion assistance shall be ineligible to
265 receive monthly temporary family assistance payments for a period of
266 three months from the date of application for temporary family
267 assistance, except that such family shall be eligible to receive temporary
268 family assistance payments within such period if the Commissioner of
269 Social Services, or the commissioner's designee, in the commissioner's
270 sole discretion, determines that the family has experienced undue
271 hardship. A family that is subject to the [twenty-one-month] sixty-
272 month benefit limit under temporary family assistance shall have
273 diversion assistance count as three months toward such limit. [Nothing
274 in this section shall prohibit a family receiving diversion assistance that
275 later qualifies for temporary family assistance from qualifying for a six-
276 month extension available to recipients of temporary family assistance
277 who did not receive diversion assistance.]

278 Sec. 5. Subsection (b) of section 17b-688c of the general statutes is
279 repealed and the following is substituted in lieu thereof (*Effective July 1,*
280 *2022*):

281 (b) In no event shall temporary family assistance be granted to an
282 applicant for such assistance, who is not exempt from participation in
283 the employment services program, prior to the applicant's attendance at
284 an initial scheduled employment services assessment interview and

285 participation in the development of an employment services plan. The
286 Department of Social Services shall not delay temporary family
287 assistance to an applicant in cases where the department schedules the
288 initial employment services assessment interview more than ten
289 business days after the date on which application for assistance is made,
290 or in cases where the Labor Department does not complete an
291 employment services plan for the benefit of the applicant within ten
292 business days of the date on which the applicant attends an employment
293 services assessment interview. The Commissioner of Social Services
294 shall refer any applicant denied temporary family assistance, who may
295 be in need of emergency benefits, to other services offered by the
296 Department of Social Services or community services that may be
297 available to such applicant. The Department of Social Services shall
298 reduce the benefits awarded to a family under the temporary family
299 assistance program when a member of the family who is required to
300 participate in employment services fails to comply with an employment
301 services requirement without good cause. The first instance of
302 noncompliance with an employment services requirement shall result
303 in a twenty-five per cent reduction of such benefits for three consecutive
304 months. The second instance of noncompliance with such requirement
305 shall result in a thirty-five per cent reduction of such benefits for three
306 consecutive months. A third or subsequent instance of noncompliance
307 with such requirement shall result in the termination of such benefits
308 for three consecutive months. If only one member of a family is eligible
309 for temporary family assistance and such member fails to comply with
310 an employment services requirement, the department shall terminate all
311 benefits of such family for three consecutive months. Notwithstanding
312 the provisions of this subsection, the department shall terminate the
313 benefits awarded to a family under the temporary family assistance
314 program if a member of the family who is not exempt from the [twenty-
315 one-month] sixty-month time limit specified in subsection (a) of section
316 17b-112, as amended by this act, fails, without good cause, to [:(1)
317 Attend] attend any scheduled assessment appointment or interview
318 relating to the establishment of an employment services plan, except
319 that such individual's benefits shall be reinstated if the individual

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 23 \$	FY 24 \$
Social Services, Dept.	GF - Cost	\$5.5 million	\$5.5 million
Labor Dept.	GF - Cost	\$500,000	\$1 million

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill results in a cost of \$5.5 million in FY 23 and FY 24 to the Department of Social Services (DSS) as a result of increasing the length of time, from 21 months to 60 months (the federal maximum), that a family subject to time limits can receive TFA benefits.

The bill also results in a cost of \$500,000 in FY 23 and \$1 million in FY 24 to the Department of Labor (DOL) associated with increased caseload costs related to the Jobs First Employment Services program, which requires participation of certain TFA participants who are receiving benefits.

Additional costs for DSS and DOL may be incurred should individuals who formerly timed out of TFA reapply for benefits until they reach the 60-month federal maximum.

sHB 5037, the revised FY 23 budget bill, as favorably reported by the Appropriations Committee, appropriates \$5.5 million to DSS and \$500,000 to DOL to support costs related to increased caseload due to the extension TFA benefits.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

Sources: Department of Social Services Caseload Information

OLR Bill Analysis**sSB 197*****AN ACT CONCERNING TEMPORARY FAMILY ASSISTANCE.*****SUMMARY**

This bill extends the maximum lifetime duration of cash assistance under the Temporary Family Assistance (TFA) program to 60 months, which is generally the maximum allowed under federal law. Under current law, the program has a 21-month time limit, with up to two six-month extensions.

The bill correspondingly eliminates provisions that allow the Department of Social Services (DSS) commissioner to grant up to two six-month extensions for families who have made a good faith effort to comply with TFA requirements but continue to have low incomes or encounter circumstances preventing employment (e.g., domestic violence). It also eliminates other provisions on (1) eligibility for six-month extensions and a family's right to petition for them and (2) penalties for noncompliance with program requirements during a six-month extension. It makes other conforming changes.

The bill allows, rather than requires, the DSS commissioner to exempt families from the program's time limit under certain circumstances. It additionally allows DSS to exempt families that have encountered circumstances preventing employment.

The bill requires the DSS commissioner to post her notice of intent to adopt regulations on the eRegulations system and the department's website, rather than in the Connecticut Law Journal. By law, she must do so within 20 days of implementing policies and procedures related to TFA.

By law, the Labor Department administers employment services for

TFA recipients who are subject to work requirements (CGS § 17b-688i). These TFA recipients are also eligible for subsidized child care under the Care 4 Kids program (CGS § 17b-749).

EFFECTIVE DATE: July 1, 2022

EXEMPTIONS FROM TIME LIMIT

Current law requires DSS to exempt families from the program's time limits under certain circumstances. The bill instead allows DSS to exempt a family under the same circumstances. This applies to families with:

1. a needy caretaker relative who is incapacitated or of an advanced age, as defined by the DSS commissioner, if there is no other nonexempt caretaker relative in the household;
2. a needy caretaker relative who is needed in the home because of another household member's incapacitation, if there is no other nonexempt caretaker relative in the household;
3. a caretaker relative who is not legally responsible for the dependent children in the household, if his or her needs are not considered when DSS calculates the TFA benefit and there is no other nonexempt caretaker relative in the household;
4. a caretaker relative caring for a child under the age of one, if there is no other nonexempt caretaker relative in the household;
5. a pregnant or postpartum caretaker relative, if a physician has indicated that she cannot work and there is no other nonexempt caretaker relative in the household;
6. a caretaker relative determined by the DSS commissioner to be unemployable and there is no other nonexempt caretaker relative in the household; and
7. minor parents attending and satisfactorily completing high school or high school equivalency programs.

The bill additionally allows the DSS commissioner to exempt from the time limits families that have encountered circumstances preventing employment, including domestic violence, physical harm to the family's children, or other circumstances beyond the family's control. Under current law, the commissioner may grant up to two six-month extensions for families encountering these circumstances.

BACKGROUND

Federal Requirements for TANF-Funded Cash Assistance

TFA is Connecticut's cash assistance program for families. TFA is funded through the federal Temporary Assistance for Needy Families (TANF) block grant. For TANF-funded cash assistance programs, the state must describe the program in a state plan that is subject to approval by the Administration of Children and Families within the U.S. Department of Health and Human Services. TANF-funded cash assistance programs must meet certain federal requirements, including work participation rates and a 60-month lifetime limit on program benefits. In certain cases, the state may provide more than 60 months of benefits under this program (e.g., to a limited number of families experiencing hardships or by providing benefits with state funds rather than federal funds).

Related Bills

SB 192 (File 215), favorably reported by the Human Services Committee, changes the way DSS calculates penalties for a TFA participant's failure to comply with work requirements, in some cases requiring DSS to reduce benefits rather than temporarily terminating them.

SB 285 (File 220, as amended by Senate Amendment "A") excludes from the time limit months of benefits received during any state public health emergency, rather than only excluding months during a public health emergency declared by Governor Ned Lamont.

COMMITTEE ACTION

Human Services Committee

Joint Favorable Substitute Change of Reference - APP
Yea 13 Nay 7 (03/08/2022)

Appropriations Committee

Joint Favorable
Yea 36 Nay 12 (04/07/2022)