

House BILL NO. *371*

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INTRODUCED BY *Utner*

A BILL FOR AN ACT ENTITLED: "AN ACT REPLACING THE AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM WITH THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM; MAKING PROVISIONS REGARDING OVERPAYMENT OF PUBLIC ASSISTANCE APPLY TO RECIPIENT ERROR; REQUIRING RECIPIENTS TO NOTIFY THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES REGARDING ANY CHANGE THAT MAY AFFECT ELIGIBILITY FOR PUBLIC ASSISTANCE; AMENDING PROVISIONS REGARDING THE FOOD STAMP PROGRAM; ALLOWING THE DEPARTMENT TO ADOPT RULES; REPLACING THE JOBS PROGRAM WITH AN EMPLOYMENT AND TRAINING PROGRAM; DELETING THE CHILD SUPPORT PASS-THROUGH PAYMENT OF UP TO \$50 A MONTH; REVISING THE TERMS "DEPENDENT CHILD" AND "FAMILY" FOR PURPOSES OF THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM; ALLOWING ADMINISTRATION OF THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM TO VARY ACROSS THE STATE; REQUIRING MEMBERS OF INDIAN TRIBES PARTICIPATING IN THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM TO BE SUBJECT TO THE SAME RULES, POLICIES, AND REQUIREMENTS OF THE PROGRAM; REQUIRING THE DEPARTMENT TO ADOPT ADDITIONAL RULES FOR THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM, INCLUDING RULES FOR EXEMPTIONS FROM TIME LIMITS, FOR ALIENS, AND FOR TEENAGE PARENTS; REVISING ELIGIBILITY PROVISIONS; MAKING THE PROVISION OF CHILD-CARE ASSISTANCE DISCRETIONARY; PROVIDING THAT THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM IS NOT AN ENTITLEMENT; PROVIDING A 24-MONTH MAXIMUM FOR RECEIPT OF PATHWAYS ASSISTANCE FOR SINGLE-PARENT AND TWO-PARENT FAMILIES, SUBJECT TO A 60-MONTH LIMITATION; REMOVING THE REQUIREMENT FOR WORKERS' COMPENSATION COVERAGE FOR FAIM PROJECT RECIPIENTS; MAINTAINING ELIGIBILITY FOR BASIC MEDICAID FOR RECIPIENTS OF TEMPORARY ASSISTANCE FOR NEEDY FAMILIES AND UNDER OTHER CIRCUMSTANCES; AMENDING SECTIONS 23-1-303, 39-7-303, 40-4-215, 53-2-108, 53-2-109, 53-2-201, 53-2-211, 53-2-606, 53-2-610, 53-2-613, 53-2-901, 53-2-902, 53-2-903, 53-2-904, 53-2-1103, 53-2-1109, 53-4-201, 53-4-202, 53-4-211, 53-4-212, 53-4-214, 53-4-221, 53-4-231, 53-4-233, 53-4-241, 53-4-246, 53-4-247, 53-4-248, 53-4-601, 53-4-602, 53-4-603, 53-4-606, 53-4-607, 53-4-608, 53-4-609, 53-4-611, 53-4-612, 53-4-613, 53-4-701, 53-4-702, 53-4-703, 53-4-705, 53-4-706, 53-4-717, 53-6-101, 53-6-113, 53-6-131, AND

1 53-6-134, MCA; AND REPEALING SECTIONS 39-7-601, 39-7-602, 39-7-603, 39-7-604, 39-7-605,
2 39-7-606, 53-4-249, 53-4-707, 53-4-708, 53-4-715, 53-4-716, 53-4-718, AND 53-4-720, MCA."

3

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

5

6 **Section 1.** Section 23-1-303, MCA, is amended to read:

7 **"23-1-303. Powers and duties of the division.** The division, in cooperation with the department,
8 may:

9 (1) hire a corps coordinator;

10 (2) coordinate with state agencies to place eligible participants in work experience projects,
11 including those state general assistance (GA) and federal ~~aid to families with dependent children (AFDC)~~
12 temporary assistance for needy families recipients utilizing grant diversion funding and youth under state
13 supervision utilizing payments from the department of public health and human services;

14 (3) develop and approve work experience projects that meet the requirements of this part;

15 (4) ensure that work experience projects involve labor-intensive improvements to public lands or
16 facilities that will result in a public value and have a potential to yield revenue;

17 (5) execute contracts or cooperative agreements containing the terms and conditions necessary
18 and desirable for the employment of crewleaders and corpsmembers in approved work experience projects
19 with federal, state, or local agencies, persons, firms, partnerships, associations, or corporations;

20 (6) execute contracts or cooperative agreements with federal, state, or local agencies, persons,
21 partnerships, associations, or corporations for the purpose of administering the requirements of this part;

22 (7) develop procedures for awarding incentive vouchers;

23 (8) authorize use of the corps for emergency projects, including but not limited to natural disasters,
24 fire prevention and suppression, and rescue of lost or injured persons, and provide adequate training to
25 corpsmembers prior to participation in an emergency project;

26 (9) apply for and accept grants or contributions of services, funds, or lands from any public or
27 private donors, including the acceptance of federal funds appropriated by the legislature;

28 (10) purchase, rent, acquire, or obtain personal property, supplies, instruments, tools, or equipment
29 necessary to complete work experience projects; and

30 (11) adopt rules and guidelines necessary to implement the provisions of this part and to effectively

1 administer the program."
2

3 **Section 2.** Section 39-7-303, MCA, is amended to read:

4 **"39-7-303. Definitions.** As used in this part, the following definitions apply:

5 (1) "Adult" means a person who is 18 years of age or older.

6 (2) "Commissioner" means the commissioner of labor and industry as provided in 2-15-1701.

7 (3) "Displaced homemaker" means an adult who:

8 (a) has worked as an adult primarily without remuneration to care for the home and family and for
9 that reason has diminished marketable skills and who has been dependent on public assistance or on the
10 income of a relative but is no longer supported by that income; or

11 (b) (i) is a parent whose youngest dependent child will become ineligible to receive assistance under
12 the program for ~~aid to families with dependent children~~ temporary assistance for needy families benefits
13 pursuant to Title 53, chapter 4, part 2, within 2 years of the parent's application for displaced homemaker
14 assistance;

15 (ii) is unemployed or underemployed and is experiencing difficulty in obtaining any employment or
16 suitable employment, as appropriate; or

17 (iii) meets the qualifications described in subsection (3)(a) or (3)(b) and is a criminal offender."
18

19 **Section 3.** Section 40-4-215, MCA, is amended to read:

20 **"40-4-215. Investigations and reports.** (1) In contested custody proceedings and in other custody
21 proceedings if a parent or the child's custodian requests, the court may order an investigation and report
22 concerning custodial arrangements for the child. The department of public health and human services may
23 not be ordered to conduct the investigation or draft a report unless the parent or the child's custodian
24 requesting the investigation is a recipient of ~~aid to families with dependent children~~ temporary assistance
25 for needy families benefits, food stamps, or public assistance and all reasonable options for payment of the
26 investigation, if conducted by a person not employed by the department, are exhausted. The department
27 may consult with any investigator and share information relevant to the child's best interests. The cost of
28 the investigation and report must be paid according to the final order.

29 (2) In preparing a report concerning a child, the investigator may consult any person who may have
30 information about the child and the child's potential custodial arrangements. Upon order of the court, the

1 investigator may refer the child to professional personnel for diagnosis. The investigator may consult with
 2 and obtain information from medical, psychiatric, or other expert persons who have served the child in the
 3 past without obtaining the consent of the parent or the child's custodian. The child's consent must be
 4 obtained if the child has reached the age of 16 unless the court finds that the child lacks mental capacity
 5 to consent. If the requirements of subsection (3) are fulfilled, the investigator's report may be received in
 6 evidence at the hearing.

7 (3) The court shall mail the investigator's report to counsel and to any party not represented by
 8 counsel at least 10 days prior to the hearing. The investigator shall make available to counsel and to any
 9 party not represented by counsel the investigator's file of underlying data and reports, complete texts of
 10 diagnostic reports made to the investigator pursuant to the provisions of subsection (2), and the names and
 11 addresses of all persons whom the investigator has consulted. Any party to the proceeding may call the
 12 investigator and any person the investigator has consulted for cross-examination. A party may not waive
 13 the right of cross-examination prior to the hearing."
 14

15 **Section 4.** Section 53-2-108, MCA, is amended to read:

16 **"53-2-108. Overpayment of assistance -- civil penalty when fraud.** (1) If, due to department or
 17 recipient error, a recipient receives public assistance for which ~~he~~ the recipient is not eligible, the portion
 18 of payment that ~~he~~ the recipient is not entitled to receive ~~shall~~ may be returned at the discretion of the
 19 department.

20 (2) If a person obtains any part of an assistance payment through fraudulent means as specified
 21 in 53-2-107, 125% of the amount of assistance to which the person was not entitled ~~shall~~ must be repaid
 22 and, until fully paid, is a debt due the state."
 23

24 **Section 5.** Section 53-2-109, MCA, is amended to read:

25 **"53-2-109. Recipients to report ~~income not previously declared~~ changes in factors affecting**
 26 **eligibility.** Recipients of public assistance shall notify the department ~~within 10 days of the receipt of any~~
 27 ~~income or resources not previously declared to the department~~ of any change or anticipated change in
 28 income, resources, household composition, or other factor that may affect eligibility for public assistance
 29 or the benefit amount within the period of time specified by the department by rule. Failure of the
 30 department to verify information provided by the recipient does not absolve the recipient from ~~his~~ the

1 obligation to provide accurate information to the department."

2

3 **Section 6.** Section 53-2-201, MCA, is amended to read:

4 **"53-2-201. Powers and duties of department.** (1) The department shall:

5 (a) administer and supervise public assistance, including the provision of food stamps, food
6 commodities, ~~aid to families with dependent children,~~ energy assistance, weatherization, vocational
7 rehabilitation, services for persons with severe disabilities, developmental disability services, ~~and~~ medical
8 care payments in behalf of recipients of public assistance, employment and training services for recipients
9 of public assistance, and the temporary assistance for needy families program;

10 (b) give consultant service to private institutions providing care for the needy, and indigent,
11 handicapped, or dependent adults;

12 (c) cooperate with other state agencies and develop provisions for services to the blind, including
13 the prevention of blindness, the location of blind persons, medical services for eye conditions, and
14 vocational guidance and training of the blind;

15 (d) provide services in respect to organization and supervise county departments of public welfare
16 and county boards of public welfare in the administration of public assistance functions and for efficiency
17 and economy;

18 (e) assist and cooperate with other state and federal departments, bureaus, agencies, and
19 institutions, when requested, by performing services in conformity with public assistance purposes;

20 (f) administer all state and federal funds allocated to the department for public assistance and do
21 all things necessary, in conformity with federal and state law, for the proper fulfillment of public assistance
22 purposes; ~~and~~

23 (g) make rules governing payment for services and supplies provided to recipients of public
24 assistance; and

25 (h) adopt rules regarding assignment of monetary and medical support upon application for
26 temporary assistance for needy families benefits and related medical assistance.

27 (2) The department may:

28 (a) purchase, exchange, condemn, or receive by gift either real or personal property ~~which~~ that is
29 necessary to carry out its public assistance functions. Title to property obtained under this subsection must
30 be taken in the name of the state of Montana for the use and benefit of the department.

1 (b) contract with the federal government to carry out its public assistance functions. The
2 department may do all things necessary in order to avail itself of federal aid and assistance.

3 (c) make rules, consistent with state and federal law, establishing the amount, scope, and duration
4 of services to be provided to recipients of public assistance."
5

6 **Section 7.** Section 53-2-211, MCA, is amended to read:

7 **"53-2-211. Department to share eligibility data.** (1) The department shall make available to the
8 unemployment compensation program of the department of labor and industry all information contained in
9 its files and records pertaining to eligibility of persons for medicaid, ~~aid to families with dependent children~~
10 temporary assistance for needy families benefits, and food stamps. The information made available must
11 include information on the amount and source of an applicant's income. The information received from the
12 department must be used by the department of labor and industry for the purpose of determining fraud,
13 abuse, or eligibility for benefits under the unemployment compensation program of the state and for no
14 other purpose.

15 (2) The department shall make available to the unemployment compensation and the workers'
16 compensation programs of the department of labor and industry all information contained in its files and
17 records pertaining to eligibility of persons for low-income energy assistance, and weatherization, ~~and~~
18 ~~general relief~~. The information made available must include information on the amount and source of an
19 applicant's income. The information received from the department must be used by the department of labor
20 and industry for the purpose of determining fraud, abuse, or eligibility for benefits under the unemployment
21 compensation and workers' compensation programs of the state and for no other purpose.

22 (3) (a) Subject to federal restrictions, the department may request information from the department
23 of labor and industry pertaining to unemployment, workers' compensation, and occupational disease
24 benefits. If the department of labor and industry discovers evidence relating to fraud or abuse for
25 unemployment, workers' compensation, or occupational benefits, the department of labor and industry may
26 request information from the department of revenue pertaining to income as provided in 15-30-303(8)(c).

27 (b) The information must be used by the department for the purpose of determining fraud, abuse,
28 or eligibility for benefits.

29 (4) The department may, to the extent permitted by federal law, make available to an agency of
30 the state or to any other organization information contained in its files and records pertaining to the

1 eligibility of persons for medicaid, ~~aid to families with dependent children~~ the temporary assistance for
 2 needy families program, food stamps, low-income energy assistance, weatherization, or other public
 3 assistance. The information may be disclosed only for purposes directly connected with the administration
 4 of a program or purpose of the agency and may not be used by the agency for any other purpose."
 5

6 **Section 8.** Section 53-2-606, MCA, is amended to read:

7 "**53-2-606. Right of appeal.** (1) If an application for assistance for food stamps, ~~aid to families~~
 8 ~~with dependent children~~ temporary assistance for needy families benefits, or medicaid is not acted upon
 9 promptly or if a decision is made with which the applicant or recipient is not satisfied, the applicant or
 10 recipient may appeal to the board of public assistance for a fair hearing by addressing a request for a
 11 hearing to the department of public health and human services. The board of public assistance shall, upon
 12 receipt of a request for a hearing, give the applicant or recipient prompt notice and opportunity for a fair
 13 hearing.

14 (2) The department may upon its own motion review any decision of a county welfare board and
 15 may consider any application upon which a decision has not been made by the county board within a
 16 reasonable time from the filing of the decision. The department may have an additional investigation made
 17 and shall make a decision as to the granting of assistance and the amount of assistance to be granted the
 18 applicant as in its opinion is justified and in conformity with the provisions of this title.

19 (3) If the department reviews a county decision on its own motion, applicants or recipients affected
 20 by the decisions of the department shall upon request be given reasonable notice and an opportunity for
 21 a fair hearing by the board of public assistance.

22 (4) All decisions of the department or the board of public assistance are final and are binding and
 23 must be complied with by the county department."
 24

25 **Section 9.** Section 53-2-610, MCA, is amended to read:

26 "**53-2-610. County to reimburse department.** (1) On or before the 20th of each month, the
 27 department of ~~public health and human services~~ shall present a claim for reimbursement to each county
 28 department for its proportionate share of public assistance granted in the county to recipients during the
 29 month and for vendor medical payments made on behalf of recipients in the previous month. The county
 30 department shall make the reimbursement to the department of ~~public health and human services~~ within

1 20 days after the claim is presented.

2 (2) The counties may not be required to reimburse the department ~~of public health and human~~
3 ~~services~~ for:

4 (a) any portion of public assistance paid to a household eligible for ~~aid to families with dependent~~
5 ~~children~~ temporary assistance for needy families benefits if the household includes an enrolled Indian who
6 is the caretaker relative of a needy dependent child; or

7 (b) any payment on behalf of any person in a state-operated medical institution.

8 (3) (a) From the original date of entrustment or the original date of state residency, whichever is
9 earlier, recipients of public assistance who become wards or patients in a licensed nursing home or hospital,
10 foster home, or private charitable institution are the financial responsibility of the appropriate county as
11 provided in subsections (3)(b) through (3)(d).

12 (b) The county in which commitment of an adult is initiated is considered the county of financial
13 responsibility except ~~where~~ when a court decree declares the residency to be otherwise. When an adult
14 is transferred from a facility or institution to one of the facilities listed in subsection (3)(a), the county that
15 initiated the original commitment is considered the county of financial responsibility except in the case of
16 an adult transfer from an out-of-state institution, in which case the county in which the facility is located
17 is considered the county of financial responsibility.

18 (c) In all cases in which a minor patient or ward is involved, the county of financial responsibility
19 is the county in which the parent or guardian resides. If the custody of a minor is entrusted to a state
20 agency, the agency may make a reasonable declaration of the county residency of its ward using applicable
21 guidelines enumerated in this section.

22 (d) If a person is or becomes an adult while in an institution, the person may determine the county
23 of residence when the person is restored to competency and released. The person becomes the financial
24 responsibility of the new county of residence."

25

26 **Section 10.** Section 53-2-613, MCA, is amended to read:

27 "**53-2-613. Application for assistance -- assignment of support rights.** (1) Applications for public
28 assistance, including but not limited to ~~aid to families with dependent children~~ temporary assistance for
29 needy families benefits and medical assistance, must be made to the county department of public welfare
30 in the county in which the person is residing. The application must be submitted, in the manner and form

1 prescribed by the department of ~~public health and human services~~, and must contain information required
2 by the department of ~~public health and human services~~.

3 (2) A person ~~by signing who signs~~ an application for ~~public assistance~~ temporary assistance for
4 needy families benefits or related medical assistance assigns to the state, to the department of ~~public health~~
5 ~~and human services~~, and to the county welfare department all rights that the applicant may have to
6 monetary and medical support and medical payments from any other person in the applicant's own behalf
7 or in behalf of any other family member for whom application is made. A person who signs an application
8 for public assistance other than temporary assistance for needy families benefits or related medical
9 assistance may, in accordance with rules adopted by the department, be required to assign to the state,
10 to the department, and to the county welfare department all rights that the applicant may have to monetary
11 and medical support from any other person in the applicant's own behalf or on behalf of any other family
12 member for whom application is made.

13 (3) The assignment:

14 (a) is effective for both current and accrued support and medical obligations;

15 (b) takes effect upon a determination that the applicant is eligible for public assistance;

16 (c) remains in effect with respect to the amount of any unpaid support and medical obligation
17 accrued under the assignment that was owed prior to the termination of public assistance to a recipient.

18 (4) Whenever a child support or spousal support obligation is assigned to the department of ~~public~~
19 ~~health and human services~~ pursuant to this section, the following provisions apply:

20 (a) If the support obligation is based upon a judgment or decree or an order of a court of competent
21 jurisdiction, the department may retain assigned support amounts in an amount sufficient to reimburse
22 public assistance money expended.

23 (b) A recipient or former recipient of public assistance may not commence or maintain an action
24 to recover or enforce a delinquent support obligation or make any agreements with any other person or
25 agency concerning the support obligation, except as provided in 40-5-202.

26 (c) If a notice of assigned interest is filed with the district court, the clerk of the court may not pay
27 over or release for the benefit of any recipient or former recipient of public assistance any amounts received
28 pursuant to a judgment or decree or an order of the court until the department's child support enforcement
29 division has filed a written notice that:

30 (i) the assignment of current support amounts has been terminated; and

1 (ii) all assigned support delinquencies, if any, are satisfied or released.

2 (d) A recipient or former recipient of public assistance may not take action to modify or make any
3 agreement to modify, settle, or release any past, present, or future support obligation unless the
4 department's child support enforcement division is given written notice under the provisions of 40-5-202.
5 Any modifications or agreements entered into without the participation of the department are void with
6 respect to the state, the department, and the county welfare department."

7

8 **Section 11.** Section 53-2-901, MCA, is amended to read:

9 **"53-2-901. Administration of food stamp program -- rulemaking authority.** (1) The department is
10 authorized to administer the food stamp program in compliance with all federal laws and requirements.

11 (2) The department shall adopt rules that are necessary and desirable for the administration of the
12 food stamp program.

13 (3) The department shall adopt rules that may include but are not limited to rules concerning:

14 (a) eligibility for assistance, including income and resource limitations, income and resource
15 exclusions, and transfers of resources;

16 (b) amounts of assistance and methods for determining benefit amount;

17 (c) ~~certification periods~~ periodic redetermination of eligibility;

18 (d) reporting requirements;

19 (e) work registration, employment, and training requirements and exemptions from those
20 requirements;

21 (f) procedures and policies of the employment and training program;

22 (g) disqualification because of intentional program violations, for voluntarily quitting a job without
23 good cause, or for any other violation of program rules; and

24 (h) penalties applicable to recipients of ~~aid to families with dependent children~~ temporary assistance
25 for needy families benefits who have been sanctioned because of failure to meet any requirement of ~~the~~
26 ~~aid to families with dependent children~~ that program.

27 (4) The department may adopt rules that include but are not limited to rules concerning:

28 (a) requirements for recipients to assign the right of support;

29 (b) requirements for recipients to cooperate with the state agency administering the child support
30 enforcement program established under Title IV-D of the Social Security Act, 42 U.S.C. 651, et seq.; and

1 (c) disqualification for failure to perform actions required by other means-tested programs, for
 2 failure to cooperate with the state agency administering the child support enforcement program under Title
 3 IV-D of the Social Security Act, 42 U.S.C. 651, et seq., or for failure to pay court-ordered child support
 4 as provided in sections 819, 822, and 823 of the Personal Responsibility and Work Opportunity
 5 Reconciliation Act of 1996, 7 U.S.C. 2015."
 6

7 **Section 12.** Section 53-2-902, MCA, is amended to read:

8 **"53-2-902. Definitions.** As used in this part, the following definitions apply:

9 ~~(1) "Child support pass through payments" means child support received for a dependent child or~~
 10 ~~children in a family receiving aid to families with dependent children, up to \$50 a month, that is paid or~~
 11 ~~"passed through" to the family pursuant to section 402 of the Social Security Act, 42 U.S.C.~~
 12 ~~602(a)(8)(A)(vi).~~

13 ~~(2)(1)~~ "Department" means the department of public health and human services provided in Title
 14 2, chapter 15, part 22.

15 ~~(3)(2)~~ "Employment and training demonstration project" means the employment and training
 16 program for recipients of ~~aid to families with dependent children~~ temporary assistance for needy families
 17 benefits who are participating in the FAIM project.

18 ~~(4)(3)~~ "FAIM project" means the families achieving independence in Montana project, including the
 19 ~~aid to families with dependent children~~ temporary assistance for needy families program part established
 20 in 53-4-603, a food stamp part administered pursuant to the Food Stamp Act of 1977, 7 U.S.C. 2026, and
 21 a medicaid part administered pursuant to the Social Security Act, 42 U.S.C. 1315.

22 ~~(5)(4)~~ "Food stamp program" means the provision of ~~coupons~~ food stamp benefits that can be used
 23 to purchase food to low-income persons pursuant to the Food Stamp Act Amendments of 1980, 7 U.S.C.
 24 2011, et seq.

25 ~~(6) "JOBS program" means the job opportunities and basic skills training program for recipients of~~
 26 ~~aid to families with dependent children that is conducted in accordance with the requirements of section~~
 27 ~~201 of the federal Family Support Act of 1988, 42 U.S.C. 602(a)(19), 681 through 686."~~

28
 29 **Section 13.** Section 53-2-903, MCA, is amended to read:

30 **"53-2-903. Employment and training program.** The department shall establish and administer an

1 employment and training program for food stamp recipients that is in compliance with federal requirements.
 2 For purposes of the FAIM project, if in accordance with waivers of federal law that are granted by the food
 3 and ~~nutrition~~ consumer service of the U.S. department of agriculture, the department may merge its food
 4 stamp program employment and training program with its ~~JOBS~~ temporary assistance for needy families
 5 employment and training program or may modify the rules and requirements of the food stamp program
 6 employment and training program as necessary to make them consistent with those of the employment and
 7 training demonstration project."

8

9 **Section 14.** Section 53-2-904, MCA, is amended to read:

10 **"53-2-904. Income and resource exclusions -- FAIM participants.** If in accordance with waivers
 11 of federal law that are granted by the food and nutrition service of the U.S. department of agriculture, the
 12 department may by rule establish special income and resource exclusions to be applied to participants of
 13 the FAIM project in determining their eligibility for food stamps and in determining the benefit amount.
 14 Exclusions that may be established include but are not limited to exclusions for one-time only cash
 15 payments for special employment-related needs as provided in 53-4-603 ~~and child support pass-through~~
 16 ~~payments of up to \$50 a month~~ in determining the recipients' eligibility for food stamps and determining
 17 the benefit amount."

18

19 **Section 15.** Section 53-2-1103, MCA, is amended to read:

20 **"53-2-1103. Definitions.** For the purposes of this part, unless the context requires otherwise, the
 21 following definitions apply:

22 (1) "Economically disadvantaged person" has the same meaning as provided in section 4 of the
 23 Job Training Partnership Act (29 U.S.C. 1503).

24 (2) "Job Training Partnership Act" means the federal Job Training Partnership Act, Public Law
 25 97-300 (29 U.S.C. 1501, et seq.), as amended.

26 (3) "Job training plan" means the plan for providing services and training in a service delivery area,
 27 as required in 53-2-1107.

28 (4) "Program" means the program created by 53-2-1104 to implement the provisions of Title II-A
 29 of the Job Training Partnership Act.

30 (5) "Program year" means the fiscal year beginning on July 1 of the year for which an appropriation

1 is made for the program established under this part, as provided in section 161 of the Job Training
2 Partnership Act (29 U.S.C. 1571).

3 (6) "Public assistance program" means the state program of ~~aid to families with dependent children~~
4 temporary assistance for needy families.

5 (7) "Service delivery area" means an area designated as provided in section 101 of the Job Training
6 Partnership Act (29 U.S.C. 1511)."

7

8 **Section 16.** Section 53-2-1109, MCA, is amended to read:

9 **"53-2-1109. Coordination of services.** The state job training coordinating council shall identify,
10 in coordination with the appropriate state and local agencies, the employment, training, and vocational
11 education needs throughout the state and assess the extent to which employment and training, vocational
12 education, rehabilitation services, public assistance, economic development, and other federal, state, and
13 local programs and services represent a consistent, integrated, and coordinated approach to meeting such
14 needs. In carrying out this coordinating function, the council shall consider state policy set forth in
15 2-15-101 to eliminate overlapping and duplication of services within state government and in accordance
16 with the provisions of section 121 of the Job Training Partnership Act (29 U.S.C. 1531) and other
17 employment and training programs, including:

18 ~~(1) programs operated under the federal Family Support Act of 1988; and~~
19 ~~(2) programs and services of public assistance agencies."~~

20

21 **Section 17.** Section 53-4-201, MCA, is amended to read:

22 **"53-4-201. Definitions.** As used in part 6 and this part, the following definitions apply:

23 ~~(1) The term "aid to families with dependent children" means money payments made on behalf of~~
24 ~~a dependent child pursuant to Title IV of the federal Social Security Act (42 U.S.C. 601, et seq.) and may~~
25 ~~include payments to meet the needs of a specified caretaker relative with whom the dependent child is~~
26 ~~living. The term also includes emergency assistance to families with children as provided by the federal~~
27 ~~Social Security Act.~~

28 ~~(2)(1)~~ (1) "Department" means the department of public health and human services provided for in
29 2-15-2201.

30 ~~(3)(2)~~ (a) The term "Dependent child", for public assistance purposes, means:

1 ~~(i) a child under the age of 18 years of age; or~~

2 ~~(ii) a person under the age of 18 who is a student under the regulations prescribed by the~~
3 ~~department.~~

4 ~~(b) The child described in subsection (3)(a)(i) or (3)(a)(ii) must be deprived of parental support or~~
5 ~~care by reason of the death, continued absence from the home, continued unemployment, or physical or~~
6 ~~mental incapacity of a parent and be who is living with a specified caretaker relative, as defined in rules~~
7 ~~adopted by the department.~~

8 ~~(4)(3)~~ "FAIM project" means the families achieving independence in Montana project as established
9 in 53-4-601. The temporary assistance for needy families program may also be known in the state of
10 Montana as the FAIM project.

11 (4) "Family" means a group of people who live with a dependent child, each of whom is related
12 to the dependent child by blood, marriage, or adoption or by law, such as:

13 (a) a parent, including a natural or adoptive parent, a stepparent, or a person considered by law
14 to be a parent in the case of a child conceived by artificial insemination; or

15 (b) a sibling.

16 (5) "Federal poverty level" means the measure of indigence established annually by the U.S. office
17 of management and budget.

18 (6) "Public assistance" or "assistance" means a type of monetary or other assistance furnished
19 under this title to a person by a state or county agency, regardless of the original source of the assistance.

20 (7) "Specified caretaker relative" means a person within a degree of kinship to the dependent child,
21 as specified by department rule, who lives with the child and exercises care and control over the child.

22 (8) "Temporary assistance for needy families" means the program that provides money payments
23 to a dependent child pursuant to Title IV of the Social Security Act, 42 U.S.C. 601, et seq., as amended
24 by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, and may include payments
25 to meet the needs of a specified caretaker relative or relatives with whom the dependent child is living.
26 The term also includes emergency assistance for needy families as provided by the federal Social Security
27 Act. Temporary assistance for needy families may also be known in the state of Montana as the FAIM
28 project.

29 (9) "Temporary assistance for needy families state plan" means the document summarizing the
30 policies and procedures governing the state of Montana's temporary assistance for needy families program

1 that is prepared by the department and is approved by the federal agency that provides funding for the
 2 temporary assistance for needy families program."

3
 4 **Section 18.** Section 53-4-202, MCA, is amended to read:

5 **"53-4-202. ~~Aid to families with dependent children~~ Temporary assistance for needy families**
 6 **program to be in effect in all counties.** (1) It is mandatory and required that the temporary assistance for
 7 needy families state plan and operation of ~~aid to families with dependent children~~ the temporary assistance
 8 for needy families program must be in effect in each county of the state, ~~and the administration and~~
 9 ~~supervision of aid to families with dependent children must be uniform throughout the counties of the state.~~
 10 ~~However, the~~

11 (2) It is not required that the temporary assistance for needy families program be uniformly
 12 administered in each county of the state, provided that it is administered in accordance with all
 13 requirements of the temporary assistance for needy families state plan and federal law. The department
 14 may also administer demonstration programs pursuant to section 1115 of the ~~federal~~ Social Security Act,
 15 42 U.S.C. 1315, or any other provision of that act that permits the states to administer experimental, pilot,
 16 or demonstration projects.

17 (3) An enrolled member of an Indian tribe participating in the temporary assistance for needy
 18 families program operated by the state of Montana must be subject to the same rules, policies, and
 19 requirements as all other applicants for and recipients of temporary assistance for needy families benefits."

20
 21 **Section 19.** Section 53-4-211, MCA, is amended to read:

22 **"53-4-211. ~~Administration of aid to families with dependent children~~ temporary assistance for**
 23 **needy families program.** The department is ~~hereby~~ authorized and is charged with the general administration
 24 and supervision of ~~aid to families with dependent children~~ the temporary assistance for needy families
 25 program under the powers, duties, and functions as prescribed in chapter 2 of this title."

26
 27 **Section 20.** Section 53-4-212, MCA, is amended to read:

28 **"53-4-212. ~~Department to make rules.~~** (1) The department shall make rules and take action as
 29 necessary or desirable for the administration of the ~~aid to families with dependent children~~ temporary
 30 assistance for needy families program, including the FAIM project.

- 1 (2) The department shall adopt rules that may include but are not limited to rules concerning:
- 2 (a) eligibility requirements, including gross and net income limitations, resource limitations, and
- 3 income and resource exclusions;
- 4 (b) amounts of assistance and methods for computing benefit amounts;
- 5 ~~(c) what constitutes deprivation of parental support or care sufficient to qualify a child as~~
- 6 ~~dependent;~~
- 7 ~~(d)(c)~~ the degree of kinship required for a person to qualify as a specified caretaker relative in order
- 8 to be eligible for assistance;
- 9 ~~(e)(d)~~ procedures and policies for employment and training programs, requirements for participation
- 10 in the ~~JOBS program~~ employment and training programs, and exemptions, if any, from ~~these~~ participation
- 11 requirements;
- 12 ~~(f) procedures and policies of the JOBS program;~~
- 13 ~~(g) special requirements or criteria applicable to participants in the FAIM project, such as:~~
- 14 ~~(i) community service~~
- 15 (e) requirements for specified caretaker relatives participating in the community services program,
- 16 including the number of hours of community service work per month and other terms of performance;
- 17 ~~(iii)(f)~~ (f) eligibility for and terms and conditions of child-care assistance for FAIM project participants,
- 18 including maximum amounts of assistance payable and amounts of copayments required by specified
- 19 caretaker relatives;
- 20 ~~(iii)(g)~~ (g) maximum amounts of one-time only cash payments for special employment-related needs and
- 21 the length of time that a family is required to remain off cash assistance after a payment is received;
- 22 ~~(iv)(h)~~ (h) exemptions from time limits in pathways;
- 23 ~~(v)(i)~~ (i) terms of a specified caretaker relative's or other family member's ineligibility for assistance
- 24 because of failure to enter into a family investment agreement or to comply with the ~~specified caretaker~~
- 25 ~~relative's~~ individual's obligations under the agreement, including the length of the period of ineligibility;
- 26 ~~(vi)(j)~~ (j) requirements, if any, for participation in and exemptions from participation in and procedures
- 27 and policies of the employment and training demonstration project; ~~and~~
- 28 ~~(viii)(k)~~ (k) eligibility for and terms and conditions of extended child-care and medical assistance
- 29 benefits;
- 30 ~~(ii)(l)~~ (l) reporting requirements; ~~and~~

1 ~~##~~(m) sanctions, disqualification, or other penalties for failure to comply with the program rules or
2 requirements;

3 (n) exemptions from the 60-month limitation on assistance provided in 53-4-231 based on hardship
4 or for families that include an individual who has been battered or subjected to extreme cruelty, as defined
5 in section 103 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 42 U.S.C.
6 608, including but not limited to the duration of the exemption;

7 (o) individuals who must be included as members of an assistance unit;

8 (p) categories of aliens who may receive assistance, if any;

9 (q) requirements relating to the assignment of child and medical support rights and cooperation in
10 establishing paternity and obtaining child and medical support;

11 (r) requirements for eligibility and other terms and conditions of emergency assistance;

12 (s) special eligibility or participation requirements applicable to teenage parents, if any; and

13 (t) conditions under which assistance may be continued when a dependent child is temporarily
14 absent from the home and the length of time for which assistance may be continued."

15

16 **Section 21.** Section 53-4-214, MCA, is amended to read:

17 "**53-4-214. Distribution of copies of law and forms by department.** The department shall have
18 printed and shall distribute copies of this part to all county welfare departments and shall prescribe the form
19 of and print and supply to the county welfare department blanks of applications, reports, and ~~such~~ other
20 forms ~~as that~~ may be necessary in relation to ~~aid to families with dependent children~~ the temporary
21 assistance for needy families program."

22

23 **Section 22.** Section 53-4-221, MCA, is amended to read:

24 "**53-4-221. County department charged with local administration.** The county department of public
25 welfare ~~shall be~~ is charged with the local administration and supervision of ~~aid to families with dependent~~
26 ~~children~~ the temporary assistance for needy families program, subject to the powers, duties, and functions
27 prescribed for the county department in chapter 2 of this title."

28

29 **Section 23.** Section 53-4-231, MCA, is amended to read:

30 "**53-4-231. Eligibility.** (1) ~~Assistance shall~~ Subject to the provisions of subsections (2) through (5),

1 assistance may be granted under this part to any dependent child, as defined in 53-4-201, who is in need
 2 of such assistance.;

3 (a) a dependent child;

4 (b) a specified caretaker relative or relatives, including but is not limited to the natural or adoptive
 5 parents of a dependent child;

6 (c) the stepparent of a dependent child who lives with the child and the child's natural or adoptive
 7 parent;

8 (d) persons under 18 years of age who live in the home with a dependent child, including but not
 9 limited to siblings related to the dependent child by blood, marriage, or adoption or by law;

10 ~~(2)(e) Aid to families with dependent children assistance payments may be made to a needy~~
 11 ~~pregnant woman with no other children who is receiving such payments. Payments may begin no earlier~~
 12 ~~than the third month prior to the month in which the child is expected to be born.~~

13 ~~(3) Aid to families with dependent children shall be granted to or for the care of children of~~
 14 ~~unemployed parents who would not otherwise be entitled to such aid because the child is living in the home~~
 15 ~~with both parents. The department may adopt rules to administer the grant of assistance to children of~~
 16 ~~unemployed parents pursuant to Title IV, section 407, of the federal Social Security Act (42 U.S.C. 607),~~
 17 ~~as amended.~~

18 (2) Persons who are not citizens of the United States are eligible for assistance only as provided
 19 in sections 401 through 435 of the Personal Responsibility and Work Opportunity Reconciliation Act of
 20 1996, as codified in Title 8 of the United States Code.

21 (3) The following are not eligible for assistance:

22 (a) persons who are receiving supplemental security income payments under the Social Security
 23 Act;

24 (b) a dependent child who is or is expected to be absent from the home of the specified caretaker
 25 relative continuously for a period of time prescribed by the department by rule;

26 (c) a specified caretaker relative who fails to notify the department that a dependent child is
 27 expected to be absent from the specified caretaker relative's home for a period of time equal to or
 28 exceeding the period of time established by the department by rule by the end of the 5-day period that
 29 begins with the date that it becomes clear to the specified caretaker relative that the child will be absent
 30 for the specified period;

1 (d) families in which the specified caretaker relative fails or refuses to assign child and medical
 2 support rights to the department or to cooperate in establishing paternity or obtaining child or medical
 3 support as required by the department by rule;

4 (e) teenage parents who fail or refuse to attend secondary school or another training program as
 5 required by the department by rule;

6 (f) teenage parents who are not living in an adult-supervised setting as defined by the department
 7 by rule;

8 (g) a fugitive felon or probation or parole violator as defined in section 103 of the Personal
 9 Responsibility and Work Opportunity Reconciliation Act of 1996, 42 U.S.C. 608;

10 (h) individuals who have fraudulently misrepresented their place of residence, as defined in section
 11 103 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 42 U.S.C. 608, for
 12 a period of 10 years beginning on the date of conviction; and

13 (i) an individual convicted of any offense that is classified as a felony and that has as an element
 14 the possession, use, or distribution of a controlled substance as defined in section 102(6) of the Controlled
 15 Substance Act, 21 U.S.C. 802(6).

16 (4) A family is not eligible for assistance if the family includes an adult who has received assistance
 17 in the temporary assistance for needy families program in any state or states for 60 months or more,
 18 whether or not the months are consecutive, except as provided by the department by rule in accordance
 19 with section 103 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 42
 20 U.S.C. 608.

21 (5) This part may not be interpreted to entitle any individual or family to assistance under the
 22 temporary assistance for needy families program."

23
 24 **Section 24.** Section 53-4-233, MCA, is amended to read:

25 **"53-4-233. Investigation of applications.** Whenever a county department receives an application
 26 for assistance under this part, an investigation ~~shall~~ must be promptly made. ~~The investigation of each~~
 27 ~~application for aid to families with dependent children shall be conducted~~ by the county department of
 28 public welfare. Each applicant ~~shall~~ must be informed of ~~his~~ the applicant's right to a fair hearing and of
 29 the confidential nature of information secured ~~with regard to his circumstances.~~ Upon completion of an
 30 investigation, aid ~~shall~~ must be furnished promptly to all eligible persons. Each applicant ~~shall~~ must receive

1 written notice of the decision concerning ~~his application~~ the applicant's request for assistance."

2
3 **Section 25.** Section 53-4-241, MCA, is amended to read:

4 **"53-4-241. Amount of assistance determined by department rules.** The amount of ~~aid to families~~
5 ~~with dependent children~~ temporary assistance for needy families benefits granted in any case, ~~including~~
6 ~~cases in which the recipient is participating in the FAIM project,~~ must be determined according to the rules
7 and standards of assistance established by the department, ~~as required by the federal Social Security Act."~~

8
9 **Section 26.** Section 53-4-246, MCA, is amended to read:

10 **"53-4-246. County share of participation.** Each county where the recipient of ~~aid to families with~~
11 ~~dependent children~~ temporary assistance for needy families benefits resides shall reimburse the department
12 ~~of public health and human services~~ in the amount of ~~22.5%~~ equal to the percentage of the approved ~~aid~~
13 ~~to families with dependent children~~ temporary assistance for needy families grants, ~~exclusive of the not paid~~
14 with federal share temporary assistance for needy families program funds."

15
16 **Section 27.** Section 53-4-247, MCA, is amended to read:

17 **"53-4-247. County liability when recipient moves to another county.** A recipient of ~~aid to families~~
18 ~~with dependent children~~ temporary assistance for needy families benefits who moves to another county
19 in the state shall continue to receive assistance. The county that the recipient moves to ~~shall~~ must be
20 charged by the department for the county share of assistance. The county that a recipient moves from shall
21 notify the county that the recipient moves to."

22
23 **Section 28.** Section 53-4-248, MCA, is amended to read:

24 **"53-4-248. Parents liable to department for ~~aid to families with dependent children~~ public**
25 **assistance payments.** (1) A payment of public assistance money made to or for the benefit of a dependent
26 child creates a debt due and owing to the department by the natural or adoptive parents who are legally
27 responsible for the support of the child by statute or court decree in an amount equal to the amount of
28 public assistance paid. However, where the support obligation is based upon a court decree, the debt is
29 limited to the amount of the court decree.

30 (2) The department is subrogated to the right of the child or person having the care, custody, and

1 control of the child to prosecute any support action or execute any administrative remedy existing under
 2 the laws of the state to obtain reimbursement of any money ~~thus~~ expended. If a court decree enters
 3 judgment for an amount of support to be paid by an obligor parent, the department is subrogated to the
 4 debt created by the order and the money judgment is in favor of the department. ~~Ne~~ An obligee may not
 5 commence an action to recover support due and owing to ~~him~~ the obligee without first filing an affidavit
 6 with the court stating whether ~~he~~ the obligee has received public assistance from any source and, if ~~he~~ the
 7 obligee has received public assistance, that ~~he~~ the obligee has notified the department in writing of the
 8 pending action.

9 (3) ~~In no case may a~~ A debt arising under this section may not be incurred by or collected from a
 10 parent or other person while ~~he~~ the parent or other person is the recipient of public assistance money for
 11 the benefit of minor dependent children.

12 (4) The remedies ~~herein~~ provided in this section are in addition to and not in lieu of existing
 13 common law and statutory law.

14 (5) The department or its legal representatives may, at any time consistent with the income,
 15 earning capacity, and resources of the debtor, petition the court having jurisdiction over the particular case
 16 to set or reset a level and schedule of payments to be paid upon the debt."
 17

18 **Section 29.** Section 53-4-601, MCA, is amended to read:

19 **"53-4-601. Demonstration project -- purpose.** (1) The department is authorized to administer a
 20 demonstration project pursuant to section 1115 of the Social Security Act, 42 U.S.C. 1315, to provide
 21 assistance under Title IV of that act, 42 U.S.C. 601, et seq., to families who are currently receiving, eligible
 22 for, or at risk of becoming eligible for ~~aid to families with dependent children~~ temporary assistance for
 23 needy families benefits. This demonstration project may be cited as the families achieving independence
 24 in Montana (FAIM) project.

25 (2) The purpose of the demonstration project is to promote self-sufficiency and responsibility of
 26 participants by providing supports and incentives, such as child-care assistance, training, education, medical
 27 assistance, and resource referrals, and to make procedures and requirements less complex and more
 28 uniform in the ~~aid to families with dependent children~~ temporary assistance for needy families, food stamp,
 29 and medicaid programs."
 30

1 **Section 30.** Section 53-4-602, MCA, is amended to read:

2 **"53-4-602. Definitions.** As used in this part, unless the context requires otherwise, the following
3 definitions apply:

4 (1) "Cash assistance" means monetary payments to a recipient of ~~aid to families with dependent~~
5 ~~children~~ temporary assistance for needy families benefits to meet basic needs, such as shelter, utilities,
6 clothing, and personal needs.

7 (2) "Child-care assistance" means payments to or on behalf of the specified caretaker relative of
8 a dependent child to defray the cost of having a third party care for the child.

9 (3) "Department" means the department of public health and human services provided for in
10 2-15-2201.

11 (4) "FAIM project" means the families achieving independence in Montana project, including ~~an aid~~
12 ~~to families with dependent children~~ a temporary assistance for needy families program part established in
13 53-4-603, a food stamp part administered under the Food Stamp Act of 1977, 7 U.S.C. 2026, and a
14 medicaid part administered pursuant to the Social Security Act, 42 U.S.C. 1315.

15 ~~(5) "JOBS program" means the job opportunities and basic skills training program established in~~
16 ~~53-4-703."~~

17

18 **Section 31.** Section 53-4-603, MCA, is amended to read:

19 **"53-4-603. FAIM project -- components.** (1) ~~The aid to families with dependent children~~ temporary
20 assistance for needy families program part of the FAIM project consists of three components referred to
21 as the job supplement program, pathways, and the community services program.

22 (2) The job supplement program is an alternative to the components of the FAIM project that
23 provide cash assistance. An eligible family may receive assistance under the job supplement program
24 instead of receiving assistance under pathways or the community services program or may receive
25 assistance under the job supplement program either prior to or after receiving assistance under pathways
26 or the community services program.

27 (3) Services that may be provided to eligible individuals in the job supplement program include:

28 (a) full medicaid benefits for dependent children, as provided in 53-6-101, and basic medicaid
29 benefits for specified caretaker relatives, as provided in 53-6-101, ~~if~~ pursuant to waivers of federal law that
30 are granted by the secretary of the U.S. department of health and human services that permit limited

1 benefits. However, a specified caretaker relative who is pregnant is entitled to full medicaid benefits.

2 (b) child-care assistance, as provided in 53-4-611 and as specified by the department by rule;

3 (c) assistance in obtaining child support; and

4 (d) a one-time only cash payment to meet special employment-related needs of the family. In order
5 to receive a one-time cash payment, the family is required to agree not to ~~apply for or~~ receive cash
6 assistance for a period of time based on the size of the one-time cash payment received.

7 (4) (a) Pathways may provide eligible individuals with job training and education; resource referrals;
8 assistance in obtaining child support; one-time cash payments for special employment-related needs;
9 child-care assistance, as provided in 53-4-611 and as specified by department rule; cash assistance
10 payments; supportive services, if funding is available; full medicaid benefits for dependent children, as
11 provided in 53-6-101; and basic medicaid benefits for specified caretaker relatives, as provided in 53-6-101,
12 if pursuant to waivers of federal law that are granted by the secretary of the U.S. department of health and
13 human services that permit limited benefits. However, a specified caretaker relative who is pregnant is
14 entitled to full medicaid benefits.

15 (b) A specified caretaker relative in either a single-parent family or a two-parent family may receive
16 assistance under pathways for a maximum of 24 months, subject to the 60-month limitation on assistance
17 provided in 53-4-231. The 24 months do not need to be consecutive.

18 ~~(c) Specified caretaker relatives in a two-parent family may receive assistance under pathways for~~
19 ~~a maximum of 18 months. The 18 months do not need to be consecutive.~~

20 (5) (a) In the community services program, a specified caretaker relative who has received ~~the~~
21 ~~maximum number of 24~~ months of assistance ~~allowable~~ under pathways may continue to receive assistance
22 for the specified caretaker relative's needs for an additional 36 months if the specified caretaker relative
23 performs community service work as required by the department, subject to the 60-month limitation on
24 assistance provided in 53-4-231.

25 (b) A specified caretaker relative who performs community service work as required is entitled to
26 cash assistance for the specified caretaker relative's needs and basic medicaid benefits, as provided in
27 53-6-101, if pursuant to waivers of federal law that are granted by the secretary of the U.S. department
28 of health and human services that permit limited benefits. However, a specified caretaker relative who is
29 pregnant is entitled to full medicaid benefits.

30 (c) Job training and education, resource referrals, and assistance in obtaining child support may

1 also be provided if determined by the department to be appropriate. Child-care assistance may be provided
 2 to participants in the community services program as set forth in 53-4-611 and as specified by department
 3 rule.

4 (6) Failure of a caretaker relative to participate in community service work as required must result
 5 in the needs of the specified caretaker relative being removed from the cash assistance payment.

6 (7) A dependent child who meets all eligibility requirements for ~~aid to families with dependent~~
 7 ~~children may receive assistance under any component of the FAIM project without any time limits.~~
 8 temporary assistance for needy families benefits is not subject to the time limits on assistance in pathways
 9 and the community services program that are provided for specified caretaker relatives in this section.
 10 However, a dependent child may be ineligible for temporary assistance for needy families benefits because
 11 of the 60-month limitation on assistance provided in 53-4-231.

12 ~~(8) The department shall furnish workers' compensation coverage, as provided in 39-71-118, for~~
 13 ~~recipients in any component of the FAIM project who perform community service work or who participate~~
 14 ~~in a work experience program."~~

15
 16 **Section 32.** Section 53-4-606, MCA, is amended to read:

17 "**53-4-606. Requirements for eligibility.** (1) Eligibility for ~~aid to families with dependent children~~
 18 temporary assistance for needy families benefits under the FAIM project with regard to income, resources,
 19 and all other factors of eligibility must be determined in accordance with the waivers granted by the U.S.
 20 secretary of health and human services under section 1115 of the Social Security Act, 42 U.S.C. 1315.

21 ~~(2) If waivers of federal law are granted by the secretary of the U.S. department of health and~~
 22 ~~human services, two parent families applying for or receiving aid to families with dependent children~~
 23 ~~benefits under the FAIM project based on the unemployment of one parent may not be required to meet~~
 24 ~~the special eligibility requirements of section 407 of the Social Security Act, 42 U.S.C. 607.~~

25 ~~(3)(2)~~ (a) As a condition of eligibility for assistance under pathways and the community services
 26 program, all specified caretaker relatives and other family members, as specified by the department by rule,
 27 shall enter into a family investment agreement with the department and shall comply with the terms of that
 28 agreement. Entering into an agreement is not a condition of eligibility for the job supplement program.

29 (b) The family investment agreement must set forth the mutual obligations of the ~~specified~~
 30 caretaker relative participant and the department to help the family achieve the goal of self-sufficiency. The

1 agreement may contain provisions:

2 (i) regarding actions to be taken by the specified caretaker relative and by the department to secure
3 child support;

4 (ii) requiring that the immunization and health-screening requirements of the early and periodic
5 screening, diagnosis, and treatment program be met for all children in the family; and

6 (iii) specifying other services and activities appropriate for the ~~specified caretaker relative~~ participant
7 or family.

8 (c) An individual who is required to enter into a family investment agreement and who fails without
9 good cause to do so or fails without good cause to comply with the individual's obligations under the
10 agreement is ineligible, as provided in 53-4-608, for ~~aid to families with dependent children~~ temporary
11 assistance for needy families benefits.

12 ~~(4)~~(3) As a condition of eligibility for the community service program, a specified caretaker relative
13 shall perform community service work as required by the department."
14

15 **Section 33.** Section 53-4-607, MCA, is amended to read:

16 **"53-4-607. Exemptions from time limitations in pathways and community services program.** (1)
17 Recipients of ~~aid to families with dependent children~~ temporary assistance for needy families benefits under
18 the FAIM project may be exempted from the time limitations on assistance under pathways and the
19 community services program contained in 53-4-603 as provided by the department by rule.

20 (2) In establishing categories of individuals who are exempt from the time limitations on assistance
21 under pathways, the department may take into consideration factors that may delay an individual's
22 attainment of self-sufficiency, including but not limited to the following:

23 (a) The individual has a verifiable illness, injury, or physical or mental impairment, handicap, or
24 disability.

25 (b) The individual is of advanced age.

26 (c) The individual does not have necessary state-paid child care available.

27 (d) The individual is attending high school or is working toward a graduate equivalency diploma,
28 if the individual is under ~~20~~ 18 years of age.

29 (e) The individual is the parent of a child under 1 year of age.

30 (f) The individual is providing care to a household member with a disability who requires special

1 care.

2 (g) The individual is a teenage parent receiving assistance in the individual's own name and
3 participating in activities pursuant to a family investment agreement.

4 (h) The department failed to substantially comply with its obligations under the family investment
5 agreement.

6 (i) ~~The individual is a homeless person.~~

7 (j) The individual is a victim of domestic violence as defined by the department by rule."

8

9 **Section 34.** Section 53-4-608, MCA, is amended to read:

10 **"53-4-608. ~~Ineligibility because of~~ Sanction for failure to comply with terms of agreement.** If an
11 individual is required to enter into a family investment agreement pursuant to 53-4-606 and fails without
12 good cause either to enter into an agreement or to comply with the individual's obligations under the
13 agreement, the individual is ~~ineligible for aid to families with dependent children benefits~~ must be sanctioned
14 for a period of time specified by the department by rule and the needs of the individual may not be taken
15 into consideration in determining the assistance unit's amount of cash assistance. However, the family of
16 ~~an ineligible~~ a sanctioned individual is entitled to assistance for its own needs if it is otherwise eligible. The
17 income and resources of the individual must be considered in determining the family's eligibility for
18 assistance during the period ~~of ineligibility~~ that the individual is sanctioned."

19

20 **Section 35.** Section 53-4-609, MCA, is amended to read:

21 **"53-4-609. Categorical eligibility for other assistance.** All recipients of ~~aid to families with~~
22 ~~dependent children~~ temporary assistance for needy families benefits under a component of the FAIM project
23 are categorically eligible for food stamp benefits and the low-income energy assistance program, regardless
24 of whether they would otherwise meet all the eligibility requirements for those programs, unless otherwise
25 prohibited by federal law."

26

27 **Section 36.** Section 53-4-611, MCA, is amended to read:

28 **"53-4-611. Child-care assistance.** (1) In the job supplement program component of the FAIM
29 project, the department ~~shall~~ may provide child-care assistance to all single-parent families if child care is
30 necessary to allow the parent to engage in paid employment and if funding is available. Child-care

1 assistance may, at the department's discretion, be provided to two-parent families if child care is necessary
2 to allow either or both parents to engage in paid employment and if funding is available.

3 (2) In the pathways component of the FAIM project, the department ~~shall~~ may provide child-care
4 assistance to all single-parent families if child care is necessary to allow the parent to participate in an
5 activity required by the family investment agreement and if funding is available. ~~However, child care~~
6 ~~assistance for single-parent families to enable the parent to participate in postsecondary education is not~~
7 ~~guaranteed and may be provided only if funding is available.~~ Child-care assistance may, at the department's
8 discretion, be provided to two-parent families if child care is necessary to allow either or both of the parents
9 to participate in an activity required by the family investment agreement and if funding is available.

10 (3) In the community services program component of the FAIM project, the department ~~shall~~ may
11 provide child-care assistance to all single-parent families if child care is necessary to allow the parent to
12 participate in an activity required by the family investment agreement and if funding is available. Child-care
13 assistance may, at the department's discretion, be provided to two-parent families if child care is necessary
14 to allow either or both of the parents to participate in an activity required by the family investment
15 agreement and if funding is available."

16

17 **Section 37.** Section 53-4-612, MCA, is amended to read:

18 "**53-4-612. Extended child care and medical assistance benefits.** A family receiving ~~aid to families~~
19 ~~with dependent children~~ temporary assistance for needy families benefits under a component of the FAIM
20 project that loses eligibility for assistance because of increased income from any source may receive
21 extended ~~child care and~~ medical assistance benefits if funding is available, provided that the family's income
22 does not exceed a percentage of the federal poverty level specified by the department by rule, and may
23 receive child-care assistance pursuant to 53-4-611 if funding is available."

24

25 **Section 38.** Section 53-4-613, MCA, is amended to read:

26 "**53-4-613. JOBS program Employment and training program.** ~~(1)~~ In cases in which the department
27 determines that participation in the ~~JOBS program~~ employment and training program would be appropriate
28 for a participant in pathways, the participant may be required to participate in the ~~JOBS program~~
29 employment and training as one of the conditions of the participant's family investment agreement.

30 ~~(2) If waivers of federal law are granted by the secretary of the U.S. department of health and~~

1 ~~human services, the exemptions from participation in the JOBS program provided in section 201 of the~~
 2 ~~federal Family Support Act of 1988, 42 U.S.C. 602(a)(19), may not apply to recipients of aid to families~~
 3 ~~with dependent children benefits who are participating in the FAIM employment and training demonstration~~
 4 ~~project."~~

5
 6 **Section 39.** Section 53-4-701, MCA, is amended to read:

7 "**53-4-701. Purpose.** It is the purpose of this part to establish a ~~program, consistent with the~~
 8 ~~provisions of the federal Family Support Act of 1988, to assure that recipients of the aid to families with~~
 9 ~~dependent children program obtain~~ component of the pathways program that:

10 (1) provides recipients of temporary assistance for needy families benefits with the education,
 11 training, and employment services needed to avoid long-term welfare dependency; and

12 (2) complies with the participation requirements established in section 103 of the Personal
 13 Responsibility and Work Opportunity Reconciliation Act of 1996, 42 U.S.C. 607."

14
 15 **Section 40.** Section 53-4-702, MCA, is amended to read:

16 "**53-4-702. Definitions.** As used in this part, unless the context requires otherwise, the following
 17 definitions apply:

18 ~~(1) "Aid to families with dependent children" has the same meaning as provided in 53-4-201.~~

19 ~~(2)(1) "Department" means the department of public health and human services provided for in~~
 20 ~~2-15-2201.~~

21 ~~(3)(2) "FAIM project" means the families achieving independence in Montana project as established~~
 22 ~~in 53-4-601.~~

23 ~~(4) "Family Support Act of 1988" means the federal Family Support Act of 1988, Public Law~~
 24 ~~100-485, as amended.~~

25 ~~(5) "JOBS program" or "program" means the job opportunities and basic skills training program~~
 26 ~~established in 53-4-703.~~

27 (3) "Temporary assistance for needy families" has the meaning provided in 53-4-201."

28
 29 **Section 41.** Section 53-4-703, MCA, is amended to read:

30 "**53-4-703. JOBS program** Employment and training program established ~~—purpose.~~ ~~(1)~~ The

1 department shall establish and administer a ~~job opportunities and basic skills training (JOBS) program that~~
 2 ~~meets the requirements of section 201 of the federal Family Support Act of 1988 (42 U.S.C. 602(a)(19),~~
 3 ~~681 through 686) an intensive employment and training program in accordance with the requirements of~~
 4 ~~section 103 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 42 U.S.C.~~
 5 ~~607.~~

6 ~~(2) The purpose of the program is to provide recipients of aid to families with dependent children~~
 7 ~~the education, training, and employment that will help them avoid long term welfare dependency."~~

8
 9 **Section 42.** Section 53-4-705, MCA, is amended to read:

10 **"53-4-705. Services and activities.** ~~(1)~~ Under the program provided for in 53-4-703, the
 11 department shall make available a broad range of services and activities to assist recipients of ~~aid to families~~
 12 ~~with dependent children~~ temporary assistance for needy families benefits as specified by the department
 13 by rule. ~~Such services and activities may include:~~

14 ~~(a) appropriate educational activities, including:~~

15 ~~(i) high school education or its equivalent, combined with training as needed;~~

16 ~~(ii) basic and remedial education to help participants achieve a basic literacy level; and~~

17 ~~(iii) education for individuals with limited English language proficiency;~~

18 ~~(b) job skills training;~~

19 ~~(c) job readiness activities to help prepare participants for work;~~

20 ~~(d) job development and job placement;~~

21 ~~(e) group and individual job search activities as provided for in 42 U.S.C. 682(g);~~

22 ~~(f) on the job training;~~

23 ~~(g) work supplementation programs as provided for in 42 U.S.C. 682(e); and~~

24 ~~(h) community work experience programs as provided for in 42 U.S.C. 682(f).~~

25 ~~(2) In addition to the services and activities provided in subsection (1), the department may offer~~
 26 ~~to participants under the program:~~

27 ~~(a) postsecondary education in appropriate cases; and~~

28 ~~(b) such other education, training, and employment activities as may be determined necessary."~~

29
 30 **Section 43.** Section 53-4-706, MCA, is amended to read:

1 **"53-4-706. Participation requirements.** (1) Except as otherwise provided in this section ~~and~~
 2 ~~53-4-707~~, the department may require individuals to participate in the JOBS employment and training
 3 program as a condition of their eligibility for ~~aid to families with dependent children~~ temporary assistance
 4 for needy families benefits.

5 (2) To the extent that the program is available and that state resources permit, the department
 6 shall:

7 ~~(a) require recipients of aid to families with dependent children who are not participating in the~~
 8 ~~FAIM project and with respect to whom the state guarantees child care in accordance with section 402(g)~~
 9 ~~of the Social Security Act (42 U.S.C. 602(g)) to participate in the program;~~

10 ~~(b) require recipients of aid to families with dependent children~~ temporary assistance for needy
 11 families benefits who are participating in either the pathways or community service program component
 12 of the FAIM project to participate in the program if the department determines that it is an appropriate
 13 activity for the recipient and includes participation as a condition of the recipient's family investment
 14 agreement; ~~and~~

15 ~~(c) allow applicants for and recipients of aid to families with dependent children who are not~~
 16 ~~required under subsection (2)(a) to participate in the program to do so on a voluntary basis."~~

17
 18 **Section 44.** Section 53-4-717, MCA, is amended to read:

19 ~~"53-4-717. Sanctions. (1) Except as provided in subsection (2), an individual who without good~~
 20 ~~cause fails to participate in the JOBS program as required or who without good cause refuses to accept~~
 21 ~~suitable employment shall lose eligibility for aid to families with dependent children as provided in 42 U.S.C.~~
 22 ~~602(a)(19)(G).~~

23 ~~(2) If an individual receiving aid to families with dependent children~~ temporary assistance for needy
 24 families benefits under the FAIM project is required to participate in the JOBS employment and training
 25 program as a condition of the individual's family investment agreement and fails without good cause to
 26 participate, the individual must be sanctioned in accordance with rules established by the department."
 27

28 **Section 45.** Section 53-6-101, MCA, is amended to read:

29 ~~"53-6-101. Montana medicaid program -- authorization of services. (1) There is a Montana~~
 30 ~~medicaid program established for the purpose of providing necessary medical services to eligible persons~~

1 who have need for medical assistance. The Montana medicaid program is a joint federal-state program
2 administered under this chapter and in accordance with Title XIX of the ~~federal~~ Social Security Act, 42
3 U.S.C. 1396, et seq., as may be amended. The department of public health and human services shall
4 administer the Montana medicaid program.

5 (2) Medical assistance provided by the Montana medicaid program includes the following services:

6 (a) inpatient hospital services;

7 (b) outpatient hospital services;

8 (c) other laboratory and x-ray services, including minimum mammography examination as defined
9 in 33-22-132;

10 (d) skilled nursing services in long-term care facilities;

11 (e) physicians' services;

12 (f) nurse specialist services;

13 (g) early and periodic screening, diagnosis, and treatment services for persons under 21 years of
14 age;

15 (h) ambulatory prenatal care for pregnant women during a presumptive eligibility period, as
16 provided in 42 U.S.C. 1396a(a)(47) and 42 U.S.C. 1396r-1;

17 (i) targeted case management services, as authorized in 42 U.S.C. 1396n(g), for high-risk pregnant
18 women;

19 (j) services that are provided by physician assistants-certified within the scope of their practice and
20 that are otherwise directly reimbursed as allowed under department rule to an existing provider;

21 (k) health services provided under a physician's orders by a public health department; and

22 (l) federally qualified health center services, as defined in 42 U.S.C. 1396d(l)(2).

23 (3) Medical assistance provided by the Montana medicaid program may, as provided by department
24 rule, also include the following services:

25 (a) medical care or any other type of remedial care recognized under state law, furnished by
26 licensed practitioners within the scope of their practice as defined by state law;

27 (b) home health care services;

28 (c) private-duty nursing services;

29 (d) dental services;

30 (e) physical therapy services;

1 (f) mental health center services administered and funded under a state mental health program
2 authorized under Title 53, chapter 21, part 2;

3 (g) clinical social worker services;

4 (h) prescribed drugs, dentures, and prosthetic devices;

5 (i) prescribed eyeglasses;

6 (j) other diagnostic, screening, preventive, rehabilitative, chiropractic, and osteopathic services;

7 (k) inpatient psychiatric hospital services for persons under 21 years of age;

8 (l) services of professional counselors licensed under Title 37, chapter 23;

9 (m) hospice care, as defined in 42 U.S.C. 1396d(o);

10 (n) case management services as provided in 42 U.S.C. 1396d(a) and 1396n(g), including targeted
11 case management services for the mentally ill;

12 (o) inpatient psychiatric services for persons under 21 years of age, as provided in 42 U.S.C.
13 1396d(h), in a residential treatment facility, as defined in 50-5-101, that is licensed in accordance with
14 50-5-201; and

15 (p) any additional medical service or aid allowable under or provided by the federal Social Security
16 Act.

17 (4) Services for persons qualifying for medicaid under the medically needy category of assistance
18 as described in 53-6-131 may be more limited in amount, scope, and duration than services provided to
19 others qualifying for assistance under the Montana medicaid program. The department is not required to
20 provide all of the services listed in subsections (2) and (3) to persons qualifying for medicaid under the
21 medically needy category of assistance.

22 (5) ~~¶ In accordance with~~ waivers of federal law ~~that~~ are granted by the secretary of the U.S.
23 department of health and human services, the department of public health and human services may
24 implement limited medicaid benefits, to be known as basic medicaid, for adult recipients who are eligible
25 because they are receiving ~~aid to families with dependent children~~ temporary assistance for needy families
26 benefits as the specified caretaker relative of a dependent child under the FAIM project and for all adult
27 recipients of medical assistance only who are covered under a group related to ~~aid to families with~~
28 ~~dependent children~~ the temporary assistance for needy families program. Basic medicaid benefits consist
29 of all mandatory services listed in subsections (2)(a) through (2)(l) but may include those optional services
30 listed in subsections (3)(a) through (3)(p) that the department in its discretion specifies by rule. The

1 department, in exercising its discretion, may consider the amount of funds appropriated by the legislature
 2 for the FAIM project and whether the provision of a particular service is commonly covered by private
 3 health insurance plans. However, a recipient who is pregnant is entitled to full medicaid coverage.

4 (6) The department may implement, as provided for in Title XIX of the ~~federal~~ Social Security Act,
 5 42 U.S.C. 1396, et seq., as may be amended, a program under medicaid for payment of medicare
 6 premiums, deductibles, and coinsurance for persons not otherwise eligible for medicaid.

7 (7) The department may set rates for medical and other services provided to recipients of medicaid
 8 and may enter into contracts for delivery of services to individual recipients or groups of recipients.

9 (8) The services provided under this part may be only those that are medically necessary and that
 10 are the most efficient and cost-effective.

11 (9) The amount, scope, and duration of services provided under this part must be determined by
 12 the department in accordance with Title XIX of the ~~federal~~ Social Security Act, 42 U.S.C. 1396, et seq.,
 13 as may be amended.

14 (10) Services, procedures, and items of an experimental or cosmetic nature may not be provided.

15 (11) If available funds are not sufficient to provide medical assistance for all eligible persons, the
 16 department may set priorities to limit, reduce, or otherwise curtail the amount, scope, or duration of the
 17 medical services made available under the Montana medicaid program.

18 (12) Community-based medicaid services, as provided for in part 4 of this chapter, must be provided
 19 in accordance with the provisions of this chapter and the rules adopted under this chapter.

20 (13) Medicaid payment for personal-care facilities may not be made unless the department certifies
 21 to the director of the governor's office of budget and program planning that payment to this type of
 22 provider would, in the aggregate, be a cost-effective alternative to services otherwise provided."
 23

24 **Section 46.** Section 53-6-113, MCA, is amended to read:

25 **"53-6-113. Department to adopt rules.** (1) The department of public health and human services
 26 shall adopt appropriate rules necessary for the administration of the Montana medicaid program as provided
 27 for in this part and as may be required by federal laws and regulations governing state participation in
 28 medicaid under Title XIX of the ~~federal~~ Social Security Act, 42 U.S.C. 1396, et seq., as amended.

29 (2) The department shall adopt rules as are necessary to further define for the purposes of this part
 30 the services provided under 53-6-101 and to provide that services being used are medically necessary and

1 that the services are the most efficient and cost-effective available. The rules may establish the amount,
2 scope, and duration of services provided under the Montana medicaid program, including the items and
3 components constituting the services.

4 (3) The department shall establish by rule the rates for reimbursement of services provided under
5 this part. The department may in its discretion set rates of reimbursement that it determines necessary for
6 the purposes of the program. In establishing rates of reimbursement, the department may consider but is
7 not limited to considering:

8 (a) the availability of appropriated funds;

9 (b) the actual cost of services;

10 (c) the quality of services;

11 (d) the professional knowledge and skills necessary for the delivery of services; and

12 (e) the availability of services.

13 (4) The department shall specify by rule those professionals who may deliver or direct the delivery
14 of particular services.

15 (5) The department may provide by rule for payment by a recipient of a portion of the
16 reimbursements established by the department for services provided under this part.

17 (6) The department may adopt rules consistent with this part to govern eligibility for the Montana
18 medicaid program. Rules may include but are not limited to financial standards and criteria for income and
19 resources, treatment of resources, nonfinancial criteria, family responsibilities, residency, application,
20 termination, definition of terms, ~~and~~ confidentiality of applicant and recipient information, and cooperation
21 with the state agency administering the child support enforcement program under Title IV-D of the Social
22 Security Act, 42 U.S.C. 651, et seq.

23 (7) The department may adopt rules limiting eligibility based on criteria more restrictive than that
24 provided in 53-6-131 if required by Title XIX of the ~~federal~~ Social Security Act, 42 U.S.C. 1396, et seq.,
25 as may be amended, or if funds appropriated are not sufficient to provide medical care for all eligible
26 persons.

27 (8) The department may adopt rules necessary for the administration of medicaid managed-care
28 systems. Rules to be adopted may include but are not limited to rules concerning:

29 (a) participation in managed care;

30 (b) selection and qualifications for providers of managed care; and

1 (c) standards for the provision of managed care.

2 (9) ~~(a)~~ The department shall establish by rule income limits for eligibility for extended medical
3 assistance of persons receiving ~~aid to families with dependent children~~ temporary assistance for needy
4 families benefits as participants of the FAIM project who lose eligibility because of increased income, as
5 provided in 53-6-134, and shall also establish by rule the length of time for which extended medical
6 assistance will be provided. The department, in exercising its discretion to set income limits and duration
7 of assistance, may consider the amount of funds appropriated by the legislature for the FAIM project.

8 ~~(b) Notwithstanding Title 53, chapter 2, part 9, and Title 53, chapter 4, part 6, it is the intent of~~
9 ~~the legislature that rules may not be adopted except to implement the waiver granted by the U.S. secretary~~
10 ~~of health and human services under section 1115 of the Social Security Act, 42 U.S.C. 1315, and to~~
11 ~~implement the FAIM program. Rules may not implement any other program or programs that may result~~
12 ~~because of federal welfare reform unless the rules are required for compliance with federal law."~~

13
14 **Section 47.** Section 53-6-131, MCA, is amended to read:

15 **"53-6-131. Eligibility requirements.** (1) Medical assistance under the Montana medicaid program
16 may be granted to a person who is determined by the department of public health and human services, in
17 its discretion, to be eligible as follows:

18 (a) The person receives or is considered to be receiving supplemental security income benefits
19 under Title XVI of the ~~federal~~ Social Security Act, 42 U.S.C. 1381, et seq., and does not have income or
20 resources in excess of the applicable medical assistance limits or ~~aid to families with dependent children~~
21 receive temporary assistance for needy families benefits under Title IV of the federal Social Security Act,
22 42 U.S.C. 601, et seq.

23 (b) The person would be eligible for assistance under a program described in subsection (1)(a) if
24 that person were to apply for that assistance.

25 (c) The person is in a medical facility that is a medicaid provider and, but for residence in the
26 facility, the person would be receiving assistance under one of the programs in subsection (1)(a).

27 (d) The person is under 19 years of age and meets the conditions of eligibility in the ~~state plan for~~
28 ~~aid to families with dependent children~~ temporary assistance for needy families state plan, other than with
29 respect to age and school attendance.

30 (e) The person is under 21 years of age and in foster care under the supervision of the state or was

1 in foster care under the supervision of the state and has been adopted as a hard-to-place child.

2 (f) The person meets the nonfinancial criteria of the categories in subsections (1)(a) through (1)(e)
3 and:

4 (i) the person's income does not exceed the income level specified for federally aided categories
5 of assistance and the person's resources are within the resource standards of the federal supplemental
6 security income program; or

7 (ii) the person, while having income greater than the medically needy income level specified for
8 federally aided categories of assistance:

9 (A) has an adjusted income level, after incurring medical expenses, that does not exceed the
10 medically needy income level specified for federally aided categories of assistance or, alternatively, has paid
11 in cash to the department the amount by which the person's income exceeds the medically needy income
12 level specified for federally aided categories of assistance; and

13 (B) has resources that are within the resource standards of the federal supplemental security
14 income program.

15 (g) The person is a qualified pregnant woman or child as defined in 42 U.S.C. 1396d(n).

16 (2) The department may establish income and resource limitations. Limitations of income and
17 resources must be within the amounts permitted by federal law for the medicaid program.

18 (3) The Montana medicaid program shall pay, as required by federal law, the premiums necessary
19 for medicaid-eligible persons participating in the medicare program and may, within the discretion of the
20 department, pay all or a portion of the medicare premiums, deductibles, and coinsurance for a qualified
21 medicare-eligible person or for a qualified disabled and working individual, as defined in section 6408(d)(2)
22 of the federal Omnibus Budget Reconciliation Act of 1989, Public Law 101-239, who:

23 (a) has income that does not exceed income standards as may be required by the ~~federal~~ Social
24 Security Act; and

25 (b) has resources that do not exceed standards that the department determines reasonable for
26 purposes of the program.

27 (4) The department may pay a medicaid-eligible person's expenses for premiums, coinsurance, and
28 similar costs for health insurance or other available health coverage, as provided in 42 U.S.C. 1396b(a)(1).

29 (5) If in accordance with waivers of federal law that are granted by the secretary of the U.S.
30 department of health and human services, the department of public health and human services may grant

1 eligibility for basic medicaid benefits as described in 53-6-101 to an individual receiving ~~aid to families with~~
2 ~~dependent children~~ temporary assistance for needy families benefits as the specified caretaker relative of
3 a dependent child under the FAIM project and to all adult recipients of medical assistance only who are
4 covered under a group related to ~~aid to families with dependent children~~ the temporary assistance for needy
5 families program. A recipient who is pregnant is entitled to full medicaid coverage as provided in 53-6-101.

6 (6) The department, under the Montana medicaid program, may provide, if a waiver is not available
7 from the federal government, medicaid and other assistance mandated by Title XIX of the ~~federal~~ Social
8 Security Act, 42 U.S.C. 1396, et seq., as may be amended, and not specifically listed in this part to
9 categories of persons that may be designated by the act for receipt of assistance.

10 (7) Notwithstanding any other provision of this chapter, medical assistance must be provided to
11 infants and pregnant women whose family income does not exceed 133% of the federal poverty threshold,
12 as provided in 42 U.S.C. 1396a(a)(10)(A)(ii)(IX) and 42 U.S.C. 1396a(l)(2)(A)(i), and whose family
13 resources do not exceed standards that the department determines reasonable for purposes of the program.

14 (8) Subject to appropriations, the department may cooperate with and make grants to a nonprofit
15 corporation that uses donated funds to provide basic preventive and primary health care medical benefits
16 to children whose families are ineligible for the Montana medicaid program and who are ineligible for any
17 other health care coverage, are under 19 years of age, and are enrolled in school if of school age.

18 (9) A person described in subsection (7) must be provided continuous eligibility for medical
19 assistance, as authorized in 42 U.S.C. 1396a(e)(5) through a(e)(7).

20 (10) The department may establish resource and income standards of eligibility for mental health
21 services that are more liberal than the resource and income standards of eligibility for physical health
22 services. The standards for eligibility for mental health services may provide for eligibility for households
23 with family income that does not exceed 200% of the federal poverty threshold or that does not exceed
24 a lesser amount determined in the discretion of the department. The department may by rule specify under
25 what circumstances deductions for medical expenses should be used to reduce countable family income
26 in determining eligibility. The department may also adopt rules establishing fees to be charged recipients
27 for services. The fees may vary according to family income."

28
29 **Section 48.** Section 53-6-134, MCA, is amended to read:

30 **"53-6-134. Extension of eligibility for medical assistance to persons terminated from ~~aid to families~~**

1 ~~with dependent children temporary assistance for needy families program.~~ (1) ~~In accordance with section~~
 2 ~~1925 of Title XIX of the Social Security Act, 42 U.S.C. 1396r-6, the department of public health and~~
 3 ~~human services shall provide for the extension of eligibility for medical assistance to persons who lose~~
 4 ~~eligibility for aid to families with dependent children because of:~~

5 ~~(a) increased hours or income from employment; or~~

6 ~~(b) loss of federally prescribed earned income disregards.~~

7 ~~(2)~~ In providing for the extension of eligibility for medical assistance under subsection ~~(1)~~(2), the
 8 department may provide for health insurance or other health coverage in accordance with subsections
 9 1925(a)(4)(B) and 1925(b)(4)(C) of Title XIX of the Social Security Act, 42 U.S.C. 1396r-6(a)(4)(B) and 42
 10 U.S.C. 1396r-6(b)(4)(C), and may exercise the other options contained in section 1925 of Title XIX of the
 11 Social Security Act, 42 U.S.C. 1396r-6, regarding the provision of medical assistance.

12 ~~(3)~~(2) ~~If~~ In accordance with waivers of federal law that are granted by the secretary of the U.S.
 13 department of health and human services, the department of public health and human services may provide
 14 extended eligibility for medical assistance for a period of time established by the department by rule for
 15 persons receiving ~~aid to families with dependent children~~ temporary assistance for needy families benefits
 16 under the job supplement program, pathways, or community services program components of the FAIM
 17 project described in 53-4-603 who lose eligibility because of increased income from any source or because
 18 of exhausting time-limited earned income disregards, provided that the family's income does not exceed
 19 a percentage of the federal poverty level established by the department by rule. The department, in
 20 exercising its discretion to establish income standards and duration of extended medical assistance by rule,
 21 may consider the amount of funds appropriated by the legislature for the FAIM project."
 22

23 NEW SECTION. Section 49. Saving clause. [This act] does not affect rights and duties that
 24 matured, penalties that were incurred, or proceedings that were begun before [the effective date of this
 25 act].
 26

27 NEW SECTION. Section 50. Repealer. Sections 39-7-601, 39-7-602, 39-7-603, 39-7-604,
 28 39-7-605, 39-7-606, 53-4-249, 53-4-707, 53-4-708, 53-4-715, 53-4-716, 53-4-718, and 53-4-720, MCA,
 29 are repealed.
 30

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0371, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act replacing the Aid to Families with Dependent Children Program with the Temporary Assistance for Needy Families Program; making provisions regarding overpayment of public assistance apply to recipient error; requiring recipients to notify the Department of Public Health and Human Services regarding any change that may affect eligibility for public assistance; amending provisions regarding the Food Stamp Program; allowing the department to adopt rules; replacing the jobs program with an employment and training program; deleting the child support pass-through payment of up to \$50 a month; revising the terms "dependent child" and "family" for purposes of the Temporary Assistance for Needy Families program; allowing administration of the Temporary Assistance for Needy Families Program to vary across the state; requiring members of Indian tribes participating in the Temporary Assistance for Needy Families Program to be subject to the same rules, policies, and requirements of the program; requiring the department to adopt additional rules for the Temporary Assistance for Needy Families Program, including rules for exemptions from time limits, for aliens, and for teenage parents; revising eligibility provisions; making the provision of child-care assistance discretionary; providing that the Temporary Assistance for Needy Families Program is not an entitlement; providing a 24-month maximum for receipt of Pathways assistance for single-parent and two-parent families, subject to a 60-month limitation; removing the requirement for Workers' Compensation coverage for FAIM Project recipients; maintaining eligibility for basic Medicaid for recipients of Temporary Assistance for Needy Families.

ASSUMPTIONS:

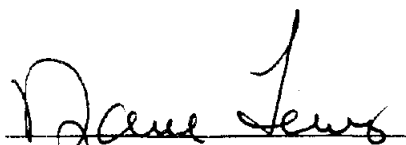
1. Congress in the fall of 1996 passed a welfare reform statute - The Personal Responsibility and Work Opportunity Reconciliation Act of 1996.
2. The federal welfare reform law substituted a block grant titled Temporary Assistance to Needy Families for the entitlement program, Aid to Families with Dependent Children, and provided states with greater latitude in designing welfare programs within their states .
3. HB 371 is enabling legislation to implement the Temporary Assistance for Needy Families (TANF) program replacing the Aid to Families with Dependent Children program.

FISCAL IMPACT:

There is no fiscal impact as a result of HB 371.

TECHNICAL NOTE:

1. This bill is necessary to administer the public assistance program in compliance with TANF and to avoid federal penalties.
2. The provision to eliminate the \$50 a month child support pass-through payment was implemented as of January 1, 1997.

 1-31-97
DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

CHRIS AHNER, PRIMARY SPONSOR DATE

Fiscal Note for HB0371, as introduced

HB 371

1 HOUSE BILL NO. 371

2 INTRODUCED BY AHNER

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT REPLACING THE AID TO FAMILIES WITH DEPENDENT
5 CHILDREN PROGRAM WITH THE ~~TEMPORARY ASSISTANCE FOR NEEDY FAMILIES~~ FAMILIES ACHIEVING
6 INDEPENDENCE IN MONTANA (FAIM) FINANCIAL ASSISTANCE PROGRAM; MAKING PROVISIONS
7 REGARDING OVERPAYMENT OF PUBLIC ASSISTANCE APPLY TO RECIPIENT ERROR; REQUIRING
8 RECIPIENTS TO NOTIFY THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES REGARDING
9 ANY CHANGE THAT MAY AFFECT ELIGIBILITY FOR PUBLIC ASSISTANCE; AMENDING PROVISIONS
10 REGARDING THE FOOD STAMP PROGRAM; ALLOWING THE DEPARTMENT TO ADOPT RULES;
11 REPLACING THE JOBS PROGRAM WITH AN EMPLOYMENT AND TRAINING PROGRAM; DELETING THE
12 CHILD SUPPORT PASS-THROUGH PAYMENT OF UP TO \$50 A MONTH; REVISING THE TERMS
13 "DEPENDENT CHILD" AND "FAMILY" FOR PURPOSES OF THE ~~TEMPORARY ASSISTANCE FOR NEEDY~~
14 ~~FAMILIES~~ FAIM FINANCIAL ASSISTANCE PROGRAM; ALLOWING ADMINISTRATION OF THE ~~TEMPORARY~~
15 ~~ASSISTANCE FOR NEEDY FAMILIES~~ FAIM FINANCIAL ASSISTANCE PROGRAM TO VARY ACROSS THE
16 STATE; REQUIRING MEMBERS OF INDIAN TRIBES PARTICIPATING IN THE ~~TEMPORARY ASSISTANCE FOR~~
17 ~~NEEDY FAMILIES~~ FAIM FINANCIAL ASSISTANCE PROGRAM TO BE SUBJECT TO THE SAME RULES,
18 POLICIES, AND REQUIREMENTS OF THE PROGRAM; REQUIRING THE DEPARTMENT TO ADOPT
19 ADDITIONAL RULES FOR THE ~~TEMPORARY ASSISTANCE FOR NEEDY FAMILIES~~ FAIM FINANCIAL
20 ASSISTANCE PROGRAM, INCLUDING RULES FOR EXEMPTIONS FROM TIME LIMITS, FOR ALIENS, AND
21 FOR TEENAGE PARENTS; REVISING ELIGIBILITY PROVISIONS; MAKING THE PROVISION OF CHILD-CARE
22 ASSISTANCE DISCRETIONARY; PROVIDING THAT THE ~~TEMPORARY ASSISTANCE FOR NEEDY FAMILIES~~
23 FAIM FINANCIAL ASSISTANCE PROGRAM IS NOT AN ENTITLEMENT; PROVIDING A 24-MONTH
24 MAXIMUM FOR RECEIPT OF PATHWAYS ASSISTANCE FOR SINGLE-PARENT AND TWO-PARENT
25 FAMILIES, SUBJECT TO A 60-MONTH LIMITATION; REMOVING THE REQUIREMENT FOR WORKERS'
26 COMPENSATION COVERAGE FOR FAIM PROJECT RECIPIENTS; MAINTAINING ELIGIBILITY FOR BASIC
27 MEDICAID FOR RECIPIENTS OF ~~TEMPORARY ASSISTANCE FOR NEEDY FAMILIES~~ FAIM FINANCIAL
28 ASSISTANCE AND UNDER OTHER CIRCUMSTANCES; AMENDING SECTIONS 23-1-303, 39-7-303,
29 40-4-215, 53-2-108, 53-2-109, 53-2-201, 53-2-211, 53-2-606, 53-2-610, 53-2-613, 53-2-901, 53-2-902,
30 53-2-903, 53-2-904, 53-2-1103, 53-2-1109, 53-4-201, 53-4-202, 53-4-211, 53-4-212, 53-4-214,

1 53-4-221, 53-4-231, 53-4-233, 53-4-241, 53-4-246, 53-4-247, 53-4-248, 53-4-601, 53-4-602, 53-4-603,
 2 53-4-606, 53-4-607, 53-4-608, 53-4-609, 53-4-611, 53-4-612, 53-4-613, 53-4-701, 53-4-702, 53-4-703,
 3 53-4-705, 53-4-706, 53-4-717, 53-6-101, 53-6-113, 53-6-131, AND 53-6-134, MCA; AND REPEALING
 4 SECTIONS 39-7-601, 39-7-602, 39-7-603, 39-7-604, 39-7-605, 39-7-606, 53-4-249, 53-4-707, 53-4-708,
 5 53-4-715, 53-4-716, 53-4-718, AND 53-4-720, MCA."

6

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

8

9 **Section 1.** Section 23-1-303, MCA, is amended to read:

10 **"23-1-303. Powers and duties of the division.** The division, in cooperation with the department,
 11 may:

- 12 (1) hire a corps coordinator;
- 13 (2) coordinate with state agencies to place eligible participants in work experience projects,
 14 including those ~~state general assistance (GA) and federal aid to families with dependent children (AFDC)~~
 15 ~~temporary assistance for needy families~~ recipients OF FAIM FINANCIAL ASSISTANCE, AS DEFINED IN
 16 53-2-902, utilizing grant diversion funding and youth under state supervision utilizing payments from the
 17 department of public health and human services;
- 18 (3) develop and approve work experience projects that meet the requirements of this part;
- 19 (4) ensure that work experience projects involve labor-intensive improvements to public lands or
 20 facilities that will result in a public value and have a potential to yield revenue;
- 21 (5) execute contracts or cooperative agreements containing the terms and conditions necessary
 22 and desirable for the employment of crewleaders and corpsmembers in approved work experience projects
 23 with federal, state, or local agencies, persons, firms, partnerships, associations, or corporations;
- 24 (6) execute contracts or cooperative agreements with federal, state, or local agencies, persons,
 25 partnerships, associations, or corporations for the purpose of administering the requirements of this part;
- 26 (7) develop procedures for awarding incentive vouchers;
- 27 (8) authorize use of the corps for emergency projects, including but not limited to natural disasters,
 28 fire prevention and suppression, and rescue of lost or injured persons, and provide adequate training to
 29 corpsmembers prior to participation in an emergency project;
- 30 (9) apply for and accept grants or contributions of services, funds, or lands from any public or

- 1 private donors, including the acceptance of federal funds appropriated by the legislature;
- 2 (10) purchase, rent, acquire, or obtain personal property, supplies, instruments, tools, or equipment
- 3 necessary to complete work experience projects; and
- 4 (11) adopt rules and guidelines necessary to implement the provisions of this part and to effectively
- 5 administer the program."

6

7 **Section 2.** Section 39-7-303, MCA, is amended to read:

8 **"39-7-303. Definitions.** As used in this part, the following definitions apply:

9 (1) "Adult" means a person who is 18 years of age or older.

10 (2) "Commissioner" means the commissioner of labor and industry as provided in 2-15-1701.

11 (3) "Displaced homemaker" means an adult who:

12 (a) has worked as an adult primarily without remuneration to care for the home and family and for

13 that reason has diminished marketable skills and who has been dependent on public assistance or on the

14 income of a relative but is no longer supported by that income; or

15 (b) (i) is a parent whose youngest dependent child will become ineligible to receive FINANCIAL

16 assistance under the program for aid to families with dependent children temporary assistance for needy

17 families benefits FAIM FINANCIAL ASSISTANCE, AS DEFINED IN 53-2-902, pursuant to Title 53, chapter

18 4, part 2, within 2 years of the parent's application for displaced homemaker assistance;

19 (ii) is unemployed or underemployed and is experiencing difficulty in obtaining any employment or

20 suitable employment, as appropriate; or

21 (iii) meets the qualifications described in subsection (3)(a) or (3)(b) and is a criminal offender."

22

23 **Section 3.** Section 40-4-215, MCA, is amended to read:

24 **"40-4-215. Investigations and reports.** (1) In contested custody proceedings and in other custody

25 proceedings if a parent or the child's custodian requests, the court may order an investigation and report

26 concerning custodial arrangements for the child. The department of public health and human services may

27 not be ordered to conduct the investigation or draft a report unless the parent or the child's custodian

28 requesting the investigation is a recipient of aid to families with dependent children temporary assistance

29 for needy families benefits FAIM FINANCIAL ASSISTANCE, AS DEFINED IN 53-2-902, food stamps, or

30 public assistance and all reasonable options for payment of the investigation, if conducted by a person not

1 employed by the department, are exhausted. The department may consult with any investigator and share
 2 information relevant to the child's best interests. The cost of the investigation and report must be paid
 3 according to the final order.

4 (2) In preparing a report concerning a child, the investigator may consult any person who may have
 5 information about the child and the child's potential custodial arrangements. Upon order of the court, the
 6 investigator may refer the child to professional personnel for diagnosis. The investigator may consult with
 7 and obtain information from medical, psychiatric, or other expert persons who have served the child in the
 8 past without obtaining the consent of the parent or the child's custodian. The child's consent must be
 9 obtained if the child has reached the age of 16 unless the court finds that the child lacks mental capacity
 10 to consent. If the requirements of subsection (3) are fulfilled, the investigator's report may be received in
 11 evidence at the hearing.

12 (3) The court shall mail the investigator's report to counsel and to any party not represented by
 13 counsel at least 10 days prior to the hearing. The investigator shall make available to counsel and to any
 14 party not represented by counsel the investigator's file of underlying data and reports, complete texts of
 15 diagnostic reports made to the investigator pursuant to the provisions of subsection (2), and the names and
 16 addresses of all persons whom the investigator has consulted. Any party to the proceeding may call the
 17 investigator and any person the investigator has consulted for cross-examination. A party may not waive
 18 the right of cross-examination prior to the hearing."

19
 20 **Section 4.** Section 53-2-108, MCA, is amended to read:

21 "**53-2-108. Overpayment of assistance -- civil penalty when fraud.** (1) If, due to department or
 22 recipient error, a recipient receives public assistance for which ~~he~~ the recipient is not eligible, the portion
 23 of payment that ~~he~~ the recipient is not entitled to receive ~~shall~~ may be returned at the discretion of the
 24 department.

25 (2) If a person obtains any part of an assistance payment through fraudulent means as specified
 26 in 53-2-107, 125% of the amount of assistance to which the person was not entitled ~~shall~~ must be repaid
 27 and, until fully paid, is a debt due the state."

28
 29 **Section 5.** Section 53-2-109, MCA, is amended to read:

30 "**53-2-109. Recipients to report ~~income not previously declared~~ changes in factors affecting**

1 eligibility. Recipients of public assistance shall notify the department ~~within 10 days of the receipt of any~~
 2 ~~income or resources not previously declared to the department~~ of any change or anticipated change in
 3 income, resources, household composition, or other factor that may affect eligibility for public assistance
 4 or the benefit amount within the period of time specified by the department by rule. Failure of the
 5 department to verify information provided by the recipient does not absolve the recipient from ~~his~~ the
 6 obligation to provide accurate information to the department."

7
 8 **Section 6.** Section 53-2-201, MCA, is amended to read:

9 **"53-2-201. Powers and duties of department.** (1) The department shall:

10 (a) administer and supervise public assistance, including the provision of food stamps, food
 11 commodities, ~~aid to families with dependent children,~~ FAIM FINANCIAL ASSISTANCE, AS DEFINED IN
 12 53-2-902, energy assistance, weatherization, vocational rehabilitation, services for persons with severe
 13 disabilities, developmental disability services, ~~and~~ medical care payments in behalf of recipients of public
 14 assistance, employment and training services for recipients of public assistance, and the temporary
 15 assistance for needy families program OTHER PROGRAMS AS NECESSARY TO STRENGTHEN AND
 16 PRESERVE FAMILIES;

17 (b) give consultant service to private institutions providing care for the needy, and indigent,
 18 handicapped, or dependent adults;

19 (c) cooperate with other state agencies and develop provisions for services to the blind, including
 20 the prevention of blindness, the location of blind persons, medical services for eye conditions, and
 21 vocational guidance and training of the blind;

22 (d) provide services in respect to organization and supervise county departments of public welfare
 23 and county boards of public welfare in the administration of public assistance functions and for efficiency
 24 and economy;

25 (e) assist and cooperate with other state and federal departments, bureaus, agencies, and
 26 institutions, when requested, by performing services in conformity with public assistance purposes;

27 (f) administer all state and federal funds allocated to the department for public assistance and do
 28 all things necessary, in conformity with federal and state law, for the proper fulfillment of public assistance
 29 purposes; ~~and~~

30 (g) make rules governing payment for services and supplies provided to recipients of public

1 assistance; and

2 (h) adopt rules regarding assignment of monetary and medical support upon application for
 3 temporary assistance for needy families benefits FAIM FINANCIAL ASSISTANCE, AS DEFINED IN 53-2-902,
 4 and related medical assistance.

5 (2) The department may:

6 (a) purchase, exchange, condemn, or receive by gift either real or personal property ~~which~~ that is
 7 necessary to carry out its public assistance functions. Title to property obtained under this subsection must
 8 be taken in the name of the state of Montana for the use and benefit of the department.

9 (b) contract with the federal government to carry out its public assistance functions. The
 10 department may do all things necessary in order to avail itself of federal aid and assistance.

11 (c) make rules, consistent with state and federal law, establishing the amount, scope, and duration
 12 of services to be provided to recipients of public assistance."
 13

14 **Section 7.** Section 53-2-211, MCA, is amended to read:

15 **"53-2-211. Department to share eligibility data.** (1) The department shall make available to the
 16 unemployment compensation program of the department of labor and industry all information contained in
 17 its files and records pertaining to eligibility of persons for medicaid, ~~aid to families with dependent children~~
 18 temporary assistance for needy families benefits FAIM FINANCIAL ASSISTANCE, AS DEFINED IN 53-2-902,
 19 and food stamps. The information made available must include information on the amount and source of
 20 an applicant's income. The information received from the department must be used by the department of
 21 labor and industry for the purpose of determining fraud, abuse, or eligibility for benefits under the
 22 unemployment compensation program of the state and for no other purpose.

23 (2) The department shall make available to the unemployment compensation and the workers'
 24 compensation programs of the department of labor and industry all information contained in its files and
 25 records pertaining to eligibility of persons for low-income energy assistance, and weatherization, ~~and~~
 26 ~~general relief~~. The information made available must include information on the amount and source of an
 27 applicant's income. The information received from the department must be used by the department of labor
 28 and industry for the purpose of determining fraud, abuse, or eligibility for benefits under the unemployment
 29 compensation and workers' compensation programs of the state and for no other purpose.

30 (3) (a) Subject to federal restrictions, the department may request information from the department

1 of labor and industry pertaining to unemployment, workers' compensation, and occupational disease
 2 benefits. If the department of labor and industry discovers evidence relating to fraud or abuse for
 3 unemployment, workers' compensation, or occupational benefits, the department of labor and industry may
 4 request information from the department of revenue pertaining to income as provided in 15-30-303(8)(c).

5 (b) The information must be used by the department for the purpose of determining fraud, abuse,
 6 or eligibility for benefits.

7 (4) The department may, to the extent permitted by federal law, make available to an agency of
 8 the state or to any other organization information contained in its files and records pertaining to the
 9 eligibility of persons for medicaid, ~~aid to families with dependent children~~ the temporary assistance for
 10 needy families program FAIM FINANCIAL ASSISTANCE, AS DEFINED IN 53-2-902, food stamps,
 11 low-income energy assistance, weatherization, or other public assistance. The information may be disclosed
 12 only for purposes directly connected with the administration of a program or purpose of the agency and
 13 may not be used by the agency for any other purpose."

14

15 **Section 8.** Section 53-2-606, MCA, is amended to read:

16 "53-2-606. **Right of appeal.** (1) If an application for assistance for food stamps, ~~aid to families~~
 17 ~~with dependent children~~ temporary assistance for needy families benefits FAIM FINANCIAL ASSISTANCE,
 18 AS DEFINED IN 53-2-902, or medicaid is not acted upon promptly or if a decision is made with which the
 19 applicant or recipient is not satisfied, the applicant or recipient may appeal to the board of public assistance
 20 for a fair hearing by addressing a request for a hearing to the department of public health and human
 21 services. The board of public assistance shall, upon receipt of a request for a hearing, give the applicant
 22 or recipient prompt notice and opportunity for a fair hearing.

23 (2) The department may upon its own motion review any decision of a county welfare board and
 24 may consider any application upon which a decision has not been made by the county board within a
 25 reasonable time from the filing of the decision. The department may have an additional investigation made
 26 and shall make a decision as to the granting of assistance and the amount of assistance to be granted the
 27 applicant as in its opinion is justified and in conformity with the provisions of this title.

28 (3) If the department reviews a county decision on its own motion, applicants or recipients affected
 29 by the decisions of the department shall upon request be given reasonable notice and an opportunity for
 30 a fair hearing by the board of public assistance.

1 (4) All decisions of the department or the board of public assistance are final and are binding and
2 must be complied with by the county department."

3
4 **Section 9.** Section 53-2-610, MCA, is amended to read:

5 "**53-2-610. County to reimburse department.** (1) On or before the 20th of each month, the
6 department ~~of public health and human services~~ shall present a claim for reimbursement to each county
7 department for its proportionate share of public assistance granted in the county to recipients during the
8 month and for vendor medical payments made on behalf of recipients in the previous month. The county
9 department shall make the reimbursement to the department ~~of public health and human services~~ within
10 20 days after the claim is presented.

11 (2) The counties may not be required to reimburse the department ~~of public health and human~~
12 ~~services~~ for:

13 (a) any portion of public assistance paid to a household eligible for ~~aid to families with dependent~~
14 ~~children temporary assistance for needy families benefits~~ FAIM FINANCIAL ASSISTANCE, AS DEFINED IN
15 53-2-902, if the household includes an enrolled Indian who is the caretaker relative of a needy dependent
16 child; or

17 (b) any payment on behalf of any person in a state-operated medical institution.

18 (3) (a) From the original date of entrustment or the original date of state residency, whichever is
19 earlier, recipients of public assistance who become wards or patients in a licensed nursing home or hospital,
20 foster home, or private charitable institution are the financial responsibility of the appropriate county as
21 provided in subsections (3)(b) through (3)(d).

22 (b) The county in which commitment of an adult is initiated is considered the county of financial
23 responsibility except ~~where~~ when a court decree declares the residency to be otherwise. When an adult
24 is transferred from a facility or institution to one of the facilities listed in subsection (3)(a), the county that
25 initiated the original commitment is considered the county of financial responsibility except in the case of
26 an adult transfer from an out-of-state institution, in which case the county in which the facility is located
27 is considered the county of financial responsibility.

28 (c) In all cases in which a minor patient or ward is involved, the county of financial responsibility
29 is the county in which the parent or guardian resides. If the custody of a minor is entrusted to a state
30 agency, the agency may make a reasonable declaration of the county residency of its ward using applicable

1 guidelines enumerated in this section.

2 (d) If a person is or becomes an adult while in an institution, the person may determine the county
3 of residence when the person is restored to competency and released. The person becomes the financial
4 responsibility of the new county of residence."

5

6 **Section 10.** Section 53-2-613, MCA, is amended to read:

7 **"53-2-613. Application for assistance -- assignment of support rights.** (1) Applications for public
8 assistance, including but not limited to ~~aid to families with dependent children temporary assistance for~~
9 ~~needy families benefits~~ FAIM FINANCIAL ASSISTANCE, AS DEFINED IN 53-2-902, and medical assistance,
10 must be made to the county department of public welfare in the county in which the person is residing. The
11 application must be submitted, in the manner and form prescribed by the department ~~of public health and~~
12 ~~human services~~, and must contain information required by the department ~~of public health and human~~
13 ~~services~~.

14 (2) A person ~~by signing~~ who signs an application for ~~public assistance temporary assistance for~~
15 ~~needy families benefits~~ FAIM FINANCIAL ASSISTANCE, AS DEFINED IN 53-2-902, or related medical
16 assistance assigns to the state, to the department ~~of public health and human services~~, and to the county
17 welfare department all rights that the applicant may have to monetary and medical support ~~and medical~~
18 ~~payments~~ from any other person in the applicant's own behalf or in behalf of any other family member for
19 whom application is made. A person who signs an application for public assistance other than temporary
20 assistance for needy families benefits FAIM FINANCIAL ASSISTANCE, AS DEFINED IN 53-2-902, or related
21 medical assistance may, in accordance with rules adopted by the department, be required to assign to the
22 state, to the department, and to the county welfare department all rights that the applicant may have to
23 monetary and medical support from any other person in the applicant's own behalf or on behalf of any other
24 family member for whom application is made.

25 (3) The assignment:

26 (a) is effective for both current and accrued support and medical obligations;

27 (b) takes effect upon a determination that the applicant is eligible for public assistance;

28 (c) remains in effect with respect to the amount of any unpaid support and medical obligation
29 accrued under the assignment that was owed prior to the termination of public assistance to a recipient.

30 (4) Whenever a child support or spousal support obligation is assigned to the department ~~of public~~

1 ~~health and human services~~ pursuant to this section, the following provisions apply:

2 (a) If the support obligation is based upon a judgment or decree or an order of a court of competent
3 jurisdiction, the department may retain assigned support amounts in an amount sufficient to reimburse
4 public assistance money expended.

5 (b) A recipient or former recipient of public assistance may not commence or maintain an action
6 to recover or enforce a delinquent support obligation or make any agreements with any other person or
7 agency concerning the support obligation, except as provided in 40-5-202.

8 (c) If a notice of assigned interest is filed with the district court, the clerk of the court may not pay
9 over or release for the benefit of any recipient or former recipient of public assistance any amounts received
10 pursuant to a judgment or decree or an order of the court until the department's child support enforcement
11 division has filed a written notice that:

12 (i) the assignment of current support amounts has been terminated; and

13 (ii) all assigned support delinquencies, if any, are satisfied or released.

14 (d) A recipient or former recipient of public assistance may not take action to modify or make any
15 agreement to modify, settle, or release any past, present, or future support obligation unless the
16 department's child support enforcement division is given written notice under the provisions of 40-5-202.
17 Any modifications or agreements entered into without the participation of the department are void with
18 respect to the state, the department, and the county welfare department."

19

20 **Section 11.** Section 53-2-901, MCA, is amended to read:

21 "**53-2-901. Administration of food stamp program -- rulemaking authority.** (1) The department is
22 authorized to administer the food stamp program in compliance with all federal laws and requirements.

23 (2) The department shall adopt rules that are necessary and desirable for the administration of the
24 food stamp program.

25 (3) The department shall adopt rules that may include but are not limited to rules concerning:

26 (a) eligibility for assistance, including income and resource limitations, income and resource
27 exclusions, and transfers of resources;

28 (b) amounts of assistance and methods for determining benefit amount;

29 (c) ~~certification periods~~ periodic redetermination of eligibility;

30 (d) reporting requirements;

1 (e) work registration, employment, and training requirements and exemptions from those
2 requirements;

3 (f) procedures and policies of the employment and training program;

4 (g) disqualification because of intentional program violations, for voluntarily quitting a job without
5 good cause, or for any other violation of program rules; and

6 (h) penalties applicable to recipients of ~~aid to families with dependent children temporary assistance~~
7 ~~for needy families benefits~~ FAIM FINANCIAL ASSISTANCE who have been sanctioned because of failure
8 to meet any requirement of ~~the aid to families with dependent children~~ that program.

9 (4) The department may adopt rules that include but are not limited to rules concerning:

10 (a) requirements for recipients to assign the right of support;

11 (b) requirements for recipients to cooperate with the state agency administering the child support
12 enforcement program established under Title IV-D of the Social Security Act, 42 U.S.C. 651, et seq.; and

13 (c) disqualification for failure to perform actions required by other means-tested programs, for
14 failure to cooperate with the state agency administering the child support enforcement program under Title
15 IV-D of the Social Security Act, 42 U.S.C. 651, et seq., or for failure to pay court-ordered child support
16 as provided in sections 819, 822, and 823 of the Personal Responsibility and Work Opportunity
17 Reconciliation Act of 1996, 7 U.S.C. 2015."

18
19 **Section 12.** Section 53-2-902, MCA, is amended to read:

20 **"53-2-902. Definitions.** As used in this part, the following definitions apply:

21 ~~(1) "Child support pass-through payments" means child support received for a dependent child or~~
22 ~~children in a family receiving aid to families with dependent children, up to \$50 a month, that is paid or~~
23 ~~"passed through" to the family pursuant to section 402 of the Social Security Act, 42 U.S.C.~~
24 ~~602(a)(8)(A)(vi).~~

25 ~~(2)(1)~~ (1) "Department" means the department of public health and human services provided in Title
26 2, chapter 15, part 22.

27 ~~(3)(2)~~ (2) "Employment and training demonstration project" means the employment and training
28 program for recipients of ~~aid to families with dependent children temporary assistance for needy families~~
29 ~~benefits~~ FAIM FINANCIAL ASSISTANCE who are participating in the FAIM project.

30 (3) "FAIM FINANCIAL ASSISTANCE" MEANS THE PROGRAM THAT PROVIDES PARTICIPANTS

1 IN THE JOB SUPPLEMENT PROGRAM, PATHWAYS PROGRAM, AND COMMUNITY SERVICES PROGRAM
 2 OF THE FAIM PROJECT WITH BENEFITS THAT MAY INCLUDE CASH, SERVICES, AND NONCASH
 3 ASSISTANCE.

4 ~~(4)(3)(4)~~ "FAIM project" means the families achieving independence in Montana project, including
 5 the ~~aid to families with dependent children temporary assistance for needy families program~~ FAIM
 6 FINANCIAL ASSISTANCE part established in 53-4-603, a food stamp part administered pursuant to the
 7 Food Stamp Act of 1977, 7 U.S.C. 2026, and a medicaid part administered pursuant to the Social Security
 8 Act, 42 U.S.C. 1315.

9 ~~(5)(4)(5)~~ "Food stamp program" means the provision of ~~coupons~~ food stamp benefits that can be
 10 used to purchase food to low-income persons pursuant to the Food Stamp Act Amendments of 1980, 7
 11 U.S.C. 2011, et seq.

12 ~~(6)~~ "JOBS program" means the ~~job opportunities and basic skills training program for recipients of~~
 13 ~~aid to families with dependent children that is conducted in accordance with the requirements of section~~
 14 ~~201 of the federal Family Support Act of 1988, 42 U.S.C. 602(a)(19), 681 through 686."~~

15

16 **Section 13.** Section 53-2-903, MCA, is amended to read:

17 **"53-2-903. Employment and training program.** The department shall establish and administer an
 18 employment and training program for food stamp recipients that is in compliance with federal requirements.
 19 For purposes of the FAIM project, if in accordance with waivers of federal law that are granted by the food
 20 and ~~nutrition~~ consumer service of the U.S. department of agriculture, the department may merge its food
 21 stamp program employment and training program with its ~~JOBS temporary assistance for needy families~~
 22 FAIM FINANCIAL ASSISTANCE employment and training program or may modify the rules and requirements
 23 of the food stamp program employment and training program as necessary to make them consistent with
 24 those of the employment and training demonstration project."

25

26 **Section 14.** Section 53-2-904, MCA, is amended to read:

27 **"53-2-904. Income and resource exclusions -- FAIM participants.** If in accordance with waivers
 28 of federal law that are granted by the food and ~~nutrition~~ CONSUMER service of the U.S. department of
 29 agriculture, the department may by rule establish special income and resource exclusions to be applied to
 30 participants of the FAIM project in determining their eligibility for food stamps and in determining the benefit

1 amount. Exclusions that may be established include but are not limited to exclusions for one-time only cash
2 payments for special employment-related needs as provided in 53-4-603 ~~and child support pass-through~~
3 ~~payments of up to \$50 a month~~ in determining the recipients' eligibility for food stamps and determining
4 the benefit amount."

5
6 **Section 15.** Section 53-2-1103, MCA, is amended to read:

7 **"53-2-1103. Definitions.** For the purposes of this part, unless the context requires otherwise, the
8 following definitions apply:

9 (1) "Economically disadvantaged person" has the same meaning as provided in section 4 of the
10 Job Training Partnership Act (29 U.S.C. 1503).

11 (2) "Job Training Partnership Act" means the federal Job Training Partnership Act, Public Law
12 97-300 (29 U.S.C. 1501, et seq.), as amended.

13 (3) "Job training plan" means the plan for providing services and training in a service delivery area,
14 as required in 53-2-1107.

15 (4) "Program" means the program created by 53-2-1104 to implement the provisions of Title II-A
16 of the Job Training Partnership Act.

17 (5) "Program year" means the fiscal year beginning on July 1 of the year for which an appropriation
18 is made for the program established under this part, as provided in section 161 of the Job Training
19 Partnership Act (29 U.S.C. 1571).

20 (6) "Public assistance program" means the state program of ~~aid to families with dependent children~~
21 ~~temporary assistance for needy families~~ FAIM FINANCIAL ASSISTANCE, AS DEFINED IN 53-2-902.

22 (7) "Service delivery area" means an area designated as provided in section 101 of the Job Training
23 Partnership Act (29 U.S.C. 1511)."

24
25 **Section 16.** Section 53-2-1109, MCA, is amended to read:

26 **"53-2-1109. Coordination of services.** The state job training coordinating council shall identify,
27 in coordination with the appropriate state and local agencies, the employment, training, and vocational
28 education needs throughout the state and assess the extent to which employment and training, vocational
29 education, rehabilitation services, public assistance, economic development, and other federal, state, and
30 local programs and services represent a consistent, integrated, and coordinated approach to meeting such

1 needs. In carrying out this coordinating function, the council shall consider state policy set forth in
 2 2-15-101 to eliminate overlapping and duplication of services within state government and in accordance
 3 with the provisions of section 121 of the Job Training Partnership Act (29 U.S.C. 1531) and other
 4 employment and training programs, including:

- 5 ~~(1) programs operated under the federal Family Support Act of 1988; and~~
 6 ~~(2) programs and services of public assistance agencies."~~

7
 8 **Section 17.** Section 53-4-201, MCA, is amended to read:

9 **"53-4-201. Definitions.** As used in part 6 and this part, the following definitions apply:

10 ~~(1) The term "aid to families with dependent children" means money payments made on behalf of~~
 11 ~~a dependent child pursuant to Title IV of the federal Social Security Act (42 U.S.C. 601, et seq.) and may~~
 12 ~~include payments to meet the needs of a specified caretaker relative with whom the dependent child is~~
 13 ~~living. The term also includes emergency assistance to families with children as provided by the federal~~
 14 ~~Social Security Act.~~

15 ~~(2)(1) "Department" means the department of public health and human services provided for in~~
 16 ~~2-15-2201.~~

17 ~~(3)(2) (A) (a) The term "dependent "Dependent child", for public assistance purposes, means:~~

18 ~~(i) a child under the age of 18 years of age; or; OR~~

19 ~~(ii) a person under the age of 19 who is a student under the regulations prescribed by the~~
 20 ~~department.~~

21 ~~(b) The child described in subsection (3)(a)(i) or (3)(a)(ii) must be deprived of parental support or~~
 22 ~~care by reason of the death, continued absence from the home, continued unemployment, or physical or~~
 23 ~~mental incapacity of a parent and be who is living with a specified caretaker relative, as defined in rules~~
 24 ~~adopted by the department~~

25 ~~(II) A PERSON UNDER 19 YEARS OF AGE WHO IS A STUDENT, AS DEFINED BY THE~~
 26 ~~DEPARTMENT BY RULE.~~

27 ~~(B) THE PERSON DESCRIBED IN SUBSECTION (2)(A)(I) OR (2)(A)(II) MUST BE LIVING WITH A~~
 28 ~~SPECIFIED CARETAKER RELATIVE, AS DEFINED BY THE DEPARTMENT BY RULE.~~

29 ~~(3) "FAIM FINANCIAL ASSISTANCE" MEANS THE PROGRAM THAT PROVIDES PARTICIPANTS~~
 30 ~~IN THE JOB SUPPLEMENT PROGRAM, PATHWAYS PROGRAM, AND COMMUNITY SERVICES PROGRAM~~

1 OF THE FAIM PROJECT WITH BENEFITS THAT MAY INCLUDE CASH, SERVICES, AND NONCASH
 2 ASSISTANCE.

3 ~~(4)(3)(4)~~ "FAIM project" means the families achieving independence in Montana project as
 4 established in 53-4-601. ~~The temporary assistance for needy families program may also be known in the~~
 5 ~~state of Montana as the FAIM project.~~

6 ~~(4)(5)~~ "Family" means a group of people who live with a dependent child, each of whom is related
 7 to the dependent child by blood, marriage, or adoption or by law, such as:

8 (a) a parent, including a natural or adoptive parent, a stepparent, or a person considered by law
 9 to be a parent in the case of a child conceived by artificial insemination; or

10 (b) a sibling.

11 ~~(5)(6)~~ "Federal poverty level" means the measure of indigence established annually by the U.S.
 12 office of management and budget.

13 ~~(6)(7)~~ "Public assistance" or "assistance" means a type of monetary or other assistance furnished
 14 under this title to a person by a state or county agency, regardless of the original source of the assistance.

15 ~~(7)(8)~~ "Specified caretaker relative" means a person within a degree of kinship to the dependent
 16 child, as specified by department rule, who lives with the child and exercises care and control over the
 17 child.

18 (9) "STATE PLAN" MEANS THE POLICIES AND PROCEDURES GOVERNING THE STATE OF
 19 MONTANA'S FAIM FINANCIAL ASSISTANCE PROGRAM AND OTHER PROGRAMS FUNDED BY
 20 TEMPORARY ASSISTANCE FOR NEEDY FAMILIES. IT IS PREPARED BY THE DEPARTMENT AND
 21 CERTIFIED BY THE FEDERAL AGENCY THAT PROVIDES FUNDING FOR THOSE PROGRAMS.

22 ~~(8)(10)~~ "Temporary assistance for needy families" means the ~~program that provides money~~
 23 ~~payments to a dependent child pursuant to Title IV of the Social Security Act, 42 U.S.C. 601, et seq., as~~
 24 ~~amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, and may include~~
 25 ~~payments to meet the needs of a specified caretaker relative or relatives with whom the dependent child~~
 26 ~~is living. The term also includes emergency assistance for needy families as provided by the federal Social~~
 27 ~~Security Act. Temporary assistance for needy families may also be known in the state of Montana as the~~
 28 FAIM project FEDERAL BLOCK GRANT THAT FUNDS FAIM FINANCIAL ASSISTANCE AND OTHER
 29 PROGRAMS TO STRENGTHEN AND PRESERVE FAMILIES PURSUANT TO TITLE IV OF THE SOCIAL
 30 SECURITY ACT, 42 U.S.C. 601, ET SEQ., AS AMENDED BY THE PERSONAL RESPONSIBILITY AND WORK

1 OPPORTUNITY RECONCILIATION ACT OF 1996.

2 ~~(9) "Temporary assistance for needy families state plan" means the document summarizing the~~
 3 ~~policies and procedures governing the state of Montana's temporary assistance for needy families program~~
 4 ~~that is prepared by the department and is approved by the federal agency that provides funding for the~~
 5 ~~temporary assistance for needy families program."~~

6
 7 **Section 18.** Section 53-4-202, MCA, is amended to read:

8 ~~"53-4-202. Aid to families with dependent children Temporary assistance for needy families~~
 9 ~~program FAIM FINANCIAL ASSISTANCE to be in effect in all counties. (1) It is mandatory and required that~~
 10 ~~the temporary assistance for needy families state plan and operation of aid to families with dependent~~
 11 ~~children the temporary assistance for needy families program PROGRAMS DESCRIBED IN THE STATE PLAN~~
 12 ~~must be in effect in each county of the state, and the administration and supervision of aid to families with~~
 13 ~~dependent children must be uniform throughout the counties of the state. However, the,~~

14 ~~(2) It is not required that the PROGRAMS FUNDED UNDER THE temporary assistance for needy~~
 15 ~~families program BLOCK GRANT be uniformly administered in each county of the state, provided that it is~~
 16 ~~administered in accordance with all requirements of the temporary assistance for needy families state plan~~
 17 ~~and federal law. The department may also administer demonstration programs pursuant to section 1115~~
 18 ~~of the federal Social Security Act, 42 U.S.C. 1315, or any other provision of that act that permits the states~~
 19 ~~to administer experimental, pilot, or demonstration projects.~~

20 ~~(3) An enrolled member of an Indian tribe participating in A PROGRAM THAT IS FUNDED BY the~~
 21 ~~temporary assistance for needy families program operated BLOCK GRANT ADMINISTERED by the state of~~
 22 ~~Montana must be subject to the same rules, policies, and requirements as all other applicants for and~~
 23 ~~recipients of temporary assistance for needy families benefits FUNDED BY THE TEMPORARY ASSISTANCE~~
 24 ~~FOR NEEDY FAMILIES BLOCK GRANT."~~

25
 26 **Section 19.** Section 53-4-211, MCA, is amended to read:

27 ~~"53-4-211. Administration of aid to families with dependent children PROGRAMS FUNDED UNDER~~
 28 ~~temporary assistance for needy families program BLOCK GRANT. The department is hereby authorized and~~
 29 ~~is charged with the general administration and supervision of aid to families with dependent children~~
 30 ~~PROGRAMS FUNDED UNDER the temporary assistance for needy families program BLOCK GRANT under~~

1 the powers, duties, and functions as prescribed in chapter 2 of this title."

2

3 **Section 20.** Section 53-4-212, MCA, is amended to read:

4 **"53-4-212. Department to make rules.** (1) The department shall make rules and take action as
5 necessary or desirable for the administration of the ~~aid to families with dependent children~~ FAIM FINANCIAL
6 ASSISTANCE PROGRAM AND OTHER PROGRAMS FUNDED UNDER THE temporary assistance for needy
7 families program, including the FAIM project BLOCK GRANT.

8 (2) The department shall adopt rules that may include but are not limited to rules concerning:

9 (a) eligibility requirements, including gross and net income limitations, resource limitations, and
10 income and resource exclusions;

11 (b) amounts of assistance and methods for computing benefit amounts;

12 ~~(c) what constitutes deprivation of parental support or care sufficient to qualify a child as~~
13 ~~dependent;~~

14 ~~(d)(c)~~ the degree of kinship required for a person to qualify as a specified caretaker relative in order
15 to be eligible for assistance;

16 ~~(e)(d) procedures and policies for employment and training programs,~~ requirements for participation
17 in the ~~JOBS program~~ employment and training programs, and exemptions, if any, from ~~these~~ participation
18 requirements;

19 ~~(f) procedures and policies of the JOBS program;~~

20 ~~(g) special requirements or criteria applicable to participants in the FAIM project, such as:~~

21 ~~(i) community service~~

22 (e) requirements for specified caretaker relatives participating in the community services program,
23 including the number of hours of community service work per month and other terms of performance;

24 ~~(ii)(f)~~ eligibility for and terms and conditions of child-care assistance for FAIM project participants,
25 including maximum amounts of assistance payable and amounts of copayments required by specified
26 caretaker relatives;

27 ~~(iii)(g)~~ maximum amounts of one-time only cash payments for special employment-related needs and
28 the length of time that a family is required to remain off cash assistance after a payment is received;

29 ~~(iv)(h)~~ exemptions from time limits in pathways AND THE COMMUNITY SERVICES PROGRAM;

30 ~~(v)(i)~~ terms of a specified caretaker relative's or other family member's ineligibility for assistance

1 because of failure to enter into a family investment agreement or to comply with the ~~specified caretaker~~
 2 ~~relative's~~ individual's obligations under the agreement, including the length of the period of ineligibility;

3 ~~(vii)(j)~~ requirements, if any, for participation in and exemptions from participation in and procedures
 4 and policies of the employment and training demonstration project; ~~and~~

5 ~~(vii)(k)~~ eligibility for and terms and conditions of extended child-care and medical assistance
 6 benefits;

7 ~~(h)(l)~~ reporting requirements; ~~and~~

8 ~~(h)(m)~~ sanctions, disqualification, or other penalties for failure to comply with the program rules or
 9 requirements;

10 (n) exemptions from the 60-month limitation on assistance provided in 53-4-231 based on hardship
 11 or for families that include an individual who has been battered or subjected to extreme cruelty, as defined
 12 in section 103 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 42 U.S.C.
 13 608, including but not limited to the duration of the exemption;

14 (o) individuals who must be included as members of an assistance unit;

15 (p) categories of aliens who may receive assistance, if any;

16 (q) requirements relating to the assignment of child and medical support rights and cooperation in
 17 establishing paternity and obtaining child and medical support;

18 (r) requirements for eligibility and other terms and conditions of ~~emergency assistance~~ OTHER
 19 PROGRAMS TO STRENGTHEN AND PRESERVE FAMILIES;

20 (s) special eligibility or participation requirements applicable to teenage parents, if any; and

21 (t) conditions under which assistance may be continued when a dependent child is temporarily
 22 absent from the home and the length of time for which assistance may be continued."

23
 24 **Section 21.** Section 53-4-214, MCA, is amended to read:

25 **"53-4-214. Distribution of copies of law and forms by department.** The department shall have
 26 printed and shall distribute copies of this part to all county welfare departments and shall prescribe the form
 27 of and print and supply to the county welfare department blanks of applications, reports, and ~~such~~ other
 28 forms ~~as~~ that may be necessary in relation to ~~aid to families with dependent children~~ the FAIM FINANCIAL
 29 ASSISTANCE AND OTHER PROGRAMS FUNDED UNDER THE temporary assistance for needy families
 30 program BLOCK GRANT."

1 **Section 22.** Section 53-4-221, MCA, is amended to read:

2 "**53-4-221. County department charged with local administration.** The county department of public
3 welfare ~~shall be~~ is charged with the local administration and supervision of ~~aid to families with dependent~~
4 ~~children~~ PROGRAMS FUNDED UNDER the temporary assistance for needy families program BLOCK GRANT,
5 subject to the powers, duties, and functions prescribed for the county department in chapter 2 of this title."

6

7 **Section 23.** Section 53-4-231, MCA, is amended to read:

8 "**53-4-231. Eligibility.** ~~(1) Assistance shall~~ Subject to the provisions of subsections (2) through (5),
9 assistance may be granted under this part to any dependent child, as defined in 53-4-201, who is in need
10 of such assistance.:

11 (a) a dependent child;

12 (b) a specified caretaker relative or relatives, including but is not limited to the natural or adoptive
13 parents of a dependent child;

14 (c) the stepparent of a dependent child who lives with the child and the child's natural or adoptive
15 parent;

16 (d) persons under 18 years of age who live in the home with a dependent child, including but not
17 limited to siblings related to the dependent child by blood, marriage, or adoption or by law;

18 ~~(2)(e) Aid to families with dependent children assistance payments may be made to a needy~~
19 ~~pregnant woman with no other children who is receiving such payments. Payments may begin no earlier~~
20 ~~than the third month prior to the month in which the child is expected to be born.~~

21 ~~(3) Aid to families with dependent children shall be granted to or for the care of children of~~
22 ~~unemployed parents who would not otherwise be entitled to such aid because the child is living in the home~~
23 ~~with both parents. The department may adopt rules to administer the grant of assistance to children of~~
24 ~~unemployed parents pursuant to Title IV, section 407, of the federal Social Security Act (42 U.S.C. 607),~~
25 ~~as amended.~~

26 (2) Persons who are not citizens of the United States are eligible for assistance only as provided
27 in sections 401 through 435 of the Personal Responsibility and Work Opportunity Reconciliation Act of
28 1996, as codified in Title 8 of the United States Code.

29 (3) The following are not eligible for assistance:

30 (a) persons who are receiving supplemental security income payments under the Social Security

1 Act;

2 (b) a dependent child who is or is expected to be absent from the home of the specified caretaker
 3 relative continuously for a period of time prescribed by the department by rule;

4 (c) a specified caretaker relative who fails to notify the department that a dependent child is
 5 expected to be absent from the specified caretaker relative's home for a period of time equal to or
 6 exceeding the period of time established by the department by rule by the end of the 5 day period that
 7 begins with the date that it becomes clear to the specified caretaker relative that the child will be absent
 8 for the specified period COMPLY WITH REQUIREMENTS FOR REPORTING THE ABSENCE OF A DEPENDENT
 9 CHILD FROM THE SPECIFIED CARETAKER RELATIVE'S HOME AS PRESCRIBED BY THE DEPARTMENT BY
 10 RULE;

11 (d) families in which the specified caretaker relative fails or refuses to assign child and medical
 12 support rights to the department or to cooperate in establishing paternity or obtaining child or medical
 13 support as required by the department by rule;

14 (e) teenage parents who fail or refuse to attend secondary school or another training program as
 15 required by the department by rule;

16 (f) teenage parents who are not living in an adult-supervised setting as defined by the department
 17 by rule;

18 (g) a fugitive felon or probation or parole violator as defined in section 103 of the Personal
 19 Responsibility and Work Opportunity Reconciliation Act of 1996, 42 U.S.C. 608;

20 (h) individuals who have fraudulently misrepresented their place of residence, as defined in section
 21 103 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 42 U.S.C. 608, for
 22 a period of 10 years beginning on the date of conviction; and

23 (i) an individual convicted AFTER AUGUST 22, 1996, of any offense that is classified as a felony
 24 and that has as an element the possession, use, or distribution of a controlled substance as defined in
 25 section 102(6) of the Controlled Substance Act, 21 U.S.C. 802(6).

26 (4) A family is not eligible for assistance if the family includes an adult who has received assistance
 27 in A PROGRAM FUNDED UNDER the temporary assistance for needy families program BLOCK GRANT in
 28 any state or states for 60 months or more, whether or not the months are consecutive, except as provided
 29 by the department by rule in accordance with section 103 of the Personal Responsibility and Work
 30 Opportunity Reconciliation Act of 1996, 42 U.S.C. 608.

1 (5) This part may not be interpreted to entitle any individual or family to assistance under
 2 PROGRAMS FUNDED BY the temporary assistance for needy families program BLOCK GRANT."

3
 4 **Section 24.** Section 53-4-233, MCA, is amended to read:

5 "**53-4-233. Investigation of applications.** Whenever a county department receives an application
 6 for assistance under this part, an investigation ~~shall~~ must be promptly made. ~~The investigation of each~~
 7 ~~application for aid to families with dependent children shall be conducted~~ by the county department of
 8 public welfare. Each applicant ~~shall~~ must be informed of ~~his~~ the applicant's right to a fair hearing and of
 9 the confidential nature of information secured ~~with regard to his circumstances.~~ Upon completion of an
 10 investigation, aid ~~shall~~ must be furnished promptly to all eligible persons. Each applicant ~~shall~~ must receive
 11 written notice of the decision concerning ~~his application~~ the applicant's request for assistance."

12
 13 **Section 25.** Section 53-4-241, MCA, is amended to read:

14 "**53-4-241. Amount of assistance determined by department rules.** The amount of ~~aid to families~~
 15 ~~with dependent children temporary assistance for needy families benefits~~ FAIM FINANCIAL ASSISTANCE
 16 granted in any case, ~~including cases in which the recipient is participating in the FAIM project,~~ must be
 17 determined according to the rules and standards of assistance established by the department, ~~as required~~
 18 ~~by the federal Social Security Act.~~"

19
 20 **Section 26.** Section 53-4-246, MCA, is amended to read:

21 "**53-4-246. County share of participation.** Each county where the recipient of ~~aid to families with~~
 22 ~~dependent children temporary assistance for needy families benefits~~ FAIM FINANCIAL ASSISTANCE resides
 23 shall reimburse the department of ~~public health and human services~~ in the amount of ~~22.5%~~ equal to the
 24 percentage of the approved ~~aid to families with dependent children temporary assistance for needy families~~
 25 ~~grants, exclusive of the not paid with federal share temporary assistance for needy families program funds.~~"

26
 27 **Section 27.** Section 53-4-247, MCA, is amended to read:

28 "**53-4-247. County liability when recipient moves to another county.** A recipient of ~~aid to families~~
 29 ~~with dependent children temporary assistance for needy families benefits~~ FAIM FINANCIAL ASSISTANCE
 30 who moves to another county in the state shall continue to receive assistance. The county that the

1 recipient moves to ~~shall~~ must be charged by the department for the county share of assistance. The county
2 that a recipient moves from shall notify the county that the recipient moves to."

3
4 **Section 28.** Section 53-4-248, MCA, is amended to read:

5 "**53-4-248. Parents liable to department for ~~aid to families with dependent children~~ public**
6 **assistance payments.** (1) A payment of public assistance money made to or for the benefit of a dependent
7 child creates a debt due and owing to the department by the natural or adoptive parents who are legally
8 responsible for the support of the child by statute or court decree in an amount equal to the amount of
9 public assistance paid. However, where the support obligation is based upon a court decree, the debt is
10 limited to the amount of the court decree.

11 (2) The department is subrogated to the right of the child or person having the care, custody, and
12 control of the child to prosecute any support action or execute any administrative remedy existing under
13 the laws of the state to obtain reimbursement of any money ~~thus~~ expended. If a court decree enters
14 judgment for an amount of support to be paid by an obligor parent, the department is subrogated to the
15 debt created by the order and the money judgment is in favor of the department. ~~Ne~~ An obligee may not
16 commence an action to recover support due and owing to ~~him~~ the obligee without first filing an affidavit
17 with the court stating whether ~~he~~ the obligee has received public assistance from any source and, if ~~he~~ the
18 obligee has received public assistance, that ~~he~~ the obligee has notified the department in writing of the
19 pending action.

20 (3) ~~In no case may a~~ A debt arising under this section may not be incurred by or collected from a
21 parent or other person while ~~he~~ the parent or other person is the recipient of public assistance money for
22 the benefit of minor dependent children.

23 (4) The remedies ~~herein~~ provided in this section are in addition to and not in lieu of existing
24 common law and statutory law.

25 (5) The department or its legal representatives may, at any time consistent with the income,
26 earning capacity, and resources of the debtor, petition the court having jurisdiction over the particular case
27 to set or reset a level and schedule of payments to be paid upon the debt."

28
29 **Section 29.** Section 53-4-601, MCA, is amended to read:

30 "**53-4-601. Demonstration project -- purpose.** (1) The department is authorized to administer a

1 demonstration project pursuant to section 1115 of the Social Security Act, 42 U.S.C. 1315, to provide
 2 assistance under Title IV of that act, 42 U.S.C. 601, et seq., to families who are currently receiving, eligible
 3 for, or at risk of becoming eligible for ~~aid to families with dependent children temporary assistance for~~
 4 ~~needy families benefits~~ FAIM FINANCIAL ASSISTANCE. This demonstration project may be cited as the
 5 families achieving independence in Montana (FAIM) project.

6 (2) The purpose of the demonstration project is to promote self-sufficiency and responsibility of
 7 participants by providing supports and incentives, such as child-care assistance, training, education, medical
 8 assistance, and resource referrals, and to make procedures and requirements less complex and more
 9 uniform in the ~~aid to families with dependent children temporary assistance for needy families~~ FAIM
 10 FINANCIAL ASSISTANCE, food stamp, and medicaid programs."

11
 12 **Section 30.** Section 53-4-602, MCA, is amended to read:

13 "53-4-602. **Definitions.** As used in this part, unless the context requires otherwise, the following
 14 definitions apply:

15 (1) "Cash assistance" means monetary payments to a recipient of ~~aid to families with dependent~~
 16 ~~children temporary assistance for needy families benefits~~ FAIM FINANCIAL ASSISTANCE to meet basic
 17 needs, such as shelter, utilities, clothing, and personal needs.

18 (2) "Child-care assistance" means payments to or on behalf of the specified caretaker relative of
 19 a dependent child to defray the cost of having a third party care for the child.

20 (3) "Department" means the department of public health and human services provided for in
 21 2-15-2201.

22 (4) "FAIM project" means the families achieving independence in Montana project, including ~~an aid~~
 23 ~~to families with dependent children a temporary assistance for needy families program~~ FAIM FINANCIAL
 24 ASSISTANCE part established in 53-4-603, a food stamp part administered under the Food Stamp Act of
 25 1977, 7 U.S.C. 2026, and a medicaid part administered pursuant to the Social Security Act, 42 U.S.C.
 26 1315.

27 ~~(5) "JOBS program" means the job opportunities and basic skills training program established in~~
 28 ~~53-4-703."~~

29
 30 **Section 31.** Section 53-4-603, MCA, is amended to read:

1 "53-4-603. **FAIM project -- components.** (1) ~~The aid to families with dependent children temporary~~
2 ~~assistance for needy families program~~ FAIM FINANCIAL ASSISTANCE part of the FAIM project consists of
3 three components referred to as the job supplement program, pathways, and the community services
4 program.

5 (2) The job supplement program is an alternative to the components of the FAIM project that
6 provide cash assistance. An eligible family may receive assistance under the job supplement program
7 instead of receiving assistance under pathways or the community services program or may receive
8 assistance under the job supplement program either prior to or after receiving assistance under pathways
9 or the community services program.

10 (3) Services that may be provided to eligible individuals in the job supplement program include:

11 (a) full medicaid benefits for dependent children, as provided in 53-6-101, and basic medicaid
12 benefits for specified caretaker relatives, as provided in 53-6-101, if pursuant to waivers of federal law that
13 are granted by the secretary of the U.S. department of health and human services that permit limited
14 benefits. However, a specified caretaker relative who is pregnant is entitled to full medicaid benefits.

15 (b) child-care assistance, as provided in 53-4-611 and as specified by the department by rule;

16 (c) assistance in obtaining child support; and

17 (d) a one-time only cash payment to meet special employment-related needs of the family. In order
18 to receive a one-time cash payment, the family is required to agree not to ~~apply for or~~ receive cash
19 assistance for a period of time based on the size of the one-time cash payment received.

20 (4) (a) Pathways may provide eligible individuals with job training and education; resource referrals;
21 assistance in obtaining child support; one-time cash payments for special employment-related needs;
22 child-care assistance, as provided in 53-4-611 and as specified by department rule; cash assistance
23 payments; supportive services, if funding is available; full medicaid benefits for dependent children, as
24 provided in 53-6-101; and basic medicaid benefits for specified caretaker relatives, as provided in 53-6-101,
25 if pursuant to waivers of federal law that are granted by the secretary of the U.S. department of health and
26 human services that permit limited benefits. However, a specified caretaker relative who is pregnant is
27 entitled to full medicaid benefits.

28 (b) A specified caretaker relative in either a single-parent family or a two-parent family may receive
29 assistance under pathways for a maximum of 24 months, subject to the 60-month TIME limitation on
30 assistance provided in 53-4-231. The 24 months do not need to be consecutive.

1 ~~(c) Specified caretaker relatives in a two-parent family may receive assistance under pathways for~~
 2 ~~a maximum of 18 months. The 18 months do not need to be consecutive.~~

3 (5) (a) In the community services program, a specified caretaker relative who has received the
 4 ~~maximum number of 24 months of assistance allowable under pathways may continue to receive assistance~~
 5 ~~for the specified caretaker relative's needs for an additional 36 months OR LONGER PERIOD, AS SPECIFIED~~
 6 ~~BY DEPARTMENT RULE, if the specified caretaker relative performs community service work as required~~
 7 ~~by the department, subject to the 60-month TIME limitation on assistance provided in 53-4-231.~~

8 (b) A specified caretaker relative who performs community service work as required is entitled to
 9 cash assistance for the specified caretaker relative's needs and basic medicaid benefits, as provided in
 10 53-6-101, ~~if pursuant to~~ waivers of federal law ~~that~~ are granted by the secretary of the U.S. department
 11 of health and human services that permit limited benefits. However, a specified caretaker relative who is
 12 pregnant is entitled to full medicaid benefits.

13 (c) Job training and education, resource referrals, and assistance in obtaining child support may
 14 also be provided if determined by the department to be appropriate. Child-care assistance may be provided
 15 to participants in the community services program as set forth in 53-4-611 and as specified by department
 16 rule.

17 (6) Failure of a caretaker relative to participate in community service work as required must result
 18 in the needs of the specified caretaker relative being removed from the cash assistance payment.

19 (7) A dependent child who meets all eligibility requirements for ~~aid to families with dependent~~
 20 ~~children may receive assistance under any component of the FAIM project without any time limits.~~
 21 ~~temporary assistance for needy families benefits~~ FAIM FINANCIAL ASSISTANCE is not subject to the time
 22 limits on assistance in pathways and the community services program that are provided for specified
 23 caretaker relatives in this section. However, a dependent child may be ineligible for temporary assistance
 24 for needy families benefits FAIM FINANCIAL ASSISTANCE because of the 60-month limitation on
 25 assistance provided in 53-4-231.

26 ~~(8) The department shall furnish workers' compensation coverage, as provided in 39-71-118, for~~
 27 ~~recipients in any component of the FAIM project who perform community service work or who participate~~
 28 ~~in a work experience program."~~

29
 30 **Section 32.** Section 53-4-606, MCA, is amended to read:

1 "**53-4-606. Requirements for eligibility.** (1) Eligibility for ~~aid to families with dependent children~~
2 ~~temporary assistance for needy families~~ benefits FAIM FINANCIAL ASSISTANCE under the FAIM project
3 with regard to income, resources, and all other factors of eligibility must be determined in accordance with
4 the waivers granted by the U.S. secretary of health and human services under section 1115 of the Social
5 Security Act, 42 U.S.C. 1315.

6 ~~(2) If waivers of federal law are granted by the secretary of the U.S. department of health and~~
7 ~~human services, two parent families applying for or receiving aid to families with dependent children~~
8 ~~benefits under the FAIM project based on the unemployment of one parent may not be required to meet~~
9 ~~the special eligibility requirements of section 407 of the Social Security Act, 42 U.S.C. 607.~~

10 ~~(3)(2)~~ (a) As a condition of eligibility for assistance under pathways and the community services
11 program, all specified caretaker relatives and other family members, as specified by the department by rule,
12 shall enter into a family investment agreement with the department and shall comply with the terms of that
13 agreement. Entering into an agreement is not a condition of eligibility for the job supplement program.

14 (b) The family investment agreement must set forth the mutual obligations of the ~~specified~~
15 ~~caretaker relative~~ participant and the department to help the family achieve the goal of self-sufficiency. The
16 agreement may contain provisions:

17 (i) regarding actions to be taken by the specified caretaker relative and by the department to secure
18 child support;

19 (ii) requiring that the immunization and health-screening requirements of the early and periodic
20 screening, diagnosis, and treatment program be met for all children in the family; and

21 (iii) specifying other services and activities appropriate for the ~~specified caretaker relative~~ participant
22 or family.

23 (c) An individual who is required to enter into a family investment agreement and who fails without
24 good cause to do so or fails without good cause to comply with the individual's obligations under the
25 agreement is ineligible, as provided in 53-4-608, for ~~aid to families with dependent children temporary~~
26 ~~assistance for needy families~~ FAIM FINANCIAL ASSISTANCE benefits.

27 ~~(4)(3)~~ As a condition of eligibility for the community service program, a specified caretaker relative
28 shall perform community service work as required by the department."

29
30 **Section 33.** Section 53-4-607, MCA, is amended to read:

1 **"53-4-607. Exemptions from time limitations in pathways and community services program.** (1)
 2 Recipients of ~~aid to families with dependent children temporary assistance for needy families benefits~~ FAIM
 3 FINANCIAL ASSISTANCE under the FAIM project may be exempted from the time limitations on assistance
 4 under pathways and the community services program contained in 53-4-603 as provided by the department
 5 by rule.

6 (2) In establishing categories of individuals who are exempt from the time limitations on assistance
 7 under pathways, the department may take into consideration factors that may delay an individual's
 8 attainment of self-sufficiency, including but not limited to the following:

9 (a) The individual has a verifiable illness, injury, or physical or mental impairment, handicap, or
 10 disability.

11 (b) The individual is of advanced age.

12 (c) The individual does not have necessary state-paid child care available.

13 (d) The individual is attending high school or is working toward a graduate equivalency diploma,
 14 if the individual is under ~~20~~ 18 years of age.

15 (e) The individual is the parent of a child under 1 year of age.

16 (f) The individual is providing care to a household member with a disability who requires special
 17 care.

18 (g) The individual is a teenage parent receiving assistance in the individual's own name and
 19 participating in activities pursuant to a family investment agreement.

20 (h) The department failed to substantially comply with its obligations under the family investment
 21 agreement.

22 (i) ~~The individual is a homeless person.~~

23 (j) The individual is a victim of domestic violence as defined by the department by rule."

24

25 **Section 34.** Section 53-4-608, MCA, is amended to read:

26 **"53-4-608. ~~Ineligibility because of Sanction for~~ RESULTS OF failure to comply with terms of**
 27 **agreement.** If an individual is required to enter into a family investment agreement pursuant to 53-4-606
 28 and fails without good cause ~~either~~ to enter into an agreement ~~or~~, THE INDIVIDUAL IS INELIGIBLE FOR
 29 FAIM FINANCIAL ASSISTANCE. IF AN INDIVIDUAL IS REQUIRED TO ENTER INTO A FAMILY
 30 INVESTMENT AGREEMENT PURSUANT TO 53-4-606 AND FAILS WITHOUT GOOD CAUSE to comply with

1 the individual's obligations under the agreement, the individual ~~is ineligible for aid to families with dependent~~
 2 ~~children benefits~~ must be sanctioned for a period of time specified by the department by rule and the needs
 3 of the individual may not be taken into consideration in determining the assistance unit's amount of cash
 4 assistance. However, the family of ~~an ineligible~~ a sanctioned individual is entitled to assistance for its own
 5 needs if it is otherwise eligible. The income and resources of the individual must be considered in
 6 determining the family's eligibility for assistance during the period ~~of ineligibility~~ that the individual is
 7 sanctioned."

8
 9 **Section 35.** Section 53-4-609, MCA, is amended to read:

10 **"53-4-609. Categorical eligibility for other assistance.** ~~All recipients~~ RECIPIENTS of ~~aid to families~~
 11 ~~with dependent children temporary assistance for needy families benefits~~ FAIM FINANCIAL ASSISTANCE
 12 under a component of the FAIM project are NOT categorically eligible for food stamp benefits and the
 13 low-income energy assistance program, ~~regardless of whether they would otherwise meet~~ BUT ARE
 14 ELIGIBLE ONLY IF THEY SATISFY all the eligibility requirements for those programs, ~~unless otherwise~~
 15 ~~prohibited by federal law."~~

16
 17 **Section 36.** Section 53-4-611, MCA, is amended to read:

18 **"53-4-611. Child-care assistance.** (1) In the job supplement program component of the FAIM
 19 project, the department ~~shall~~ may provide child-care assistance to all single-parent families if child care is
 20 necessary to allow the parent to engage in paid employment and if funding is available. Child-care
 21 assistance may, at the department's discretion, be provided to two-parent families if child care is necessary
 22 to allow either or both parents to engage in paid employment and if funding is available.

23 (2) In the pathways component of the FAIM project, the department ~~shall~~ may provide child-care
 24 assistance to all single-parent families if child care is necessary to allow the parent to participate in an
 25 activity required by the family investment agreement and if funding is available. ~~However, child-care~~
 26 ~~assistance for single-parent families to enable the parent to participate in postsecondary education is not~~
 27 ~~guaranteed and may be provided only if funding is available~~. Child-care assistance may, at the department's
 28 discretion, be provided to two-parent families if child care is necessary to allow either or both of the parents
 29 to participate in an activity required by the family investment agreement and if funding is available.

30 (3) In the community services program component of the FAIM project, the department ~~shall~~ may

1 provide child-care assistance to all single-parent families if child care is necessary to allow the parent to
 2 participate in an activity required by the family investment agreement and if funding is available. Child-care
 3 assistance may, at the department's discretion, be provided to two-parent families if child care is necessary
 4 to allow either or both of the parents to participate in an activity required by the family investment
 5 agreement and if funding is available."

6
 7 **Section 37.** Section 53-4-612, MCA, is amended to read:

8 "**53-4-612. Extended child care and medical assistance benefits.** A family receiving aid to families
 9 ~~with dependent children temporary assistance for needy families~~ FAIM FINANCIAL ASSISTANCE benefits
 10 under a component of the FAIM project that loses eligibility for assistance because of increased income
 11 from any source may receive extended ~~child care and~~ medical assistance benefits if funding is available,
 12 provided that the family's income does not exceed a percentage of the federal poverty level specified by
 13 the department by rule, and may receive child-care assistance pursuant to 53-4-611 if funding is available."

14
 15 **Section 38.** Section 53-4-613, MCA, is amended to read:

16 "**53-4-613. JOBS program Employment and training program.** (1) In cases in which the department
 17 determines that participation in the ~~JOBS program~~ employment and training program would be appropriate
 18 for a participant in pathways, the participant may be required to participate in the ~~JOBS program~~
 19 employment and training as one of the conditions of the participant's family investment agreement.

20 (2) ~~If waivers of federal law are granted by the secretary of the U.S. department of health and~~
 21 ~~human services, the exemptions from participation in the JOBS program provided in section 201 of the~~
 22 ~~federal Family Support Act of 1988, 42 U.S.C. 602(a)(19), may not apply to recipients of aid to families~~
 23 ~~with dependent children benefits who are participating in the FAIM employment and training demonstration~~
 24 ~~project.~~"

25
 26 **Section 39.** Section 53-4-701, MCA, is amended to read:

27 "**53-4-701. Purpose.** It is the purpose of this part to establish a ~~program, consistent with the~~
 28 ~~provisions of the federal Family Support Act of 1988, to assure that recipients of the aid to families with~~
 29 ~~dependent children program obtain~~ component of the pathways program that:

30 (1) provides recipients of temporary assistance for needy families benefits FAIM FINANCIAL

1 ASSISTANCE with the education, training, and employment services needed to avoid long-term welfare
2 dependency; and

3 (2) complies with the participation requirements established in section 103 of the Personal
4 Responsibility and Work Opportunity Reconciliation Act of 1996, 42 U.S.C. 607."

5

6 **Section 40.** Section 53-4-702, MCA, is amended to read:

7 "**53-4-702. Definitions.** As used in this part, unless the context requires otherwise, the following
8 definitions apply:

9 ~~(1) "Aid to families with dependent children" has the same meaning as provided in 53-4-201.~~

10 ~~(2)(1) "Department" means the department of public health and human services provided for in~~
11 ~~2-15-2201.~~

12 (2) "FAIM FINANCIAL ASSISTANCE" MEANS THE PROGRAM THAT PROVIDES PARTICIPANTS
13 IN THE JOB SUPPLEMENT PROGRAM, PATHWAYS PROGRAM, AND COMMUNITY SERVICES PROGRAM
14 OF THE FAIM PROJECT WITH BENEFITS THAT MAY INCLUDE CASH PAYMENTS, SERVICES, AND
15 NONCASH ASSISTANCE.

16 ~~(3)(2)(3) "FAIM project" means the families achieving independence in Montana project as~~
17 ~~established in 53-4-601.~~

18 ~~(4) "Family Support Act of 1988" means the federal Family Support Act of 1988, Public Law~~
19 ~~100-485, as amended.~~

20 ~~(5) "JOBS program" or "program" means the job opportunities and basic skills training program~~
21 ~~established in 53-4-703.~~

22 ~~(3) "Temporary assistance for needy families" has the meaning provided in 53-4-201."~~

23

24 **Section 41.** Section 53-4-703, MCA, is amended to read:

25 "**53-4-703. JOBS program** Employment and training program established —purpose. (1) The
26 department shall establish and administer ~~a job opportunities and basic skills training (JOBS) program that~~
27 ~~meets the requirements of section 201 of the federal Family Support Act of 1988 (42 U.S.C. 602(a)(19),~~
28 ~~681 through 686) an intensive employment and training program in accordance with the requirements of~~
29 section 103 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 42 U.S.C.
30 607.

1 ~~(2) The purpose of the program is to provide recipients of aid to families with dependent children~~
 2 ~~the education, training, and employment that will help them avoid long-term welfare dependency."~~

3
 4 **Section 42.** Section 53-4-705, MCA, is amended to read:

5 "**53-4-705. Services and activities.** ~~(1)~~ Under the program provided for in 53-4-703, the
 6 department shall make available a broad range of services and activities to assist recipients of aid to families
 7 ~~with dependent children~~ temporary assistance for needy families benefits FAIM FINANCIAL ASSISTANCE
 8 as specified by the department by rule. Such services and activities may include:

9 ~~(a) appropriate educational activities, including:~~

10 ~~(i) high school education or its equivalent, combined with training as needed;~~

11 ~~(ii) basic and remedial education to help participants achieve a basic literacy level; and~~

12 ~~(iii) education for individuals with limited English language proficiency;~~

13 ~~(b) job skills training;~~

14 ~~(c) job readiness activities to help prepare participants for work;~~

15 ~~(d) job development and job placement;~~

16 ~~(e) group and individual job search activities as provided for in 42 U.S.C. 682(g);~~

17 ~~(f) on-the-job training;~~

18 ~~(g) work supplementation programs as provided for in 42 U.S.C. 682(e); and~~

19 ~~(h) community work experience programs as provided for in 42 U.S.C. 682(f).~~

20 ~~(2) In addition to the services and activities provided in subsection (1), the department may offer~~
 21 ~~to participants under the program:~~

22 ~~(a) postsecondary education in appropriate cases; and~~

23 ~~(b) such other education, training, and employment activities as may be determined necessary."~~

24
 25 **Section 43.** Section 53-4-706, MCA, is amended to read:

26 "**53-4-706. Participation requirements.** (1) Except as otherwise provided in this section and
 27 ~~53-4-707~~, the department may require individuals to participate in the **JOBS** employment and training
 28 program as a condition of their eligibility for aid to families with dependent children ~~temporary assistance~~
 29 for needy families benefits FAIM FINANCIAL ASSISTANCE.

30 (2) To the extent that the program is available and that state resources permit, the department

1 shall:

2 ~~(a) require recipients of aid to families with dependent children who are not participating in the~~
 3 ~~FAIM project and with respect to whom the state guarantees child care in accordance with section 402(g)~~
 4 ~~of the Social Security Act (42 U.S.C. 602(g)) to participate in the program;~~

5 ~~(b) require recipients of aid to families with dependent children temporary assistance for needy~~
 6 ~~families benefits FAIM FINANCIAL ASSISTANCE who are participating in either the pathways or community~~
 7 ~~service program component of the FAIM project to participate in the program if the department determines~~
 8 ~~that it is an appropriate activity for the recipient and includes participation as a condition of the recipient's~~
 9 ~~family investment agreement; and~~

10 ~~(c) allow applicants for and recipients of aid to families with dependent children who are not~~
 11 ~~required under subsection (2)(a) to participate in the program to do so on a voluntary basis."~~

12

13 **Section 44.** Section 53-4-717, MCA, is amended to read:

14 "**53-4-717. Sanctions.** ~~(1) Except as provided in subsection (2), an individual who without good~~
 15 ~~cause fails to participate in the JOBS program as required or who without good cause refuses to accept~~
 16 ~~suitable employment shall lose eligibility for aid to families with dependent children as provided in 42 U.S.C.~~
 17 ~~602(a)(19)(G).~~

18 ~~(2) If an individual receiving aid to families with dependent children temporary assistance for needy~~
 19 ~~families benefits FAIM FINANCIAL ASSISTANCE under the FAIM project is required to participate in the~~
 20 ~~JOBS employment and training program as a condition of the individual's family investment agreement and~~
 21 ~~fails without good cause to participate, the individual must be sanctioned in accordance with rules~~
 22 ~~established by the department."~~

23

24 **Section 45.** Section 53-6-101, MCA, is amended to read:

25 "**53-6-101. Montana medicaid program -- authorization of services.** (1) There is a Montana
 26 medicaid program established for the purpose of providing necessary medical services to eligible persons
 27 who have need for medical assistance. The Montana medicaid program is a joint federal-state program
 28 administered under this chapter and in accordance with Title XIX of the ~~federal~~ Social Security Act, 42
 29 U.S.C. 1396, et seq., as may be amended. The department of public health and human services shall
 30 administer the Montana medicaid program.

1 (2) Medical assistance provided by the Montana medicaid program includes the following services:

2 (a) inpatient hospital services;

3 (b) outpatient hospital services;

4 (c) other laboratory and x-ray services, including minimum mammography examination as defined
5 in 33-22-132;

6 (d) skilled nursing services in long-term care facilities;

7 (e) physicians' services;

8 (f) nurse specialist services;

9 (g) early and periodic screening, diagnosis, and treatment services for persons under 21 years of
10 age;

11 (h) ambulatory prenatal care for pregnant women during a presumptive eligibility period, as
12 provided in 42 U.S.C. 1396a(a)(47) and 42 U.S.C. 1396r-1;

13 (i) targeted case management services, as authorized in 42 U.S.C. 1396n(g), for high-risk pregnant
14 women;

15 (j) services that are provided by physician assistants-certified within the scope of their practice and
16 that are otherwise directly reimbursed as allowed under department rule to an existing provider;

17 (k) health services provided under a physician's orders by a public health department; and

18 (l) federally qualified health center services, as defined in 42 U.S.C. 1396d(l)(2).

19 (3) Medical assistance provided by the Montana medicaid program may, as provided by department
20 rule, also include the following services:

21 (a) medical care or any other type of remedial care recognized under state law, furnished by
22 licensed practitioners within the scope of their practice as defined by state law;

23 (b) home health care services;

24 (c) private-duty nursing services;

25 (d) dental services;

26 (e) physical therapy services;

27 (f) mental health center services administered and funded under a state mental health program
28 authorized under Title 53, chapter 21, part 2;

29 (g) clinical social worker services;

30 (h) prescribed drugs, dentures, and prosthetic devices;

- 1 (i) prescribed eyeglasses;
- 2 (j) other diagnostic, screening, preventive, rehabilitative, chiropractic, and osteopathic services;
- 3 (k) inpatient psychiatric hospital services for persons under 21 years of age;
- 4 (l) services of professional counselors licensed under Title 37, chapter 23;
- 5 (m) hospice care, as defined in 42 U.S.C. 1396d(o);
- 6 (n) case management services as provided in 42 U.S.C. 1396d(a) and 1396n(g), including targeted
- 7 case management services for the mentally ill;
- 8 (o) inpatient psychiatric services for persons under 21 years of age, as provided in 42 U.S.C.
- 9 1396d(h), in a residential treatment facility, as defined in 50-5-101, that is licensed in accordance with
- 10 50-5-201; and
- 11 (p) any additional medical service or aid allowable under or provided by the federal Social Security
- 12 Act.

13 (4) Services for persons qualifying for medicaid under the medically needy category of assistance

14 as described in 53-6-131 may be more limited in amount, scope, and duration than services provided to

15 others qualifying for assistance under the Montana medicaid program. The department is not required to

16 provide all of the services listed in subsections (2) and (3) to persons qualifying for medicaid under the

17 medically needy category of assistance.

18 (5) ~~If In accordance with waivers of federal law that are granted by the secretary of the U.S.~~

19 ~~department of health and human services, the department of public health and human services may~~

20 ~~implement limited medicaid benefits, to be known as basic medicaid, for adult recipients who are eligible~~

21 ~~because they are receiving aid to families with dependent children temporary assistance for needy families~~

22 ~~benefits FAIM FINANCIAL ASSISTANCE, AS DEFINED IN 53-4-702, as the specified caretaker relative of~~

23 ~~a dependent child under the FAIM project and for all adult recipients of medical assistance only who are~~

24 ~~covered under a group related to aid to families with dependent children the temporary assistance for needy~~

25 ~~families program OF FAIM FINANCIAL ASSISTANCE, AS DEFINED IN 53-4-702. Basic medicaid benefits~~

26 ~~consist of all mandatory services listed in subsections (2)(a) through (2)(l) but may include those optional~~

27 ~~services listed in subsections (3)(a) through (3)(p) that the department in its discretion specifies by rule.~~

28 ~~The department, in exercising its discretion, may consider the amount of funds appropriated by the~~

29 ~~legislature for the FAIM project and whether the provision of a particular service is commonly covered by~~

30 ~~private health insurance plans. However, a recipient who is pregnant, MEETS THE CRITERIA FOR~~

1 DISABILITY PROVIDED IN TITLE II OF THE SOCIAL SECURITY ACT, 42 U.S.C. 416, ET SEQ., OR IS LESS
 2 THAN 21 YEARS OF AGE is entitled to full medicaid coverage.

3 (6) The department may implement, as provided for in Title XIX of the ~~federal~~ Social Security Act,
 4 42 U.S.C. 1396, et seq., as may be amended, a program under medicaid for payment of medicare
 5 premiums, deductibles, and coinsurance for persons not otherwise eligible for medicaid.

6 (7) The department may set rates for medical and other services provided to recipients of medicaid
 7 and may enter into contracts for delivery of services to individual recipients or groups of recipients.

8 (8) The services provided under this part may be only those that are medically necessary and that
 9 are the most efficient and cost-effective.

10 (9) The amount, scope, and duration of services provided under this part must be determined by
 11 the department in accordance with Title XIX of the ~~federal~~ Social Security Act, 42 U.S.C. 1396, et seq.,
 12 as may be amended.

13 (10) Services, procedures, and items of an experimental or cosmetic nature may not be provided.

14 (11) If available funds are not sufficient to provide medical assistance for all eligible persons, the
 15 department may set priorities to limit, reduce, or otherwise curtail the amount, scope, or duration of the
 16 medical services made available under the Montana medicaid program.

17 (12) Community-based medicaid services, as provided for in part 4 of this chapter, must be provided
 18 in accordance with the provisions of this chapter and the rules adopted under this chapter.

19 (13) Medicaid payment for personal-care facilities may not be made unless the department certifies
 20 to the director of the governor's office of budget and program planning that payment to this type of
 21 provider would, in the aggregate, be a cost-effective alternative to services otherwise provided."
 22

23 **Section 46.** Section 53-6-113, MCA, is amended to read:

24 **"53-6-113. Department to adopt rules.** (1) The department of public health and human services
 25 shall adopt appropriate rules necessary for the administration of the Montana medicaid program as provided
 26 for in this part and as may be required by federal laws and regulations governing state participation in
 27 medicaid under Title XIX of the ~~federal~~ Social Security Act, 42 U.S.C. 1396, et seq., as amended.

28 (2) The department shall adopt rules as are necessary to further define for the purposes of this part
 29 the services provided under 53-6-101 and to provide that services being used are medically necessary and
 30 that the services are the most efficient and cost-effective available. The rules may establish the amount,

1 scope, and duration of services provided under the Montana medicaid program, including the items and
2 components constituting the services.

3 (3) The department shall establish by rule the rates for reimbursement of services provided under
4 this part. The department may in its discretion set rates of reimbursement that it determines necessary for
5 the purposes of the program. In establishing rates of reimbursement, the department may consider but is
6 not limited to considering:

7 (a) the availability of appropriated funds;

8 (b) the actual cost of services;

9 (c) the quality of services;

10 (d) the professional knowledge and skills necessary for the delivery of services; and

11 (e) the availability of services.

12 (4) The department shall specify by rule those professionals who may deliver or direct the delivery
13 of particular services.

14 (5) The department may provide by rule for payment by a recipient of a portion of the
15 reimbursements established by the department for services provided under this part.

16 (6) The department may adopt rules consistent with this part to govern eligibility for the Montana
17 medicaid program. Rules may include but are not limited to financial standards and criteria for income and
18 resources, treatment of resources, nonfinancial criteria, family responsibilities, residency, application,
19 termination, definition of terms, ~~and~~ confidentiality of applicant and recipient information, and cooperation
20 with the state agency administering the child support enforcement program under Title IV-D of the Social
21 Security Act, 42 U.S.C. 651, et seq.

22 (7) The department may adopt rules limiting eligibility based on criteria more restrictive than that
23 provided in 53-6-131 if required by Title XIX of the ~~federal~~ Social Security Act, 42 U.S.C. 1396, et seq.,
24 as may be amended, or if funds appropriated are not sufficient to provide medical care for all eligible
25 persons.

26 (8) The department may adopt rules necessary for the administration of medicaid managed-care
27 systems. Rules to be adopted may include but are not limited to rules concerning:

28 (a) participation in managed care;

29 (b) selection and qualifications for providers of managed care; and

30 (c) standards for the provision of managed care.

1 (9) ~~(a)~~ The department shall establish by rule income limits for eligibility for extended medical
 2 assistance of persons receiving ~~aid to families with dependent children temporary assistance for needy~~
 3 ~~families~~ benefits FROM FAIM FINANCIAL ASSISTANCE, AS DEFINED IN 53-4-702, as participants of the
 4 FAIM project who lose eligibility because of increased income, as provided in 53-6-134, and shall also
 5 establish by rule the length of time for which extended medical assistance will be provided. The
 6 department, in exercising its discretion to set income limits and duration of assistance, may consider the
 7 amount of funds appropriated by the legislature for the FAIM project.

8 ~~(b) Notwithstanding Title 53, chapter 2, part 9, and Title 53, chapter 4, part 6, it is the intent of~~
 9 ~~the legislature that rules may not be adopted except to implement the waiver granted by the U.S. secretary~~
 10 ~~of health and human services under section 1115 of the Social Security Act, 42 U.S.C. 1315, and to~~
 11 ~~implement the FAIM program. Rules may not implement any other program or programs that may result~~
 12 ~~because of federal welfare reform unless the rules are required for compliance with federal law."~~

13
 14 **Section 47.** Section 53-6-131, MCA, is amended to read:

15 **"53-6-131. Eligibility requirements.** (1) Medical assistance under the Montana medicaid program
 16 may be granted to a person who is determined by the department of public health and human services, in
 17 its discretion, to be eligible as follows:

18 (a) The person receives or is considered to be receiving supplemental security income benefits
 19 under Title XVI of the ~~federal~~ Social Security Act, 42 U.S.C. 1381, et seq., and does not have income or
 20 resources in excess of the applicable medical assistance limits or ~~aid to families with dependent children~~
 21 ~~receive temporary assistance for needy families~~ FROM FAIM FINANCIAL ASSISTANCE, AS DEFINED IN
 22 53-4-702, benefits under Title IV of the federal Social Security Act, 42 U.S.C. 601, et seq.

23 (b) The person would be eligible for assistance under a program described in subsection (1)(a) if
 24 that person were to apply for that assistance.

25 (c) The person is in a medical facility that is a medicaid provider and, but for residence in the
 26 facility, the person would be receiving assistance under one of the programs in subsection (1)(a).

27 (d) The person is under 19 years of age and meets the conditions of eligibility in the ~~state plan for~~
 28 ~~aid to families with dependent children temporary assistance for needy families state plan~~, AS DEFINED IN
 29 53-4-201, other than with respect to age and school attendance.

30 (e) The person is under 21 years of age and in foster care under the supervision of the state or was

1 in foster care under the supervision of the state and has been adopted as a hard-to-place child.

2 (f) The person meets the nonfinancial criteria of the categories in subsections (1)(a) through (1)(e)
3 and:

4 (i) the person's income does not exceed the income level specified for federally aided categories
5 of assistance and the person's resources are within the resource standards of the federal supplemental
6 security income program; or

7 (ii) the person, while having income greater than the medically needy income level specified for
8 federally aided categories of assistance:

9 (A) has an adjusted income level, after incurring medical expenses, that does not exceed the
10 medically needy income level specified for federally aided categories of assistance or, alternatively, has paid
11 in cash to the department the amount by which the person's income exceeds the medically needy income
12 level specified for federally aided categories of assistance; and

13 (B) has resources that are within the resource standards of the federal supplemental security
14 income program.

15 (g) The person is a qualified pregnant woman or child as defined in 42 U.S.C. 1396d(n).

16 (2) The department may establish income and resource limitations. Limitations of income and
17 resources must be within the amounts permitted by federal law for the medicaid program.

18 (3) The Montana medicaid program shall pay, as required by federal law, the premiums necessary
19 for medicaid-eligible persons participating in the medicare program and may, within the discretion of the
20 department, pay all or a portion of the medicare premiums, deductibles, and coinsurance for a qualified
21 medicare-eligible person or for a qualified disabled and working individual, as defined in section 6408(d)(2)
22 of the federal Omnibus Budget Reconciliation Act of 1989, Public Law 101-239, who:

23 (a) has income that does not exceed income standards as may be required by the ~~federal~~ Social
24 Security Act; and

25 (b) has resources that do not exceed standards that the department determines reasonable for
26 purposes of the program.

27 (4) The department may pay a medicaid-eligible person's expenses for premiums, coinsurance, and
28 similar costs for health insurance or other available health coverage, as provided in 42 U.S.C. 1396b(a)(1).

29 (5) ~~If~~ In accordance with waivers of federal law that are granted by the secretary of the U.S.
30 department of health and human services, the department of public health and human services may grant

1 eligibility for basic medicaid benefits as described in 53-6-101 to an individual receiving ~~aid to families with~~
 2 ~~dependent children temporary assistance for needy families benefits~~ FAIM FINANCIAL ASSISTANCE, AS
 3 DEFINED IN 53-4-702, as the specified caretaker relative of a dependent child under the FAIM project and
 4 to all adult recipients of medical assistance only who are covered under a group related to ~~aid to families~~
 5 ~~with dependent children the temporary assistance for needy families~~ program OF FAIM FINANCIAL
 6 ASSISTANCE. A recipient who is pregnant, MEETS THE CRITERIA FOR DISABILITY PROVIDED IN TITLE
 7 II OF THE SOCIAL SECURITY ACT, 42 U.S.C. 416, ET SEQ., OR IS LESS THAN 21 YEARS OF AGE is
 8 entitled to full medicaid coverage as provided in 53-6-101.

9 (6) The department, under the Montana medicaid program, may provide, if a waiver is not available
 10 from the federal government, medicaid and other assistance mandated by Title XIX of the ~~federal~~ Social
 11 Security Act, 42 U.S.C. 1396, et seq., as may be amended, and not specifically listed in this part to
 12 categories of persons that may be designated by the act for receipt of assistance.

13 (7) Notwithstanding any other provision of this chapter, medical assistance must be provided to
 14 infants and pregnant women whose family income does not exceed 133% of the federal poverty threshold,
 15 as provided in 42 U.S.C. 1396a(a)(10)(A)(ii)(IX) and 42 U.S.C. 1396a(l)(2)(A)(i), and whose family
 16 resources do not exceed standards that the department determines reasonable for purposes of the program.

17 (8) Subject to appropriations, the department may cooperate with and make grants to a nonprofit
 18 corporation that uses donated funds to provide basic preventive and primary health care medical benefits
 19 to children whose families are ineligible for the Montana medicaid program and who are ineligible for any
 20 other health care coverage, are under 19 years of age, and are enrolled in school if of school age.

21 (9) A person described in subsection (7) must be provided continuous eligibility for medical
 22 assistance, as authorized in 42 U.S.C. 1396a(e)(5) through a(e)(7).

23 (10) The department may establish resource and income standards of eligibility for mental health
 24 services that are more liberal than the resource and income standards of eligibility for physical health
 25 services. The standards for eligibility for mental health services may provide for eligibility for households
 26 with family income that does not exceed 200% of the federal poverty threshold or that does not exceed
 27 a lesser amount determined in the discretion of the department. The department may by rule specify under
 28 what circumstances deductions for medical expenses should be used to reduce countable family income
 29 in determining eligibility. The department may also adopt rules establishing fees to be charged recipients
 30 for services. The fees may vary according to family income."

1 **Section 48.** Section 53-6-134, MCA, is amended to read:

2 "**53-6-134. Extension of eligibility for medical assistance to persons terminated from aid to families**
3 **~~with dependent children temporary assistance for needy families program~~ FAIM FINANCIAL ASSISTANCE.**

4 (1) ~~In accordance with section 1925 of Title XIX of the Social Security Act, 42 U.S.C. 1396r-6, the~~
5 ~~department of public health and human services shall provide for the extension of eligibility for medical~~
6 ~~assistance to persons who lose eligibility for aid to families with dependent children because of:~~

7 ~~(a) increased hours or income from employment; or~~

8 ~~(b) loss of federally prescribed earned income disregards.~~

9 ~~(2)~~ In providing for the extension of eligibility for medical assistance under subsection ~~(1)~~(2), the
10 department may provide for health insurance or other health coverage in accordance with subsections
11 1925(a)(4)(B) and 1925(b)(4)(C) of Title XIX of the Social Security Act, 42 U.S.C. 1396r-6(a)(4)(B) and 42
12 U.S.C. 1396r-6(b)(4)(C), and may exercise the other options contained in section 1925 of Title XIX of the
13 Social Security Act, 42 U.S.C. 1396r-6, regarding the provision of medical assistance.

14 ~~(3)~~(2) ~~If~~ In accordance with waivers of federal law that are granted by the secretary of the U.S.
15 department of health and human services, the department of public health and human services may provide
16 extended eligibility for medical assistance for a period of time established by the department by rule for
17 persons receiving ~~aid to families with dependent children temporary assistance for needy families benefits~~
18 FAIM FINANCIAL ASSISTANCE, AS DEFINED IN 53-4-702, under the job supplement program, pathways,
19 or community services program components of the FAIM project described in 53-4-603 who lose eligibility
20 because of increased income from any source or because of exhausting time-limited earned income
21 disregards, provided that the family's income does not exceed a percentage of the federal poverty level
22 established by the department by rule. The department, in exercising its discretion to establish income
23 standards and duration of extended medical assistance by rule, may consider the amount of funds
24 appropriated by the legislature for the FAIM project."

25

26 NEW SECTION. **Section 49. Saving clause.** [This act] does not affect rights and duties that
27 matured, penalties that were incurred, or proceedings that were begun before [the effective date of this
28 act].

29

30 NEW SECTION. **Section 50. Repealer.** Sections 39-7-601, 39-7-602, 39-7-603, 39-7-604,

1 39-7-605, 39-7-606, 53-4-249, 53-4-707, 53-4-708, 53-4-715, 53-4-716, 53-4-718, and 53-4-720, MCA,
2 are repealed.

3 -END-

1 HOUSE BILL NO. 371

2 INTRODUCED BY AHNER

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT REPLACING THE AID TO FAMILIES WITH DEPENDENT
 5 CHILDREN PROGRAM WITH THE ~~TEMPORARY ASSISTANCE FOR NEEDY FAMILIES~~ FAMILIES ACHIEVING
 6 INDEPENDENCE IN MONTANA (FAIM) FINANCIAL ASSISTANCE PROGRAM; MAKING PROVISIONS
 7 REGARDING OVERPAYMENT OF PUBLIC ASSISTANCE APPLY TO RECIPIENT ERROR; REQUIRING
 8 RECIPIENTS TO NOTIFY THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES REGARDING
 9 ANY CHANGE THAT MAY AFFECT ELIGIBILITY FOR PUBLIC ASSISTANCE; AMENDING PROVISIONS
 10 REGARDING THE FOOD STAMP PROGRAM; ALLOWING THE DEPARTMENT TO ADOPT RULES;
 11 REPLACING THE JOBS PROGRAM WITH AN EMPLOYMENT AND TRAINING PROGRAM; DELETING THE
 12 CHILD SUPPORT PASS-THROUGH PAYMENT OF UP TO \$50 A MONTH; REVISING THE TERMS
 13 "DEPENDENT CHILD" AND "FAMILY" FOR PURPOSES OF THE ~~TEMPORARY ASSISTANCE FOR NEEDY~~
 14 ~~FAMILIES~~ FAIM FINANCIAL ASSISTANCE PROGRAM; ALLOWING ADMINISTRATION OF THE ~~TEMPORARY~~
 15 ~~ASSISTANCE FOR NEEDY FAMILIES~~ FAIM FINANCIAL ASSISTANCE PROGRAM TO VARY ACROSS THE
 16 STATE; REQUIRING MEMBERS OF INDIAN TRIBES PARTICIPATING IN THE ~~TEMPORARY ASSISTANCE FOR~~
 17 ~~NEEDY FAMILIES~~ FAIM FINANCIAL ASSISTANCE PROGRAM TO BE SUBJECT TO THE SAME RULES,
 18 POLICIES, AND REQUIREMENTS OF THE PROGRAM; REQUIRING THE DEPARTMENT TO ADOPT
 19 ADDITIONAL RULES FOR THE ~~TEMPORARY ASSISTANCE FOR NEEDY FAMILIES~~ FAIM FINANCIAL
 20 ASSISTANCE PROGRAM, INCLUDING RULES FOR EXEMPTIONS FROM TIME LIMITS, FOR ALIENS, AND
 21 FOR TEENAGE PARENTS; REVISING ELIGIBILITY PROVISIONS; MAKING THE PROVISION OF CHILD-CARE
 22 ASSISTANCE DISCRETIONARY; PROVIDING THAT THE ~~TEMPORARY ASSISTANCE FOR NEEDY FAMILIES~~
 23 FAIM FINANCIAL ASSISTANCE PROGRAM IS NOT AN ENTITLEMENT; PROVIDING A 24-MONTH
 24 MAXIMUM FOR RECEIPT OF PATHWAYS ASSISTANCE FOR SINGLE-PARENT AND TWO-PARENT
 25 FAMILIES, SUBJECT TO A 60-MONTH LIMITATION; REMOVING THE REQUIREMENT FOR WORKERS'
 26 COMPENSATION COVERAGE FOR FAIM PROJECT RECIPIENTS; MAINTAINING ELIGIBILITY FOR BASIC
 27 MEDICAID FOR RECIPIENTS OF ~~TEMPORARY ASSISTANCE FOR NEEDY FAMILIES~~ FAIM FINANCIAL
 28 ASSISTANCE AND UNDER OTHER CIRCUMSTANCES; AMENDING SECTIONS 23-1-303, 39-7-303,
 29 40-4-215, 53-2-108, 53-2-109, 53-2-201, 53-2-211, 53-2-606, 53-2-610, 53-2-613, 53-2-901, 53-2-902,
 30 53-2-903, 53-2-904, 53-2-1103, 53-2-1109, 53-4-201, 53-4-202, 53-4-211, 53-4-212, 53-4-214,

1 53-4-221, 53-4-231, 53-4-233, 53-4-241, 53-4-246, 53-4-247, 53-4-248, 53-4-601, 53-4-602, 53-4-603,
 2 53-4-606, 53-4-607, 53-4-608, 53-4-609, 53-4-611, 53-4-612, 53-4-613, 53-4-701, 53-4-702, 53-4-703,
 3 53-4-705, 53-4-706, 53-4-717, 53-6-101, 53-6-113, 53-6-131, AND 53-6-134, MCA; AND REPEALING
 4 SECTIONS 39-7-601, 39-7-602, 39-7-603, 39-7-604, 39-7-605, 39-7-606, 53-4-249, 53-4-707, 53-4-708,
 5 53-4-715, 53-4-716, 53-4-718, AND 53-4-720, MCA."

6

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

8

9 **Section 1.** Section 23-1-303, MCA, is amended to read:

10 **"23-1-303. Powers and duties of the division.** The division, in cooperation with the department,
 11 may:

12 (1) hire a corps coordinator;

13 (2) coordinate with state agencies to place eligible participants in work experience projects,
 14 including those ~~state general assistance (GA) and federal aid to families with dependent children (AFDC)~~
 15 ~~temporary assistance for needy families~~ recipients OF FAIM FINANCIAL ASSISTANCE, AS DEFINED IN
 16 53-2-902, utilizing grant diversion funding and youth under state supervision utilizing payments from the
 17 department of public health and human services;

18 (3) develop and approve work experience projects that meet the requirements of this part;

19 (4) ensure that work experience projects involve labor-intensive improvements to public lands or
 20 facilities that will result in a public value and have a potential to yield revenue;

21 (5) execute contracts or cooperative agreements containing the terms and conditions necessary
 22 and desirable for the employment of crewleaders and corpsmembers in approved work experience projects
 23 with federal, state, or local agencies, persons, firms, partnerships, associations, or corporations;

24 (6) execute contracts or cooperative agreements with federal, state, or local agencies, persons,
 25 partnerships, associations, or corporations for the purpose of administering the requirements of this part;

26 (7) develop procedures for awarding incentive vouchers;

27 (8) authorize use of the corps for emergency projects, including but not limited to natural disasters,
 28 fire prevention and suppression, and rescue of lost or injured persons, and provide adequate training to
 29 corpsmembers prior to participation in an emergency project;

30 (9) apply for and accept grants or contributions of services, funds, or lands from any public or

1 private donors, including the acceptance of federal funds appropriated by the legislature;

2 (10) purchase, rent, acquire, or obtain personal property, supplies, instruments, tools, or equipment
3 necessary to complete work experience projects; and

4 (11) adopt rules and guidelines necessary to implement the provisions of this part and to effectively
5 administer the program."

6
7 **Section 2.** Section 39-7-303, MCA, is amended to read:

8 **"39-7-303. Definitions.** As used in this part, the following definitions apply:

9 (1) "Adult" means a person who is 18 years of age or older.

10 (2) "Commissioner" means the commissioner of labor and industry as provided in 2-15-1701.

11 (3) "Displaced homemaker" means an adult who:

12 (a) has worked as an adult primarily without remuneration to care for the home and family and for
13 that reason has diminished marketable skills and who has been dependent on public assistance or on the
14 income of a relative but is no longer supported by that income; or

15 (b) (i) is a parent whose youngest dependent child will become ineligible to receive FINANCIAL
16 assistance under the ~~program for aid to families with dependent children temporary assistance for needy~~
17 ~~families benefits~~ FAIM FINANCIAL ASSISTANCE, AS DEFINED IN 53-2-902, pursuant to Title 53, chapter
18 4, part 2, within 2 years of the parent's application for displaced homemaker assistance;

19 (ii) is unemployed or underemployed and is experiencing difficulty in obtaining any employment or
20 suitable employment, as appropriate; or

21 (iii) meets the qualifications described in subsection (3)(a) or (3)(b) and is a criminal offender."

22
23 **Section 3.** Section 40-4-215, MCA, is amended to read:

24 **"40-4-215. Investigations and reports.** (1) In contested custody proceedings and in other custody
25 proceedings if a parent or the child's custodian requests, the court may order an investigation and report
26 concerning custodial arrangements for the child. The department of public health and human services may
27 not be ordered to conduct the investigation or draft a report unless the parent or the child's custodian
28 requesting the investigation is a recipient of ~~aid to families with dependent children temporary assistance~~
29 ~~for needy families benefits~~ FAIM FINANCIAL ASSISTANCE, AS DEFINED IN 53-2-902, food stamps, or
30 public assistance and all reasonable options for payment of the investigation, if conducted by a person not

1 employed by the department, are exhausted. The department may consult with any investigator and share
 2 information relevant to the child's best interests. The cost of the investigation and report must be paid
 3 according to the final order.

4 (2) In preparing a report concerning a child, the investigator may consult any person who may have
 5 information about the child and the child's potential custodial arrangements. Upon order of the court, the
 6 investigator may refer the child to professional personnel for diagnosis. The investigator may consult with
 7 and obtain information from medical, psychiatric, or other expert persons who have served the child in the
 8 past without obtaining the consent of the parent or the child's custodian. The child's consent must be
 9 obtained if the child has reached the age of 16 unless the court finds that the child lacks mental capacity
 10 to consent. If the requirements of subsection (3) are fulfilled, the investigator's report may be received in
 11 evidence at the hearing.

12 (3) The court shall mail the investigator's report to counsel and to any party not represented by
 13 counsel at least 10 days prior to the hearing. The investigator shall make available to counsel and to any
 14 party not represented by counsel the investigator's file of underlying data and reports, complete texts of
 15 diagnostic reports made to the investigator pursuant to the provisions of subsection (2), and the names and
 16 addresses of all persons whom the investigator has consulted. Any party to the proceeding may call the
 17 investigator and any person the investigator has consulted for cross-examination. A party may not waive
 18 the right of cross-examination prior to the hearing."

19

20 **Section 4.** Section 53-2-108, MCA, is amended to read:

21 **"53-2-108. Overpayment of assistance -- civil penalty when fraud.** (1) If, due to department or
 22 recipient error, a recipient receives public assistance for which ~~he~~ the recipient is not eligible, the portion
 23 of payment that ~~he~~ the recipient is not entitled to receive ~~shall~~ may be returned at the discretion of the
 24 department.

25 (2) If a person obtains any part of an assistance payment through fraudulent means as specified
 26 in 53-2-107, 125% of the amount of assistance to which the person was not entitled ~~shall~~ must be repaid
 27 and, until fully paid, is a debt due the state."

28

29 **Section 5.** Section 53-2-109, MCA, is amended to read:

30 **"53-2-109. Recipients to report ~~income not previously declared~~ changes in factors affecting**

1 eligibility. Recipients of public assistance shall notify the department ~~within 10 days of the receipt of any~~
 2 ~~income or resources not previously declared to the department~~ of any change or anticipated change in
 3 income, resources, household composition, or other factor that may affect eligibility for public assistance
 4 or the benefit amount within the period of time specified by the department by rule. Failure of the
 5 department to verify information provided by the recipient does not absolve the recipient from ~~his~~ the
 6 obligation to provide accurate information to the department."
 7

8 **Section 6.** Section 53-2-201, MCA, is amended to read:

9 **"53-2-201. Powers and duties of department.** (1) The department shall:

10 (a) administer and supervise public assistance, including the provision of food stamps, food
 11 commodities, ~~aid to families with dependent children,~~ FAIM FINANCIAL ASSISTANCE, AS DEFINED IN
 12 53-2-902, energy assistance, weatherization, vocational rehabilitation, services for persons with severe
 13 disabilities, developmental disability services, ~~and~~ medical care payments in behalf of recipients of public
 14 assistance, employment and training services for recipients of public assistance, and the temporary
 15 assistance for needy families program OTHER PROGRAMS AS NECESSARY TO STRENGTHEN AND
 16 PRESERVE FAMILIES;

17 (b) give consultant service to private institutions providing care for the needy, and indigent,
 18 handicapped, or dependent adults;

19 (c) cooperate with other state agencies and develop provisions for services to the blind, including
 20 the prevention of blindness, the location of blind persons, medical services for eye conditions, and
 21 vocational guidance and training of the blind;

22 (d) provide services in respect to organization and supervise county departments of public welfare
 23 and county boards of public welfare in the administration of public assistance functions and for efficiency
 24 and economy;

25 (e) assist and cooperate with other state and federal departments, bureaus, agencies, and
 26 institutions, when requested, by performing services in conformity with public assistance purposes;

27 (f) administer all state and federal funds allocated to the department for public assistance and do
 28 all things necessary, in conformity with federal and state law, for the proper fulfillment of public assistance
 29 purposes; ~~and~~

30 (g) make rules governing payment for services and supplies provided to recipients of public

1 assistance; and

2 (h) adopt rules regarding assignment of monetary and medical support upon application for
 3 temporary assistance for needy families benefits FAIM FINANCIAL ASSISTANCE, AS DEFINED IN 53-2-902,
 4 and related medical assistance.

5 (2) The department may:

6 (a) purchase, exchange, condemn, or receive by gift either real or personal property ~~which~~ that is
 7 necessary to carry out its public assistance functions. Title to property obtained under this subsection must
 8 be taken in the name of the state of Montana for the use and benefit of the department.

9 (b) contract with the federal government to carry out its public assistance functions. The
 10 department may do all things necessary in order to avail itself of federal aid and assistance.

11 (c) make rules, consistent with state and federal law, establishing the amount, scope, and duration
 12 of services to be provided to recipients of public assistance."
 13

14 **Section 7.** Section 53-2-211, MCA, is amended to read:

15 **"53-2-211. Department to share eligibility data.** (1) The department shall make available to the
 16 unemployment compensation program of the department of labor and industry all information contained in
 17 its files and records pertaining to eligibility of persons for medicaid, ~~aid to families with dependent children~~
 18 temporary assistance for needy families benefits FAIM FINANCIAL ASSISTANCE, AS DEFINED IN 53-2-902,
 19 and food stamps. The information made available must include information on the amount and source of
 20 an applicant's income. The information received from the department must be used by the department of
 21 labor and industry for the purpose of determining fraud, abuse, or eligibility for benefits under the
 22 unemployment compensation program of the state and for no other purpose.

23 (2) The department shall make available to the unemployment compensation and the workers'
 24 compensation programs of the department of labor and industry all information contained in its files and
 25 records pertaining to eligibility of persons for low-income energy assistance, and weatherization, ~~and~~
 26 ~~general relief~~. The information made available must include information on the amount and source of an
 27 applicant's income. The information received from the department must be used by the department of labor
 28 and industry for the purpose of determining fraud, abuse, or eligibility for benefits under the unemployment
 29 compensation and workers' compensation programs of the state and for no other purpose.

30 (3) (a) Subject to federal restrictions, the department may request information from the department

1 of labor and industry pertaining to unemployment, workers' compensation, and occupational disease
 2 benefits. If the department of labor and industry discovers evidence relating to fraud or abuse for
 3 unemployment, workers' compensation, or occupational benefits, the department of labor and industry may
 4 request information from the department of revenue pertaining to income as provided in 15-30-303(8)(c).

5 (b) The information must be used by the department for the purpose of determining fraud, abuse,
 6 or eligibility for benefits.

7 (4) The department may, to the extent permitted by federal law, make available to an agency of
 8 the state or to any other organization information contained in its files and records pertaining to the
 9 eligibility of persons for medicaid, ~~aid to families with dependent children the temporary assistance for~~
 10 ~~needy families program~~ FAIM FINANCIAL ASSISTANCE, AS DEFINED IN 53-2-902, food stamps,
 11 low-income energy assistance, weatherization, or other public assistance. The information may be disclosed
 12 only for purposes directly connected with the administration of a program or purpose of the agency and
 13 may not be used by the agency for any other purpose."
 14

15 **Section 8.** Section 53-2-606, MCA, is amended to read:

16 **"53-2-606. Right of appeal.** (1) If an application for assistance for food stamps, ~~aid to families~~
 17 ~~with dependent children temporary assistance for needy families benefits~~ FAIM FINANCIAL ASSISTANCE,
 18 AS DEFINED IN 53-2-902, or medicaid is not acted upon promptly or if a decision is made with which the
 19 applicant or recipient is not satisfied, the applicant or recipient may appeal to the board of public assistance
 20 for a fair hearing by addressing a request for a hearing to the department of public health and human
 21 services. The board of public assistance shall, upon receipt of a request for a hearing, give the applicant
 22 or recipient prompt notice and opportunity for a fair hearing.

23 (2) The department may upon its own motion review any decision of a county welfare board and
 24 may consider any application upon which a decision has not been made by the county board within a
 25 reasonable time from the filing of the decision. The department may have an additional investigation made
 26 and shall make a decision as to the granting of assistance and the amount of assistance to be granted the
 27 applicant as in its opinion is justified and in conformity with the provisions of this title.

28 (3) If the department reviews a county decision on its own motion, applicants or recipients affected
 29 by the decisions of the department shall upon request be given reasonable notice and an opportunity for
 30 a fair hearing by the board of public assistance.

1 (4) All decisions of the department or the board of public assistance are final and are binding and
2 must be complied with by the county department."

3
4 **Section 9.** Section 53-2-610, MCA, is amended to read:

5 **"53-2-610. County to reimburse department.** (1) On or before the 20th of each month, the
6 department of ~~public health and human services~~ shall present a claim for reimbursement to each county
7 department for its proportionate share of public assistance granted in the county to recipients during the
8 month and for vendor medical payments made on behalf of recipients in the previous month. The county
9 department shall make the reimbursement to the department of ~~public health and human services~~ within
10 20 days after the claim is presented.

11 (2) The counties may not be required to reimburse the department of ~~public health and human~~
12 ~~services~~ for:

13 (a) any portion of public assistance paid to a household eligible for ~~aid to families with dependent~~
14 ~~children temporary assistance for needy families benefits~~ FAIM FINANCIAL ASSISTANCE, AS DEFINED IN
15 53-2-902, if the household includes an enrolled Indian who is the caretaker relative of a needy dependent
16 child; or

17 (b) any payment on behalf of any person in a state-operated medical institution.

18 (3) (a) From the original date of entrustment or the original date of state residency, whichever is
19 earlier, recipients of public assistance who become wards or patients in a licensed nursing home or hospital,
20 foster home, or private charitable institution are the financial responsibility of the appropriate county as
21 provided in subsections (3)(b) through (3)(d).

22 (b) The county in which commitment of an adult is initiated is considered the county of financial
23 responsibility except ~~where~~ when a court decree declares the residency to be otherwise. When an adult
24 is transferred from a facility or institution to one of the facilities listed in subsection (3)(a), the county that
25 initiated the original commitment is considered the county of financial responsibility except in the case of
26 an adult transfer from an out-of-state institution, in which case the county in which the facility is located
27 is considered the county of financial responsibility.

28 (c) In all cases in which a minor patient or ward is involved, the county of financial responsibility
29 is the county in which the parent or guardian resides. If the custody of a minor is entrusted to a state
30 agency, the agency may make a reasonable declaration of the county residency of its ward using applicable

1 guidelines enumerated in this section.

2 (d) If a person is or becomes an adult while in an institution, the person may determine the county
3 of residence when the person is restored to competency and released. The person becomes the financial
4 responsibility of the new county of residence."

5

6 **Section 10.** Section 53-2-613, MCA, is amended to read:

7 **"53-2-613. Application for assistance -- assignment of support rights.** (1) Applications for public
8 assistance, including but not limited to ~~aid to families with dependent children temporary assistance for~~
9 ~~needy families benefits~~ FAIM FINANCIAL ASSISTANCE, AS DEFINED IN 53-2-902, and medical assistance,
10 must be made to the county department of public welfare in the county in which the person is residing. The
11 application must be submitted, in the manner and form prescribed by the department ~~of public health and~~
12 ~~human services~~, and must contain information required by the department ~~of public health and human~~
13 ~~services~~.

14 (2) A person ~~by signing~~ who signs an application for ~~public assistance~~ temporary assistance for
15 ~~needy families benefits~~ FAIM FINANCIAL ASSISTANCE, AS DEFINED IN 53-2-902, or related medical
16 assistance assigns to the state, to the department ~~of public health and human services~~, and to the county
17 welfare department all rights that the applicant may have to monetary and medical support ~~and medical~~
18 ~~payments~~ from any other person in the applicant's own behalf or in behalf of any other family member for
19 whom application is made. A person who signs an application for public assistance other than temporary
20 assistance for needy families benefits FAIM FINANCIAL ASSISTANCE, AS DEFINED IN 53-2-902, or related
21 medical assistance may, in accordance with rules adopted by the department, be required to assign to the
22 state, to the department, and to the county welfare department all rights that the applicant may have to
23 monetary and medical support from any other person in the applicant's own behalf or on behalf of any other
24 family member for whom application is made.

25 (3) The assignment:

26 (a) is effective for both current and accrued support and medical obligations;

27 (b) takes effect upon a determination that the applicant is eligible for public assistance;

28 (c) remains in effect with respect to the amount of any unpaid support and medical obligation
29 accrued under the assignment that was owed prior to the termination of public assistance to a recipient.

30 (4) Whenever a child support or spousal support obligation is assigned to the department ~~of public~~

1 ~~health and human services~~ pursuant to this section, the following provisions apply:

2 (a) If the support obligation is based upon a judgment or decree or an order of a court of competent
3 jurisdiction, the department may retain assigned support amounts in an amount sufficient to reimburse
4 public assistance money expended.

5 (b) A recipient or former recipient of public assistance may not commence or maintain an action
6 to recover or enforce a delinquent support obligation or make any agreements with any other person or
7 agency concerning the support obligation, except as provided in 40-5-202.

8 (c) If a notice of assigned interest is filed with the district court, the clerk of the court may not pay
9 over or release for the benefit of any recipient or former recipient of public assistance any amounts received
10 pursuant to a judgment or decree or an order of the court until the department's child support enforcement
11 division has filed a written notice that:

12 (i) the assignment of current support amounts has been terminated; and

13 (ii) all assigned support delinquencies, if any, are satisfied or released.

14 (d) A recipient or former recipient of public assistance may not take action to modify or make any
15 agreement to modify, settle, or release any past, present, or future support obligation unless the
16 department's child support enforcement division is given written notice under the provisions of 40-5-202.
17 Any modifications or agreements entered into without the participation of the department are void with
18 respect to the state, the department, and the county welfare department."

19

20 **Section 11.** Section 53-2-901, MCA, is amended to read:

21 **"53-2-901. Administration of food stamp program -- rulemaking authority.** (1) The department is
22 authorized to administer the food stamp program in compliance with all federal laws and requirements.

23 (2) The department shall adopt rules that are necessary and desirable for the administration of the
24 food stamp program.

25 (3) The department shall adopt rules that may include but are not limited to rules concerning:

26 (a) eligibility for assistance, including income and resource limitations, income and resource
27 exclusions, and transfers of resources;

28 (b) amounts of assistance and methods for determining benefit amount;

29 (c) ~~certification periods~~ periodic redetermination of eligibility;

30 (d) reporting requirements;

1 (e) work registration, employment, and training requirements and exemptions from those
2 requirements;

3 (f) procedures and policies of the employment and training program;

4 (g) disqualification because of intentional program violations, for voluntarily quitting a job without
5 good cause, or for any other violation of program rules; and

6 (h) penalties applicable to recipients of ~~aid to families with dependent children temporary assistance~~
7 ~~for needy families benefits~~ FAIM FINANCIAL ASSISTANCE who have been sanctioned because of failure
8 to meet any requirement of ~~the aid to families with dependent children~~ that program.

9 (4) The department may adopt rules that include but are not limited to rules concerning:

10 (a) requirements for recipients to assign the right of support;

11 (b) requirements for recipients to cooperate with the state agency administering the child support
12 enforcement program established under Title IV-D of the Social Security Act, 42 U.S.C. 651, et seq.; and

13 (c) disqualification for failure to perform actions required by other means-tested programs, for
14 failure to cooperate with the state agency administering the child support enforcement program under Title
15 IV-D of the Social Security Act, 42 U.S.C. 651, et seq., or for failure to pay court-ordered child support
16 as provided in sections 819, 822, and 823 of the Personal Responsibility and Work Opportunity
17 Reconciliation Act of 1996, 7 U.S.C. 2015."

18

19 **Section 12.** Section 53-2-902, MCA, is amended to read:

20 **"53-2-902. Definitions.** As used in this part, the following definitions apply:

21 ~~(1) "Child support pass-through payments" means child support received for a dependent child or~~
22 ~~children in a family receiving aid to families with dependent children, up to \$50 a month, that is paid or~~
23 ~~"passed through" to the family pursuant to section 402 of the Social Security Act, 42 U.S.C.~~
24 ~~602(a)(8)(A)(vi).~~

25 ~~(2)(1)~~ (1) "Department" means the department of public health and human services provided in Title
26 2, chapter 15, part 22.

27 ~~(3)(2)~~ (2) "Employment and training demonstration project" means the employment and training
28 program for recipients of ~~aid to families with dependent children temporary assistance for needy families~~
29 ~~benefits~~ FAIM FINANCIAL ASSISTANCE who are participating in the FAIM project.

30 (3) "FAIM FINANCIAL ASSISTANCE" MEANS THE PROGRAM THAT PROVIDES PARTICIPANTS

1 IN THE JOB SUPPLEMENT PROGRAM, PATHWAYS PROGRAM, AND COMMUNITY SERVICES PROGRAM
 2 OF THE FAIM PROJECT WITH BENEFITS THAT MAY INCLUDE CASH, SERVICES, AND NONCASH
 3 ASSISTANCE.

4 ~~(4)(3)(4)~~ "FAIM project" means the families achieving independence in Montana project, including
 5 the aid to families with dependent children ~~temporary assistance for needy families program~~ FAIM
 6 FINANCIAL ASSISTANCE part established in 53-4-603, a food stamp part administered pursuant to the
 7 Food Stamp Act of 1977, 7 U.S.C. 2026, and a medicaid part administered pursuant to the Social Security
 8 Act, 42 U.S.C. 1315.

9 ~~(5)(4)(5)~~ "Food stamp program" means the provision of ~~coupons~~ food stamp benefits that can be
 10 used to purchase food to low-income persons pursuant to the Food Stamp Act Amendments of 1980, 7
 11 U.S.C. 2011, et seq.

12 ~~(6)~~ "JOBS program" means the job opportunities and basic skills training program for recipients of
 13 aid to families with dependent children that is conducted in accordance with the requirements of section
 14 201 of the federal Family Support Act of 1988, 42 U.S.C. 602(a)(19), 681 through 686."

15

16 **Section 13.** Section 53-2-903, MCA, is amended to read:

17 **"53-2-903. Employment and training program.** The department shall establish and administer an
 18 employment and training program for food stamp recipients that is in compliance with federal requirements.
 19 For purposes of the FAIM project, ~~if in accordance with~~ waivers of federal law that are granted by the food
 20 and ~~nutrition~~ consumer service of the U.S. department of agriculture, the department may merge its food
 21 stamp program employment and training program with its ~~JOBS temporary assistance for needy families~~
 22 FAIM FINANCIAL ASSISTANCE employment and training program or may modify the rules and requirements
 23 of the food stamp program employment and training program as necessary to make them consistent with
 24 those of the employment and training demonstration project."

25

26 **Section 14.** Section 53-2-904, MCA, is amended to read:

27 **"53-2-904. Income and resource exclusions -- FAIM participants.** ~~if~~ In accordance with waivers
 28 of federal law that are granted by the food and ~~nutrition~~ CONSUMER service of the U.S. department of
 29 agriculture, the department may by rule establish special income and resource exclusions to be applied to
 30 participants of the FAIM project in determining their eligibility for food stamps and in determining the benefit

1 amount. Exclusions that may be established include but are not limited to exclusions for one-time only cash
 2 payments for special employment-related needs as provided in 53-4-603 and ~~child support pass-through~~
 3 ~~payments of up to \$50 a month~~ in determining the recipients' eligibility for food stamps and determining
 4 the benefit amount."

5
 6 **Section 15.** Section 53-2-1103, MCA, is amended to read:

7 **"53-2-1103. Definitions.** For the purposes of this part, unless the context requires otherwise, the
 8 following definitions apply:

9 (1) "Economically disadvantaged person" has the same meaning as provided in section 4 of the
 10 Job Training Partnership Act (29 U.S.C. 1503).

11 (2) "Job Training Partnership Act" means the federal Job Training Partnership Act, Public Law
 12 97-300 (29 U.S.C. 1501, et seq.), as amended.

13 (3) "Job training plan" means the plan for providing services and training in a service delivery area,
 14 as required in 53-2-1107.

15 (4) "Program" means the program created by 53-2-1104 to implement the provisions of Title II-A
 16 of the Job Training Partnership Act.

17 (5) "Program year" means the fiscal year beginning on July 1 of the year for which an appropriation
 18 is made for the program established under this part, as provided in section 161 of the Job Training
 19 Partnership Act (29 U.S.C. 1571).

20 (6) "Public assistance program" means the state program of ~~aid to families with dependent children~~
 21 ~~temporary assistance for needy families~~ FAIM FINANCIAL ASSISTANCE, AS DEFINED IN 53-2-902.

22 (7) "Service delivery area" means an area designated as provided in section 101 of the Job Training
 23 Partnership Act (29 U.S.C. 1511)."

24
 25 **Section 16.** Section 53-2-1109, MCA, is amended to read:

26 **"53-2-1109. Coordination of services.** The state job training coordinating council shall identify,
 27 in coordination with the appropriate state and local agencies, the employment, training, and vocational
 28 education needs throughout the state and assess the extent to which employment and training, vocational
 29 education, rehabilitation services, public assistance, economic development, and other federal, state, and
 30 local programs and services represent a consistent, integrated, and coordinated approach to meeting such

1 needs. In carrying out this coordinating function, the council shall consider state policy set forth in
 2 2-15-101 to eliminate overlapping and duplication of services within state government and in accordance
 3 with the provisions of section 121 of the Job Training Partnership Act (29 U.S.C. 1531) and other
 4 employment and training programs, including:

5 ~~(1) programs operated under the federal Family Support Act of 1988; and~~

6 ~~(2) programs and services of public assistance agencies."~~

7

8 **Section 17.** Section 53-4-201, MCA, is amended to read:

9 **"53-4-201. Definitions.** As used in part 6 and this part, the following definitions apply:

10 ~~(1) The term "aid to families with dependent children" means money payments made on behalf of~~
 11 ~~a dependent child pursuant to Title IV of the federal Social Security Act (42 U.S.C. 601, et seq.) and may~~
 12 ~~include payments to meet the needs of a specified caretaker relative with whom the dependent child is~~
 13 ~~living. The term also includes emergency assistance to families with children as provided by the federal~~
 14 ~~Social Security Act.~~

15 ~~(2)(1) "Department" means the department of public health and human services provided for in~~
 16 ~~2-15-2201.~~

17 ~~(3)(2) (A) (a) The term "dependent "Dependent child", for public assistance purposes, means:~~

18 ~~(i) a child under the age of 18 years of age; or; OR~~

19 ~~(ii) a person under the age of 19 who is a student under the regulations prescribed by the~~
 20 ~~department.~~

21 ~~(b) The child described in subsection (3)(a)(i) or (3)(a)(ii) must be deprived of parental support or~~
 22 ~~care by reason of the death, continued absence from the home, continued unemployment, or physical or~~
 23 ~~mental incapacity of a parent and be who is living with a specified caretaker relative, as defined in rules~~
 24 ~~adopted by the department~~

25 ~~(ii) A PERSON UNDER 19 YEARS OF AGE WHO IS A STUDENT, AS DEFINED BY THE~~
 26 ~~DEPARTMENT BY RULE.~~

27 ~~(B) THE PERSON DESCRIBED IN SUBSECTION (2)(A)(I) OR (2)(A)(II) MUST BE LIVING WITH A~~
 28 ~~SPECIFIED CARETAKER RELATIVE, AS DEFINED BY THE DEPARTMENT BY RULE.~~

29 ~~(3) "FAIM FINANCIAL ASSISTANCE" MEANS THE PROGRAM THAT PROVIDES PARTICIPANTS~~
 30 ~~IN THE JOB SUPPLEMENT PROGRAM, PATHWAYS PROGRAM, AND COMMUNITY SERVICES PROGRAM~~

1 OF THE FAIM PROJECT WITH BENEFITS THAT MAY INCLUDE CASH, SERVICES, AND NONCASH
 2 ASSISTANCE.

3 ~~(4)(3)(4)~~ "FAIM project" means the families achieving independence in Montana project as
 4 established in 53-4-601. ~~The temporary assistance for needy families program may also be known in the~~
 5 ~~state of Montana as the FAIM project.~~

6 ~~(4)(5)~~ "Family" means a group of people who live with a dependent child, each of whom is related
 7 to the dependent child by blood, marriage, or adoption or by law, such as:

8 (a) a parent, including a natural or adoptive parent, a stepparent, or a person considered by law
 9 to be a parent in the case of a child conceived by artificial insemination; or

10 (b) a sibling.

11 ~~(5)(6)~~ "Federal poverty level" means the measure of indigence established annually by the U.S.
 12 office of management and budget.

13 ~~(6)(7)~~ "Public assistance" or "assistance" means a type of monetary or other assistance furnished
 14 under this title to a person by a state or county agency, regardless of the original source of the assistance.

15 ~~(7)(8)~~ "Specified caretaker relative" means a person within a degree of kinship to the dependent
 16 child, as specified by department rule, who lives with the child and exercises care and control over the
 17 child.

18 (9) "STATE PLAN" MEANS THE POLICIES AND PROCEDURES GOVERNING THE STATE OF
 19 MONTANA'S FAIM FINANCIAL ASSISTANCE PROGRAM AND OTHER PROGRAMS FUNDED BY
 20 TEMPORARY ASSISTANCE FOR NEEDY FAMILIES. IT IS PREPARED BY THE DEPARTMENT AND
 21 CERTIFIED BY THE FEDERAL AGENCY THAT PROVIDES FUNDING FOR THOSE PROGRAMS.

22 ~~(8)(10)~~ ~~"Temporary assistance for needy families" means the program that provides money~~
 23 ~~payments to a dependent child pursuant to Title IV of the Social Security Act, 42 U.S.C. 601, et seq., as~~
 24 ~~amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, and may include~~
 25 ~~payments to meet the needs of a specified caretaker relative or relatives with whom the dependent child~~
 26 ~~is living. The term also includes emergency assistance for needy families as provided by the federal Social~~
 27 ~~Security Act. Temporary assistance for needy families may also be known in the state of Montana as the~~
 28 FAIM project FEDERAL BLOCK GRANT THAT FUNDS FAIM FINANCIAL ASSISTANCE AND OTHER
 29 PROGRAMS TO STRENGTHEN AND PRESERVE FAMILIES PURSUANT TO TITLE IV OF THE SOCIAL
 30 SECURITY ACT, 42 U.S.C. 601, ET SEQ., AS AMENDED BY THE PERSONAL RESPONSIBILITY AND WORK

1 OPPORTUNITY RECONCILIATION ACT OF 1996.

2 ~~(9) "Temporary assistance for needy families state plan" means the document summarizing the~~
3 ~~policies and procedures governing the state of Montana's temporary assistance for needy families program~~
4 ~~that is prepared by the department and is approved by the federal agency that provides funding for the~~
5 ~~temporary assistance for needy families program."~~

6

7 **Section 18.** Section 53-4-202, MCA, is amended to read:

8 **"53-4-202. ~~Aid to families with dependent children~~ Temporary assistance for needy families**
9 **program FAIM FINANCIAL ASSISTANCE to be in effect in all counties. (1) It is mandatory and required that**
10 **the ~~temporary assistance for needy families~~ state plan and operation of aid to families with dependent**
11 **children ~~the temporary assistance for needy families program~~ PROGRAMS DESCRIBED IN THE STATE PLAN**
12 **must be in effect in each county of the state, and the administration and supervision of aid to families with**
13 **dependent children must be uniform throughout the counties of the state. However, the**

14 **(2) It is not required that the PROGRAMS FUNDED UNDER THE temporary assistance for needy**
15 **families ~~program~~ BLOCK GRANT be uniformly administered in each county of the state, provided that it is**
16 **administered in accordance with all requirements of the ~~temporary assistance for needy families~~ state plan**
17 **and federal law. The department may also administer demonstration programs pursuant to section 1115**
18 **of the ~~federal~~ Social Security Act, 42 U.S.C. 1315, or any other provision of that act that permits the states**
19 **to administer experimental, pilot, or demonstration projects.**

20 **(3) An enrolled member of an Indian tribe participating in A PROGRAM THAT IS FUNDED BY the**
21 **temporary assistance for needy families ~~program~~ operated BLOCK GRANT ADMINISTERED by the state of**
22 **Montana must be subject to the same rules, policies, and requirements as all other applicants for and**
23 **recipients of ~~temporary assistance for needy families~~ benefits FUNDED BY THE TEMPORARY ASSISTANCE**
24 **FOR NEEDY FAMILIES BLOCK GRANT."**

25

26 **Section 19.** Section 53-4-211, MCA, is amended to read:

27 **"53-4-211. ~~Administration of aid to families with dependent children~~ PROGRAMS FUNDED UNDER**
28 **temporary assistance for needy families ~~program~~ BLOCK GRANT. (1) The department is hereby authorized**
29 **and is charged with the general administration and supervision of ~~aid to families with dependent children~~**
30 **PROGRAMS FUNDED UNDER the temporary assistance for needy families ~~program~~ BLOCK GRANT under**

1 the powers, duties, and functions as prescribed in chapter 2 of this title.

2 (2) THE STATE OF MONTANA SHALL MAINTAIN A FISCAL EFFORT EQUIVALENT TO AT LEAST
 3 80% OF THE FEDERALLY CALCULATED MAINTENANCE OF EFFORT NECESSARY TO DRAW DOWN THE
 4 TEMPORARY ASSISTANCE TO NEEDY FAMILIES BLOCK GRANT."

5
 6 **Section 20.** Section 53-4-212, MCA, is amended to read:

7 **"53-4-212. Department to make rules.** (1) The department shall make rules and take action as
 8 necessary or desirable for the administration of the ~~aid to families with dependent children~~ FAIM FINANCIAL
 9 ASSISTANCE PROGRAM AND OTHER PROGRAMS FUNDED UNDER THE temporary assistance for needy
 10 families program, including the FAIM project BLOCK GRANT.

11 (2) The department shall adopt rules that may include but are not limited to rules concerning:

12 (a) eligibility requirements, including gross and net income limitations, resource limitations, and
 13 income and resource exclusions;

14 (b) amounts of assistance and methods for computing benefit amounts;

15 ~~(c) what constitutes deprivation of parental support or care sufficient to qualify a child as~~
 16 ~~dependent;~~

17 ~~(d)(c)~~ the degree of kinship required for a person to qualify as a specified caretaker relative in order
 18 to be eligible for assistance;

19 ~~(e)(d) procedures and policies for employment and training programs,~~ requirements for participation
 20 in the ~~JOBS program~~ employment and training programs, and exemptions, if any, from ~~these~~ participation
 21 requirements;

22 ~~(f) procedures and policies of the JOBS program;~~

23 ~~(g) special requirements or criteria applicable to participants in the FAIM project, such as:~~

24 ~~(i) community service~~

25 (e) requirements for specified caretaker relatives participating in the community services program,
 26 including the number of hours of community service work per month and other terms of performance;

27 ~~(iii)(f)~~ eligibility for and terms and conditions of child-care assistance for FAIM project participants,
 28 including maximum amounts of assistance payable and amounts of copayments required by specified
 29 caretaker relatives;

30 ~~(iii)(g)~~ maximum amounts of one-time only cash payments for special employment-related needs and

1 the length of time that a family is required to remain off cash assistance after a payment is received;

2 ~~(iv)~~(h) exemptions from time limits in pathways AND THE COMMUNITY SERVICES PROGRAM;

3 ~~(v)~~(i) terms of a specified caretaker relative's or other family member's ineligibility for assistance

4 because of failure to enter into a family investment agreement or to comply with the ~~specified caretaker~~

5 ~~relative's~~ individual's obligations under the agreement, including the length of the period of ineligibility;

6 ~~(vi)~~(j) requirements, if any, for participation in and exemptions from participation in and procedures

7 and policies of the employment and training demonstration project; ~~and~~

8 ~~(vii)~~(k) eligibility for and terms and conditions of extended child-care and medical assistance

9 benefits;

10 ~~(h)~~(l) reporting requirements; ~~and~~

11 ~~(i)~~(m) sanctions, disqualification, or other penalties for failure to comply with the program rules or

12 requirements;

13 (n) exemptions from the 60-month limitation on assistance provided in 53-4-231 based on hardship

14 or for families that include an individual who has been battered or subjected to extreme cruelty, as defined

15 in section 103 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 42 U.S.C.

16 608, including but not limited to the duration of the exemption;

17 (o) individuals who must be included as members of an assistance unit;

18 (p) categories of aliens who may receive assistance, if any;

19 (q) requirements relating to the assignment of child and medical support rights and cooperation in

20 establishing paternity and obtaining child and medical support;

21 (r) requirements for eligibility and other terms and conditions of ~~emergency assistance~~ OTHER

22 PROGRAMS TO STRENGTHEN AND PRESERVE FAMILIES;

23 (s) special eligibility or participation requirements applicable to teenage parents, if any; and

24 (t) conditions under which assistance may be continued when a dependent child is temporarily

25 absent from the home and the length of time for which assistance may be continued."

26

27 **Section 21.** Section 53-4-214, MCA, is amended to read:

28 **"53-4-214. Distribution of copies of law and forms by department.** The department shall have

29 printed and shall distribute copies of this part to all county welfare departments and shall prescribe the form

30 of and print and supply to the county welfare department blanks of applications, reports, and ~~such~~ other

1 forms ~~as that~~ may be necessary in relation to ~~aid to families with dependent children~~ the FAIM FINANCIAL
 2 ASSISTANCE AND OTHER PROGRAMS FUNDED UNDER THE temporary assistance for needy families
 3 program BLOCK GRANT."

4
 5 **Section 22.** Section 53-4-221, MCA, is amended to read:

6 "**53-4-221. County department charged with local administration.** The county department of public
 7 welfare ~~shall be~~ is charged with the local administration and supervision of ~~aid to families with dependent~~
 8 ~~children~~ PROGRAMS FUNDED UNDER the temporary assistance for needy families program BLOCK GRANT,
 9 subject to the powers, duties, and functions prescribed for the county department in chapter 2 of this title."

10
 11 **Section 23.** Section 53-4-231, MCA, is amended to read:

12 "**53-4-231. Eligibility.** (1) ~~Assistance shall~~ Subject to the provisions of subsections (2) through (5),
 13 assistance may be granted under this part to any dependent child, as defined in 53-4-201, who is in need
 14 of such assistance.:

15 (a) a dependent child;

16 (b) a specified caretaker relative or relatives, including but is not limited to the natural or adoptive
 17 parents of a dependent child;

18 (c) the stepparent of a dependent child who lives with the child and the child's natural or adoptive
 19 parent;

20 (d) persons under 18 years of age who live in the home with a dependent child, including but not
 21 limited to siblings related to the dependent child by blood, marriage, or adoption or by law;

22 ~~(2)(e) Aid to families with dependent children assistance payments may be made to a needy~~
 23 ~~pregnant woman with no other children who is receiving such payments. Payments may begin no earlier~~
 24 ~~than the third month prior to the month in which the child is expected to be born.~~

25 ~~(3) Aid to families with dependent children shall be granted to or for the care of children of~~
 26 ~~unemployed parents who would not otherwise be entitled to such aid because the child is living in the home~~
 27 ~~with both parents. The department may adopt rules to administer the grant of assistance to children of~~
 28 ~~unemployed parents pursuant to Title IV, section 407, of the federal Social Security Act (42 U.S.C. 607),~~
 29 ~~as amended.~~

30 (2) Persons who are not citizens of the United States are eligible for assistance only as provided

1 in sections 401 through 435 of the Personal Responsibility and Work Opportunity Reconciliation Act of
2 1996, as codified in Title 8 of the United States Code.

3 (3) The following are not eligible for assistance:

4 (a) persons who are receiving supplemental security income payments under the Social Security
5 Act;

6 (b) a dependent child who is or is expected to be absent from the home of the specified caretaker
7 relative continuously for a period of time prescribed by the department by rule;

8 (c) a specified caretaker relative who fails to notify the department that a dependent child is
9 expected to be absent from the specified caretaker relative's home for a period of time equal to or
10 exceeding the period of time established by the department by rule by the end of the 5 day period that
11 begins with the date that it becomes clear to the specified caretaker relative that the child will be absent
12 for the specified period **COMPLY WITH REQUIREMENTS FOR REPORTING THE ABSENCE OF A DEPENDENT**
13 **CHILD FROM THE SPECIFIED CARETAKER RELATIVE'S HOME AS PRESCRIBED BY THE DEPARTMENT BY**
14 **RULE;**

15 (d) families in which the specified caretaker relative fails or refuses to assign child and medical
16 support rights to the department or to cooperate in establishing paternity or obtaining child or medical
17 support as required by the department by rule;

18 (e) teenage parents who fail or refuse to attend secondary school or another training program as
19 required by the department by rule;

20 (f) teenage parents who are not living in an adult-supervised setting as defined by the department
21 by rule;

22 (g) a fugitive felon or probation or parole violator as defined in section 103 of the Personal
23 Responsibility and Work Opportunity Reconciliation Act of 1996, 42 U.S.C. 608;

24 (h) individuals who have fraudulently misrepresented their place of residence, as defined in section
25 103 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 42 U.S.C. 608, for
26 a period of 10 years beginning on the date of conviction; and

27 (i) an individual convicted AFTER AUGUST 22, 1996, of any offense that is classified as a felony
28 and that has as an element the possession, use, or distribution of a controlled substance as defined in
29 section 102(6) of the Controlled Substance Act, 21 U.S.C. 802(6).

30 (4) A family is not eligible for assistance if the family includes an adult who has received assistance

1 in A PROGRAM FUNDED UNDER the temporary assistance for needy families ~~program~~ BLOCK GRANT in
 2 any state or states for 60 months or more, whether or not the months are consecutive, except as provided
 3 by the department by rule in accordance with section 103 of the Personal Responsibility and Work
 4 Opportunity Reconciliation Act of 1996, 42 U.S.C. 608.

5 (5) This part may not be interpreted to entitle any individual or family to assistance under
 6 PROGRAMS FUNDED BY the temporary assistance for needy families ~~program~~ BLOCK GRANT."

7
 8 **Section 24.** Section 53-4-233, MCA, is amended to read:

9 **"53-4-233. Investigation of applications.** Whenever a county department receives an application
 10 for assistance under this part, an investigation ~~shall~~ must be promptly made. ~~The investigation of each~~
 11 ~~application for aid to families with dependent children shall be conducted~~ by the county department of
 12 public welfare. Each applicant ~~shall~~ must be informed of ~~his~~ the applicant's right to a fair hearing and of
 13 the confidential nature of information secured ~~with regard to his circumstances.~~ Upon completion of an
 14 investigation, aid ~~shall~~ must be furnished promptly to all eligible persons. Each applicant ~~shall~~ must receive
 15 written notice of the decision concerning ~~his application~~ the applicant's request for assistance."

16
 17 **Section 25.** Section 53-4-241, MCA, is amended to read:

18 **"53-4-241. Amount of assistance determined by department rules.** The amount of ~~aid to families~~
 19 ~~with dependent children temporary assistance for needy families benefits~~ FAIM FINANCIAL ASSISTANCE
 20 granted in any case, ~~including cases in which the recipient is participating in the FAIM project,~~ must be
 21 determined according to the rules and standards of assistance established by the department, ~~as required~~
 22 ~~by the federal Social Security Act."~~

23
 24 **Section 26.** Section 53-4-246, MCA, is amended to read:

25 **"53-4-246. County share of participation.** Each county where the recipient of ~~aid to families with~~
 26 ~~dependent children temporary assistance for needy families benefits~~ FAIM FINANCIAL ASSISTANCE resides
 27 shall reimburse the department of ~~public health and human services~~ in the amount of ~~22.5%~~ equal to the
 28 percentage of the approved aid to families with dependent children temporary assistance for needy families
 29 grants, exclusive of the not paid with federal share temporary assistance for needy families ~~program~~ funds."

1 **Section 27.** Section 53-4-247, MCA, is amended to read:

2 "**53-4-247. County liability when recipient moves to another county.** A recipient of ~~aid to families~~
3 ~~with dependent children temporary assistance for needy families benefits~~ **FAIM FINANCIAL ASSISTANCE**
4 who moves to another county in the state shall continue to receive assistance. The county that the
5 recipient moves to ~~shall~~ **must** be charged by the department for the county share of assistance. The county
6 that a recipient moves from shall notify the county that the recipient moves to."

7

8 **Section 28.** Section 53-4-248, MCA, is amended to read:

9 "**53-4-248. Parents liable to department for ~~aid to families with dependent children public~~**
10 **assistance payments.** (1) A payment of public assistance money made to or for the benefit of a dependent
11 child creates a debt due and owing to the department by the natural or adoptive parents who are legally
12 responsible for the support of the child by statute or court decree in an amount equal to the amount of
13 public assistance paid. However, where the support obligation is based upon a court decree, the debt is
14 limited to the amount of the court decree.

15 (2) The department is subrogated to the right of the child or person having the care, custody, and
16 control of the child to prosecute any support action or execute any administrative remedy existing under
17 the laws of the state to obtain reimbursement of any money ~~thus~~ expended. If a court decree enters
18 judgment for an amount of support to be paid by an obligor parent, the department is subrogated to the
19 debt created by the order and the money judgment is in favor of the department. ~~No~~ **An** obligee may **not**
20 commence an action to recover support due and owing to ~~him~~ **the obligee** without first filing an affidavit
21 with the court stating whether ~~he~~ **the obligee** has received public assistance from any source and, if ~~he~~ **the**
22 **obligee** has received public assistance, that ~~he~~ **the obligee** has notified the department in writing of the
23 pending action.

24 (3) ~~In no case may a~~ **A** debt arising under this section **may not** be incurred by or collected from a
25 parent or other person while ~~he~~ **the parent or other person** is the recipient of public assistance money for
26 the benefit of minor dependent children.

27 (4) The remedies ~~herein~~ provided **in this section** are in addition to and not in lieu of existing
28 common law and statutory law.

29 (5) The department or its legal representatives may, at any time consistent with the income,
30 earning capacity, and resources of the debtor, petition the court having jurisdiction over the particular case

1 to set or reset a level and schedule of payments to be paid upon the debt."

2

3 **Section 29.** Section 53-4-601, MCA, is amended to read:

4 **"53-4-601. Demonstration project -- purpose.** (1) The department is authorized to administer a
5 demonstration project pursuant to section 1115 of the Social Security Act, 42 U.S.C. 1315, to provide
6 assistance under Title IV of that act, 42 U.S.C. 601, et seq., to families who are currently receiving, eligible
7 for, or at risk of becoming eligible for ~~aid to families with dependent children temporary assistance for~~
8 ~~needy families benefits~~ FAIM FINANCIAL ASSISTANCE. This demonstration project may be cited as the
9 families achieving independence in Montana (FAIM) project.

10 (2) The purpose of the demonstration project is to promote self-sufficiency and responsibility of
11 participants by providing supports and incentives, such as child-care assistance, training, education, medical
12 assistance, and resource referrals, and to make procedures and requirements less complex and more
13 uniform in the ~~aid to families with dependent children temporary assistance for needy families~~ FAIM
14 FINANCIAL ASSISTANCE, food stamp, and medicaid programs."

15

16 **Section 30.** Section 53-4-602, MCA, is amended to read:

17 **"53-4-602. Definitions.** As used in this part, unless the context requires otherwise, the following
18 definitions apply:

19 (1) "Cash assistance" means monetary payments to a recipient of ~~aid to families with dependent~~
20 ~~children temporary assistance for needy families benefits~~ FAIM FINANCIAL ASSISTANCE to meet basic
21 needs, such as shelter, utilities, clothing, and personal needs.

22 (2) "Child-care assistance" means payments to or on behalf of the specified caretaker relative of
23 a dependent child to defray the cost of having a third party care for the child.

24 (3) "Department" means the department of public health and human services provided for in
25 2-15-2201.

26 (4) "FAIM project" means the families achieving independence in Montana project, including ~~an aid~~
27 ~~to families with dependent children a temporary assistance for needy families program~~ FAIM FINANCIAL
28 ASSISTANCE part established in 53-4-603, a food stamp part administered under the Food Stamp Act of
29 1977, 7 U.S.C. 2026, and a medicaid part administered pursuant to the Social Security Act, 42 U.S.C.
30 1315.

1 ~~(5) "JOBS program" means the job opportunities and basic skills training program established in~~
2 ~~53-4-703."~~

3
4 **Section 31.** Section 53-4-603, MCA, is amended to read:

5 **"53-4-603. FAIM project -- components.** (1) ~~The aid to families with dependent children temporary~~
6 ~~assistance for needy families program~~ **FAIM FINANCIAL ASSISTANCE** part of the FAIM project consists of
7 three components referred to as the job supplement program, pathways, and the community services
8 program.

9 (2) The job supplement program is an alternative to the components of the FAIM project that
10 provide cash assistance. An eligible family may receive assistance under the job supplement program
11 instead of receiving assistance under pathways or the community services program or may receive
12 assistance under the job supplement program either prior to or after receiving assistance under pathways
13 or the community services program.

14 (3) Services that may be provided to eligible individuals in the job supplement program include:

15 (a) full medicaid benefits for dependent children, as provided in 53-6-101, and basic medicaid
16 benefits for specified caretaker relatives, as provided in 53-6-101, if pursuant to waivers of federal law that
17 are granted by the secretary of the U.S. department of health and human services that permit limited
18 benefits. However, a specified caretaker relative who is pregnant is entitled to full medicaid benefits.

19 (b) child-care assistance, as provided in 53-4-611 and as specified by the department by rule;

20 (c) assistance in obtaining child support; and

21 (d) a one-time only cash payment to meet special employment-related needs of the family. In order
22 to receive a one-time cash payment, the family is required to agree not to ~~apply for or~~ receive cash
23 assistance for a period of time based on the size of the one-time cash payment received.

24 (4) (a) Pathways may provide eligible individuals with job training and education; resource referrals;
25 assistance in obtaining child support; one-time cash payments for special employment-related needs;
26 child-care assistance, as provided in 53-4-611 and as specified by department rule; cash assistance
27 payments; supportive services, if funding is available; full medicaid benefits for dependent children, as
28 provided in 53-6-101; and basic medicaid benefits for specified caretaker relatives, as provided in 53-6-101,
29 if pursuant to waivers of federal law that are granted by the secretary of the U.S. department of health and
30 human services that permit limited benefits. However, a specified caretaker relative who is pregnant is

1 entitled to full medicaid benefits.

2 (b) A specified caretaker relative in either a single-parent family or a two-parent family may receive
3 assistance under pathways for a maximum of 24 months, subject to the 60-month TIME limitation on
4 assistance provided in 53-4-231. The 24 months do not need to be consecutive.

5 ~~(c) Specified caretaker relatives in a two-parent family may receive assistance under pathways for~~
6 ~~a maximum of 18 months. The 18 months do not need to be consecutive.~~

7 (5) (a) In the community services program, a specified caretaker relative who has received the
8 ~~maximum number of 24~~ months of assistance ~~allowable~~ under pathways may continue to receive assistance
9 for the specified caretaker relative's needs for an additional 36 months OR LONGER PERIOD, AS SPECIFIED
10 BY DEPARTMENT RULE, if the specified caretaker relative performs community service work as required
11 by the department, subject to the 60-month TIME limitation on assistance provided in 53-4-231.

12 (b) A specified caretaker relative who performs community service work as required is entitled to
13 cash assistance for the specified caretaker relative's needs and basic medicaid benefits, as provided in
14 53-6-101, if pursuant to waivers of federal law that are granted by the secretary of the U.S. department
15 of health and human services that permit limited benefits. However, a specified caretaker relative who is
16 pregnant is entitled to full medicaid benefits.

17 (c) Job training and education, resource referrals, and assistance in obtaining child support may
18 also be provided if determined by the department to be appropriate. Child-care assistance may be provided
19 to participants in the community services program as set forth in 53-4-611 and as specified by department
20 rule.

21 (6) Failure of a caretaker relative to participate in community service work as required must result
22 in the needs of the specified caretaker relative being removed from the cash assistance payment.

23 (7) A dependent child who meets all eligibility requirements for ~~aid to families with dependent~~
24 ~~children may receive assistance under any component of the FAIM project without any time limits.~~
25 ~~temporary assistance for needy families benefits~~ FAIM FINANCIAL ASSISTANCE is not subject to the time
26 limits on assistance in pathways and the community services program that are provided for specified
27 caretaker relatives in this section. However, a dependent child may be ineligible for temporary assistance
28 for needy families benefits FAIM FINANCIAL ASSISTANCE because of the 60-month limitation on
29 assistance provided in 53-4-231.

30 ~~(8) The department shall furnish workers' compensation coverage, as provided in 39-71-118, for~~

1 recipients in any component of the FAIM project who perform community service work or who participate
2 in a work experience program."

3

4 **Section 32.** Section 53-4-606, MCA, is amended to read:

5 **"53-4-606. Requirements for eligibility.** (1) Eligibility for ~~aid to families with dependent children~~
6 ~~temporary assistance for needy families~~ benefits FAIM FINANCIAL ASSISTANCE under the FAIM project
7 with regard to income, resources, and all other factors of eligibility must be determined in accordance with
8 the waivers granted by the U.S. secretary of health and human services under section 1115 of the Social
9 Security Act, 42 U.S.C. 1315.

10 ~~(2) If waivers of federal law are granted by the secretary of the U.S. department of health and~~
11 ~~human services, two parent families applying for or receiving aid to families with dependent children~~
12 ~~benefits under the FAIM project based on the unemployment of one parent may not be required to meet~~
13 ~~the special eligibility requirements of section 407 of the Social Security Act, 42 U.S.C. 607.~~

14 ~~(3)~~(2) (a) As a condition of eligibility for assistance under pathways and the community services
15 program, all specified caretaker relatives and other family members, as specified by the department by rule,
16 shall enter into a family investment agreement with the department and shall comply with the terms of that
17 agreement. Entering into an agreement is not a condition of eligibility for the job supplement program.

18 (b) The family investment agreement must set forth the mutual obligations of the ~~specified~~
19 ~~caretaker relative~~ participant and the department to help the family achieve the goal of self-sufficiency. The
20 agreement may contain provisions:

21 (i) regarding actions to be taken by the (i) specified caretaker relative and by the department to secure
22 child support;

23 (ii) requiring that the immunization and health-screening requirements of the early and periodic
24 screening, diagnosis, and treatment program be met for all children in the family; and

25 (iii) specifying other services and activities appropriate for the ~~specified caretaker relative~~ participant
26 or family.

27 (c) An individual who is required to enter into a family investment agreement and who fails without
28 good cause to do so or fails without good cause to comply with the individual's obligations under the
29 agreement is ineligible, as provided in 53-4-608, for ~~aid to families with dependent children~~ temporary
30 assistance for needy families FAIM FINANCIAL ASSISTANCE benefits.

1 ~~(4)~~(3) As a condition of eligibility for the community service program, a specified caretaker relative
2 shall perform community service work as required by the department."

3
4 **Section 33.** Section 53-4-607, MCA, is amended to read:

5 "**53-4-607. Exemptions from time limitations in pathways and community services program.** (1)
6 Recipients of aid to families with dependent children ~~temporary assistance for needy families benefits~~ FAIM
7 FINANCIAL ASSISTANCE under the FAIM project may be exempted from the time limitations on assistance
8 under pathways and the community services program contained in 53-4-603 as provided by the department
9 by rule.

10 (2) In establishing categories of individuals who are exempt from the time limitations on assistance
11 under pathways, the department may take into consideration factors that may delay an individual's
12 attainment of self-sufficiency, including but not limited to the following:

13 (a) The individual has a verifiable illness, injury, or physical or mental impairment, handicap, or
14 disability.

15 (b) The individual is of advanced age.

16 (c) The individual does not have necessary state-paid child care available.

17 (d) The individual is attending high school or is working toward a graduate equivalency diploma,
18 if the individual is under ~~20~~ 18 years of age.

19 (e) The individual is the parent of a child under 1 year of age.

20 (f) The individual is providing care to a household member with a disability who requires special
21 care.

22 (g) The individual is a teenage parent receiving assistance in the individual's own name and
23 participating in activities pursuant to a family investment agreement.

24 (h) The department failed to substantially comply with its obligations under the family investment
25 agreement.

26 (i) ~~The individual is a homeless person.~~

27 ~~(j)~~ The individual is a victim of domestic violence as defined by the department by rule."

28
29 **Section 34.** Section 53-4-608, MCA, is amended to read:

30 "**53-4-608. Ineligibility because of Sanction for RESULTS OF failure to comply with terms of**

1 **agreement.** If an individual is required to enter into a family investment agreement pursuant to 53-4-606
 2 and fails without good cause ~~either to enter into an agreement or~~, THE INDIVIDUAL IS INELIGIBLE FOR
 3 FAIM FINANCIAL ASSISTANCE. IF AN INDIVIDUAL IS REQUIRED TO ENTER INTO A FAMILY
 4 INVESTMENT AGREEMENT PURSUANT TO 53-4-606 AND FAILS WITHOUT GOOD CAUSE to comply with
 5 the individual's obligations under the agreement, the individual ~~is ineligible for aid to families with dependent~~
 6 ~~children benefits~~ must be sanctioned for a period of time specified by the department by rule and the needs
 7 of the individual may not be taken into consideration in determining the assistance unit's amount of cash
 8 assistance. However, the family of ~~an ineligible~~ a sanctioned individual is entitled to assistance for its own
 9 needs if it is otherwise eligible. The income and resources of the individual must be considered in
 10 determining the family's eligibility for assistance during the period ~~of ineligibility~~ that the individual is
 11 sanctioned."

12
 13 **Section 35.** Section 53-4-609, MCA, is amended to read:

14 "53-4-609. **Categorical eligibility for other assistance.** ~~All recipients~~ RECIPIENTS of ~~aid to families~~
 15 ~~with dependent children temporary assistance for needy families benefits~~ FAIM FINANCIAL ASSISTANCE
 16 under a component of the FAIM project are NOT categorically eligible for food stamp benefits and the
 17 low-income energy assistance program, ~~regardless of whether they would otherwise meet~~ BUT ARE
 18 ELIGIBLE ONLY IF THEY SATISFY all the eligibility requirements for those programs, ~~unless otherwise~~
 19 ~~prohibited by federal law."~~

20
 21 **Section 36.** Section 53-4-611, MCA, is amended to read:

22 "53-4-611. **Child-care assistance.** (1) In the job supplement program component of the FAIM
 23 project, the department ~~shall~~ may provide child-care assistance to all single-parent families if child care is
 24 necessary to allow the parent to engage in paid employment and if funding is available. Child-care
 25 assistance may, at the department's discretion, be provided to two-parent families if child care is necessary
 26 to allow either or both parents to engage in paid employment and if funding is available.

27 (2) In the pathways component of the FAIM project, the department ~~shall~~ may provide child-care
 28 assistance to all single-parent families if child care is necessary to allow the parent to participate in an
 29 activity required by the family investment agreement and if funding is available. ~~However, child-care~~
 30 ~~assistance for single-parent families to enable the parent to participate in postsecondary education is not~~

1 ~~guaranteed and may be provided only if funding is available.~~ Child-care assistance may, at the department's
 2 discretion, be provided to two-parent families if child care is necessary to allow either or both of the parents
 3 to participate in an activity required by the family investment agreement and if funding is available.

4 (3) In the community services program component of the FAIM project, the department ~~shall~~ may
 5 provide child-care assistance to all single-parent families if child care is necessary to allow the parent to
 6 participate in an activity required by the family investment agreement and if funding is available. Child-care
 7 assistance may, at the department's discretion, be provided to two-parent families if child care is necessary
 8 to allow either or both of the parents to participate in an activity required by the family investment
 9 agreement and if funding is available."

10
 11 **Section 37.** Section 53-4-612, MCA, is amended to read:

12 "**53-4-612. Extended child care and medical assistance benefits.** A family receiving ~~aid to families~~
 13 ~~with dependent children temporary assistance for needy families~~ FAIM FINANCIAL ASSISTANCE ~~benefits~~
 14 under a component of the FAIM project that loses eligibility for assistance because of increased income
 15 from any source may receive extended ~~child care and~~ medical assistance benefits if funding is available,
 16 provided that the family's income does not exceed a percentage of the federal poverty level specified by
 17 the department by rule, and may receive child-care assistance pursuant to 53-4-611 if funding is available."

18
 19 **Section 38.** Section 53-4-613, MCA, is amended to read:

20 "**53-4-613. ~~JOBS program~~ Employment and training program.** ~~(1)~~ In cases in which the department
 21 determines that participation in the ~~JOBS program~~ employment and training program would be appropriate
 22 for a participant in pathways, the participant may be required to participate in ~~the JOBS program~~
 23 employment and training as one of the conditions of the participant's family investment agreement.

24 ~~(2) If waivers of federal law are granted by the secretary of the U.S. department of health and~~
 25 ~~human services, the exemptions from participation in the JOBS program provided in section 201 of the~~
 26 ~~federal Family Support Act of 1988, 42 U.S.C. 602(a)(19), may not apply to recipients of aid to families~~
 27 ~~with dependent children benefits who are participating in the FAIM employment and training demonstration~~
 28 ~~project."~~

29
 30 **Section 39.** Section 53-4-701, MCA, is amended to read:

1 "53-4-701. **Purpose.** It is the purpose of this part to establish a ~~program, consistent with the~~
2 ~~provisions of the federal Family Support Act of 1988, to assure that recipients of the aid to families with~~
3 ~~dependent children program obtain~~ component of the pathways program that:

4 (1) provides recipients of temporary assistance for needy families benefits FAIM FINANCIAL
5 ASSISTANCE with the education, training, and employment services needed to avoid long-term welfare
6 dependency; and

7 (2) complies with the participation requirements established in section 103 of the Personal
8 Responsibility and Work Opportunity Reconciliation Act of 1996, 42 U.S.C. 607."

9

10 **Section 40.** Section 53-4-702, MCA, is amended to read:

11 "53-4-702. **Definitions.** As used in this part, unless the context requires otherwise, the following
12 definitions apply:

13 ~~(1) "Aid to families with dependent children" has the same meaning as provided in 53-4-201.~~

14 ~~(2)~~(1) "Department" means the department of public health and human services provided for in
15 2-15-2201.

16 (2) "FAIM FINANCIAL ASSISTANCE" MEANS THE PROGRAM THAT PROVIDES PARTICIPANTS
17 IN THE JOB SUPPLEMENT PROGRAM, PATHWAYS PROGRAM, AND COMMUNITY SERVICES PROGRAM
18 OF THE FAIM PROJECT WITH BENEFITS THAT MAY INCLUDE CASH PAYMENTS, SERVICES, AND
19 NONCASH ASSISTANCE.

20 ~~(3)~~(2)(3) "FAIM project" means the families achieving independence in Montana project as
21 established in 53-4-601.

22 ~~(4) "Family Support Act of 1988" means the federal Family Support Act of 1988, Public Law~~
23 ~~100-485, as amended.~~

24 ~~(5) "JOBS program" or "program" means the job opportunities and basic skills training program~~
25 ~~established in 53-4-703.~~

26 ~~(3) "Temporary assistance for needy families" has the meaning provided in 53-4-201."~~

27

28 **Section 41.** Section 53-4-703, MCA, is amended to read:

29 "53-4-703. ~~JOBS program~~ Employment and training program established ~~—purpose.~~ ~~(1)~~ The
30 department shall establish and administer a ~~job opportunities and basic skills training (JOBS) program that~~

1 ~~meets the requirements of section 201 of the federal Family Support Act of 1988 (42 U.S.C. 602(a)(19),~~
 2 ~~681 through 686) an intensive employment and training program in accordance with the requirements of~~
 3 ~~section 103 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 42 U.S.C.~~
 4 ~~607.~~

5 ~~(2) The purpose of the program is to provide recipients of aid to families with dependent children~~
 6 ~~the education, training, and employment that will help them avoid long term welfare dependency."~~

7
 8 **Section 42.** Section 53-4-705, MCA, is amended to read:

9 **"53-4-705. Services and activities.** ~~{1}~~ Under the program provided for in 53-4-703, the
 10 department shall make available a broad range of services and activities to assist recipients of aid to families
 11 ~~with dependent children temporary assistance for needy families benefits~~ FAIM FINANCIAL ASSISTANCE
 12 as specified by the department by rule. Such services and activities may include:

13 ~~(a) appropriate educational activities, including:~~

14 ~~(i) high school education or its equivalent, combined with training as needed;~~

15 ~~(ii) basic and remedial education to help participants achieve a basic literacy level; and~~

16 ~~(iii) education for individuals with limited English language proficiency;~~

17 ~~(b) job skills training;~~

18 ~~(c) job readiness activities to help prepare participants for work;~~

19 ~~(d) job development and job placement;~~

20 ~~(e) group and individual job search activities as provided for in 42 U.S.C. 682(g);~~

21 ~~(f) on the job training;~~

22 ~~(g) work supplementation programs as provided for in 42 U.S.C. 682(e); and~~

23 ~~(h) community work experience programs as provided for in 42 U.S.C. 682(f).~~

24 ~~(2) In addition to the services and activities provided in subsection (1), the department may offer~~
 25 ~~to participants under the program:~~

26 ~~(a) postsecondary education in appropriate cases; and~~

27 ~~(b) such other education, training, and employment activities as may be determined necessary."~~

28
 29 **Section 43.** Section 53-4-706, MCA, is amended to read:

30 **"53-4-706. Participation requirements.** (1) Except as otherwise provided in this section and

1 ~~53-4-707~~, the department may require individuals to participate in the JOBS employment and training
 2 program as a condition of their eligibility for ~~aid to families with dependent children temporary assistance~~
 3 ~~for needy families benefits~~ FAIM FINANCIAL ASSISTANCE.

4 (2) To the extent that the program is available and that state resources permit, the department
 5 shall:

6 ~~(a) require recipients of aid to families with dependent children who are not participating in the~~
 7 ~~FAIM project and with respect to whom the state guarantees child care in accordance with section 402(g)~~
 8 ~~of the Social Security Act (42 U.S.C. 602(g)) to participate in the program;~~

9 (b) require recipients of ~~aid to families with dependent children temporary assistance for needy~~
 10 ~~families benefits~~ FAIM FINANCIAL ASSISTANCE who are participating in either the pathways or community
 11 ~~service program~~ component of the FAIM project to participate in the program if the department determines
 12 that it is an appropriate activity for the recipient and includes participation as a condition of the recipient's
 13 family investment agreement; and

14 ~~(c) allow applicants for and recipients of aid to families with dependent children who are not~~
 15 ~~required under subsection (2)(a) to participate in the program to do so on a voluntary basis."~~

16

17 **Section 44.** Section 53-4-717, MCA, is amended to read:

18 "**53-4-717. Sanctions.** ~~(1) Except as provided in subsection (2), an individual who without good~~
 19 ~~cause fails to participate in the JOBS program as required or who without good cause refuses to accept~~
 20 ~~suitable employment shall lose eligibility for aid to families with dependent children as provided in 42 U.S.C.~~
 21 ~~602(a)(19)(G).~~

22 ~~(2) If an individual receiving aid to families with dependent children temporary assistance for needy~~
 23 ~~families benefits~~ FAIM FINANCIAL ASSISTANCE under the FAIM project is required to participate in the
 24 JOBS employment and training program as a condition of the individual's family investment agreement and
 25 fails without good cause to participate, the individual must be sanctioned in accordance with rules
 26 established by the department."

27

28 **Section 45.** Section 53-6-101, MCA, is amended to read:

29 "**53-6-101. Montana medicaid program -- authorization of services.** (1) There is a Montana
 30 medicaid program established for the purpose of providing necessary medical services to eligible persons

1 who have need for medical assistance. The Montana medicaid program is a joint federal-state program
2 administered under this chapter and in accordance with Title XIX of the ~~federal~~ Social Security Act, 42
3 U.S.C. 1396, et seq., as may be amended. The department of public health and human services shall
4 administer the Montana medicaid program.

5 (2) Medical assistance provided by the Montana medicaid program includes the following services:

6 (a) inpatient hospital services;

7 (b) outpatient hospital services;

8 (c) other laboratory and x-ray services, including minimum mammography examination as defined
9 in 33-22-132;

10 (d) skilled nursing services in long-term care facilities;

11 (e) physicians' services;

12 (f) nurse specialist services;

13 (g) early and periodic screening, diagnosis, and treatment services for persons under 21 years of
14 age;

15 (h) ambulatory prenatal care for pregnant women during a presumptive eligibility period, as
16 provided in 42 U.S.C. 1396a(a)(47) and 42 U.S.C. 1396r-1;

17 (i) targeted case management services, as authorized in 42 U.S.C. 1396n(g), for high-risk pregnant
18 women;

19 (j) services that are provided by physician assistants-certified within the scope of their practice and
20 that are otherwise directly reimbursed as allowed under department rule to an existing provider;

21 (k) health services provided under a physician's orders by a public health department; and

22 (l) federally qualified health center services, as defined in 42 U.S.C. 1396d(l)(2).

23 (3) Medical assistance provided by the Montana medicaid program may, as provided by department
24 rule, also include the following services:

25 (a) medical care or any other type of remedial care recognized under state law, furnished by
26 licensed practitioners within the scope of their practice as defined by state law;

27 (b) home health care services;

28 (c) private-duty nursing services;

29 (d) dental services;

30 (e) physical therapy services;

1 (f) mental health center services administered and funded under a state mental health program
2 authorized under Title 53, chapter 21, part 2;

3 (g) clinical social worker services;

4 (h) prescribed drugs, dentures, and prosthetic devices;

5 (i) prescribed eyeglasses;

6 (j) other diagnostic, screening, preventive, rehabilitative, chiropractic, and osteopathic services;

7 (k) inpatient psychiatric hospital services for persons under 21 years of age;

8 (l) services of professional counselors licensed under Title 37, chapter 23;

9 (m) hospice care, as defined in 42 U.S.C. 1396d(o);

10 (n) case management services as provided in 42 U.S.C. 1396d(a) and 1396n(g), including targeted
11 case management services for the mentally ill;

12 (o) inpatient psychiatric services for persons under 21 years of age, as provided in 42 U.S.C.
13 1396d(h), in a residential treatment facility, as defined in 50-5-101, that is licensed in accordance with
14 50-5-201; and

15 (p) any additional medical service or aid allowable under or provided by the federal Social Security
16 Act.

17 (4) Services for persons qualifying for medicaid under the medically needy category of assistance
18 as described in 53-6-131 may be more limited in amount, scope, and duration than services provided to
19 others qualifying for assistance under the Montana medicaid program. The department is not required to
20 provide all of the services listed in subsections (2) and (3) to persons qualifying for medicaid under the
21 medically needy category of assistance.

22 (5) ~~If In accordance with waivers of federal law that are granted by the secretary of the U.S.~~
23 ~~department of health and human services, the department of public health and human services may~~
24 ~~implement limited medicaid benefits, to be known as basic medicaid, for adult recipients who are eligible~~
25 ~~because they are receiving aid to families with dependent children temporary assistance for needy families~~
26 ~~benefits FAIM FINANCIAL ASSISTANCE, AS DEFINED IN 53-4-702, as the specified caretaker relative of~~
27 ~~a dependent child under the FAIM project and for all adult recipients of medical assistance only who are~~
28 ~~covered under a group related to aid to families with dependent children the temporary assistance for needy~~
29 ~~families program OF FAIM FINANCIAL ASSISTANCE, AS DEFINED IN 53-4-702. Basic medicaid benefits~~
30 consist of all mandatory services listed in subsections (2)(a) through (2)(l) but may include those optional

1 services listed in subsections (3)(a) through (3)(p) that the department in its discretion specifies by rule.
2 The department, in exercising its discretion, may consider the amount of funds appropriated by the
3 legislature for the FAIM project and whether the provision of a particular service is commonly covered by
4 private health insurance plans. However, a recipient who is pregnant, MEETS THE CRITERIA FOR
5 DISABILITY PROVIDED IN TITLE II OF THE SOCIAL SECURITY ACT, 42 U.S.C. 416, ET SEQ., OR IS LESS
6 THAN 21 YEARS OF AGE is entitled to full medicaid coverage.

7 (6) The department may implement, as provided for in Title XIX of the ~~federal~~ Social Security Act,
8 42 U.S.C. 1396, et seq., as may be amended, a program under medicaid for payment of medicare
9 premiums, deductibles, and coinsurance for persons not otherwise eligible for medicaid.

10 (7) The department may set rates for medical and other services provided to recipients of medicaid
11 and may enter into contracts for delivery of services to individual recipients or groups of recipients.

12 (8) The services provided under this part may be only those that are medically necessary and that
13 are the most efficient and cost-effective.

14 (9) The amount, scope, and duration of services provided under this part must be determined by
15 the department in accordance with Title XIX of the ~~federal~~ Social Security Act, 42 U.S.C. 1396, et seq.,
16 as may be amended.

17 (10) Services, procedures, and items of an experimental or cosmetic nature may not be provided.

18 (11) If available funds are not sufficient to provide medical assistance for all eligible persons, the
19 department may set priorities to limit, reduce, or otherwise curtail the amount, scope, or duration of the
20 medical services made available under the Montana medicaid program.

21 (12) Community-based medicaid services, as provided for in part 4 of this chapter, must be provided
22 in accordance with the provisions of this chapter and the rules adopted under this chapter.

23 (13) Medicaid payment for personal-care facilities may not be made unless the department certifies
24 to the director of the governor's office of budget and program planning that payment to this type of
25 provider would, in the aggregate, be a cost-effective alternative to services otherwise provided."
26

27 **Section 46.** Section 53-6-113, MCA, is amended to read:

28 **"53-6-113. Department to adopt rules.** (1) The department of public health and human services
29 shall adopt appropriate rules necessary for the administration of the Montana medicaid program as provided
30 for in this part and as may be required by federal laws and regulations governing state participation in

1 medicaid under Title XIX of the ~~federal~~ Social Security Act, 42 U.S.C. 1396, et seq., as amended.

2 (2) The department shall adopt rules as are necessary to further define for the purposes of this part
3 the services provided under 53-6-101 and to provide that services being used are medically necessary and
4 that the services are the most efficient and cost-effective available. The rules may establish the amount,
5 scope, and duration of services provided under the Montana medicaid program, including the items and
6 components constituting the services.

7 (3) The department shall establish by rule the rates for reimbursement of services provided under
8 this part. The department may in its discretion set rates of reimbursement that it determines necessary for
9 the purposes of the program. In establishing rates of reimbursement, the department may consider but is
10 not limited to considering:

11 (a) the availability of appropriated funds;

12 (b) the actual cost of services;

13 (c) the quality of services;

14 (d) the professional knowledge and skills necessary for the delivery of services; and

15 (e) the availability of services.

16 (4) The department shall specify by rule those professionals who may deliver or direct the delivery
17 of particular services.

18 (5) The department may provide by rule for payment by a recipient of a portion of the
19 reimbursements established by the department for services provided under this part.

20 (6) The department may adopt rules consistent with this part to govern eligibility for the Montana
21 medicaid program. Rules may include but are not limited to financial standards and criteria for income and
22 resources, treatment of resources, nonfinancial criteria, family responsibilities, residency, application,
23 termination, definition of terms, ~~and~~ confidentiality of applicant and recipient information, and cooperation
24 with the state agency administering the child support enforcement program under Title IV-D of the Social
25 Security Act, 42 U.S.C. 651, et seq.

26 (7) The department may adopt rules limiting eligibility based on criteria more restrictive than that
27 provided in 53-6-131 if required by Title XIX of the ~~federal~~ Social Security Act, 42 U.S.C. 1396, et seq.,
28 as may be amended, or if funds appropriated are not sufficient to provide medical care for all eligible
29 persons.

30 (8) The department may adopt rules necessary for the administration of medicaid managed-care

1 systems. Rules to be adopted may include but are not limited to rules concerning:

- 2 (a) participation in managed care;
- 3 (b) selection and qualifications for providers of managed care; and
- 4 (c) standards for the provision of managed care.

5 (9) ~~(a)~~ The department shall establish by rule income limits for eligibility for extended medical
 6 assistance of persons receiving ~~aid to families with dependent children temporary assistance for needy~~
 7 families benefits FROM FAIM FINANCIAL ASSISTANCE, AS DEFINED IN 53-4-702, as participants of the
 8 FAIM project who lose eligibility because of increased income, as provided in 53-6-134, and shall also
 9 establish by rule the length of time for which extended medical assistance will be provided. The
 10 department, in exercising its discretion to set income limits and duration of assistance, may consider the
 11 amount of funds appropriated by the legislature for the FAIM project.

12 ~~(b) Notwithstanding Title 53, chapter 2, part 9, and Title 53, chapter 4, part 6, it is the intent of~~
 13 ~~the legislature that rules may not be adopted except to implement the waiver granted by the U.S. secretary~~
 14 ~~of health and human services under section 1115 of the Social Security Act, 42 U.S.C. 1315, and to~~
 15 ~~implement the FAIM program. Rules may not implement any other program or programs that may result~~
 16 ~~because of federal welfare reform unless the rules are required for compliance with federal law."~~

17

18 **Section 47.** Section 53-6-131, MCA, is amended to read:

19 **"53-6-131. Eligibility requirements.** (1) Medical assistance under the Montana medicaid program
 20 may be granted to a person who is determined by the department of public health and human services, in
 21 its discretion, to be eligible as follows:

22 (a) The person receives or is considered to be receiving supplemental security income benefits
 23 under Title XVI of the ~~federal~~ Social Security Act, 42 U.S.C. 1381, et seq., and does not have income or
 24 resources in excess of the applicable medical assistance limits or aid to families with dependent children
 25 receive temporary assistance for needy families FROM FAIM FINANCIAL ASSISTANCE, AS DEFINED IN
 26 53-4-702, benefits under Title IV of the federal Social Security Act, 42 U.S.C. 601, et seq.

27 (b) The person would be eligible for assistance under a program described in subsection (1)(a) if
 28 that person were to apply for that assistance.

29 (c) The person is in a medical facility that is a medicaid provider and, but for residence in the
 30 facility, the person would be receiving assistance under one of the programs in subsection (1)(a).

1 (d) The person is under 19 years of age and meets the conditions of eligibility in the ~~state plan for~~
2 ~~aid to families with dependent children temporary assistance for needy families state plan, AS DEFINED IN~~
3 ~~53-4-201~~, other than with respect to age and school attendance.

4 (e) The person is under 21 years of age and in foster care under the supervision of the state or was
5 in foster care under the supervision of the state and has been adopted as a hard-to-place child.

6 (f) The person meets the nonfinancial criteria of the categories in subsections (1)(a) through (1)(e)
7 and:

8 (i) the person's income does not exceed the income level specified for federally aided categories
9 of assistance and the person's resources are within the resource standards of the federal supplemental
10 security income program; or

11 (ii) the person, while having income greater than the medically needy income level specified for
12 federally aided categories of assistance:

13 (A) has an adjusted income level, after incurring medical expenses, that does not exceed the
14 medically needy income level specified for federally aided categories of assistance or, alternatively, has paid
15 in cash to the department the amount by which the person's income exceeds the medically needy income
16 level specified for federally aided categories of assistance; and

17 (B) has resources that are within the resource standards of the federal supplemental security
18 income program.

19 (g) The person is a qualified pregnant woman or child as defined in 42 U.S.C. 1396d(n).

20 (2) The department may establish income and resource limitations. Limitations of income and
21 resources must be within the amounts permitted by federal law for the medicaid program.

22 (3) The Montana medicaid program shall pay, as required by federal law, the premiums necessary
23 for medicaid-eligible persons participating in the medicare program and may, within the discretion of the
24 department, pay all or a portion of the medicare premiums, deductibles, and coinsurance for a qualified
25 medicare-eligible person or for a qualified disabled and working individual, as defined in section 6408(d)(2)
26 of the federal Omnibus Budget Reconciliation Act of 1989, Public Law 101-239, who:

27 (a) has income that does not exceed income standards as may be required by the ~~federal~~ Social
28 Security Act; and

29 (b) has resources that do not exceed standards that the department determines reasonable for
30 purposes of the program.

1 (4) The department may pay a medicaid-eligible person's expenses for premiums, coinsurance, and
 2 similar costs for health insurance or other available health coverage, as provided in 42 U.S.C. 1396b(a)(1).

3 (5) ~~If In accordance with waivers of federal law that are granted by the secretary of the U.S.~~
 4 ~~department of health and human services, the department of public health and human services may grant~~
 5 ~~eligibility for basic medicaid benefits as described in 53-6-101 to an individual receiving aid to families with~~
 6 ~~dependent children temporary assistance for needy families benefits FAIM FINANCIAL ASSISTANCE, AS~~
 7 ~~DEFINED IN 53-4-702, as the specified caretaker relative of a dependent child under the FAIM project and~~
 8 ~~to all adult recipients of medical assistance only who are covered under a group related to aid to families~~
 9 ~~with dependent children the temporary assistance for needy families program OF FAIM FINANCIAL~~
 10 ~~ASSISTANCE. A recipient who is pregnant, MEETS THE CRITERIA FOR DISABILITY PROVIDED IN TITLE~~
 11 ~~II OF THE SOCIAL SECURITY ACT, 42 U.S.C. 416, ET SEQ., OR IS LESS THAN 21 YEARS OF AGE is~~
 12 entitled to full medicaid coverage as provided in 53-6-101.

13 (6) The department, under the Montana medicaid program, may provide, if a waiver is not available
 14 from the federal government, medicaid and other assistance mandated by Title XIX of the ~~federal~~ Social
 15 Security Act, 42 U.S.C. 1396, et seq., as may be amended, and not specifically listed in this part to
 16 categories of persons that may be designated by the act for receipt of assistance.

17 (7) Notwithstanding any other provision of this chapter, medical assistance must be provided to
 18 infants and pregnant women whose family income does not exceed 133% of the federal poverty threshold,
 19 as provided in 42 U.S.C. 1396a(a)(10)(A)(ii)(IX) and 42 U.S.C. 1396a(l)(2)(A)(i), and whose family
 20 resources do not exceed standards that the department determines reasonable for purposes of the program.

21 (8) Subject to appropriations, the department may cooperate with and make grants to a nonprofit
 22 corporation that ~~uses~~ donated funds to provide basic preventive and primary health care medical benefits
 23 to children whose families are ineligible for the Montana medicaid program and who are ineligible for any
 24 other health care coverage, are under 19 years of age, and are enrolled in school if of school age.

25 (9) A person described in subsection (7) must be provided continuous eligibility for medical
 26 assistance, as authorized in 42 U.S.C. 1396a(e)(5) through a(e)(7).

27 (10) The department may establish resource and income standards of eligibility for mental health
 28 services that are more liberal than the resource and income standards of eligibility for physical health
 29 services. The standards for eligibility for mental health services may provide for eligibility for households
 30 with family income that does not exceed 200% of the federal poverty threshold or that does not exceed

1 a lesser amount determined in the discretion of the department. The department may by rule specify under
 2 what circumstances deductions for medical expenses should be used to reduce countable family income
 3 in determining eligibility. The department may also adopt rules establishing fees to be charged recipients
 4 for services. The fees may vary according to family income."

5
 6 **Section 48.** Section 53-6-134, MCA, is amended to read:

7 **"53-6-134. Extension of eligibility for medical assistance to persons terminated from aid to families**
 8 **~~with dependent children temporary assistance for needy families program~~ FAIM FINANCIAL ASSISTANCE.**

9 (1) ~~In accordance with section 1925 of Title XIX of the Social Security Act, 42 U.S.C. 1396r-6, the~~
 10 ~~department of public health and human services shall provide for the extension of eligibility for medical~~
 11 ~~assistance to persons who lose eligibility for aid to families with dependent children because of:~~

12 ~~(a) increased hours or income from employment; or~~

13 ~~(b) loss of federally prescribed earned income disregards.~~

14 ~~(2)~~ In providing for the extension of eligibility for medical assistance under subsection ~~(1)~~(2), the
 15 department may provide for health insurance or other health coverage in accordance with subsections
 16 1925(a)(4)(B) and 1925(b)(4)(C) of Title XIX of the Social Security Act, 42 U.S.C. 1396r-6(a)(4)(B) and 42
 17 U.S.C. 1396r-6(b)(4)(C), and may exercise the other options contained in section 1925 of Title XIX of the
 18 Social Security Act, 42 U.S.C. 1396r-6, regarding the provision of medical assistance.

19 ~~(3)~~(2) ~~If~~ In accordance with waivers of federal law that are granted by the secretary of the U.S.
 20 department of health and human services, the department of public health and human services may provide
 21 extended eligibility for medical assistance for a period of time established by the department by rule for
 22 persons receiving ~~aid to families with dependent children temporary assistance for needy families benefits~~
 23 FAIM FINANCIAL ASSISTANCE, AS DEFINED IN 53-4-702, under the job supplement program, pathways,
 24 or community services program components of the FAIM project described in 53-4-603 who lose eligibility
 25 because of increased income from any source or because of exhausting time-limited earned income
 26 disregards, provided that the family's income does not exceed a percentage of the federal poverty level
 27 established by the department by rule. The department, in exercising its discretion to establish income
 28 standards and duration of extended medical assistance by rule, may consider the amount of funds
 29 appropriated by the legislature for the FAIM project."
 30

1 NEW SECTION. **Section 49. Saving clause.** [This act] does not affect rights and duties that
2 matured, penalties that were incurred, or proceedings that were begun before [the effective date of this
3 act].

4

5 NEW SECTION. **Section 50. Repealer.** Sections 39-7-601, 39-7-602, 39-7-603, 39-7-604,
6 39-7-605, 39-7-606, 53-4-249, 53-4-707, 53-4-708, 53-4-715, 53-4-716, 53-4-718, and 53-4-720, MCA,
7 are repealed.

8

-END-

APPROVED BY COM ON PUBLIC HEALTH, WELFARE & SAFETY

HOUSE BILL NO. 371

INTRODUCED BY AHNER

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A BILL FOR AN ACT ENTITLED: "AN ACT REPLACING THE AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM WITH THE ~~TEMPORARY ASSISTANCE FOR NEEDY FAMILIES~~ FAMILIES ACHIEVING INDEPENDENCE IN MONTANA (FAIM) FINANCIAL ASSISTANCE PROGRAM; MAKING PROVISIONS REGARDING OVERPAYMENT OF PUBLIC ASSISTANCE APPLY TO RECIPIENT ERROR; REQUIRING RECIPIENTS TO NOTIFY THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES REGARDING ANY CHANGE THAT MAY AFFECT ELIGIBILITY FOR PUBLIC ASSISTANCE; AMENDING PROVISIONS REGARDING THE FOOD STAMP PROGRAM; ALLOWING THE DEPARTMENT TO ADOPT RULES; REPLACING THE JOBS PROGRAM WITH AN EMPLOYMENT AND TRAINING PROGRAM; DELETING THE CHILD SUPPORT PASS-THROUGH PAYMENT OF UP TO \$50 A MONTH; REVISING THE TERMS "DEPENDENT CHILD" AND "FAMILY" FOR PURPOSES OF THE ~~TEMPORARY ASSISTANCE FOR NEEDY FAMILIES~~ FAIM FINANCIAL ASSISTANCE PROGRAM; ALLOWING ADMINISTRATION OF THE ~~TEMPORARY ASSISTANCE FOR NEEDY FAMILIES~~ FAIM FINANCIAL ASSISTANCE PROGRAM TO VARY ACROSS THE STATE; REQUIRING MEMBERS OF INDIAN TRIBES PARTICIPATING IN THE ~~TEMPORARY ASSISTANCE FOR NEEDY FAMILIES~~ FAIM FINANCIAL ASSISTANCE PROGRAM TO BE SUBJECT TO THE SAME RULES, POLICIES, AND REQUIREMENTS OF THE PROGRAM; REQUIRING THE DEPARTMENT TO ADOPT ADDITIONAL RULES FOR THE ~~TEMPORARY ASSISTANCE FOR NEEDY FAMILIES~~ FAIM FINANCIAL ASSISTANCE PROGRAM, INCLUDING RULES FOR EXEMPTIONS FROM TIME LIMITS, FOR ALIENS, AND FOR TEENAGE PARENTS; REVISING ELIGIBILITY PROVISIONS; MAKING THE PROVISION OF CHILD-CARE ASSISTANCE DISCRETIONARY; PROVIDING THAT THE ~~TEMPORARY ASSISTANCE FOR NEEDY FAMILIES~~ FAIM FINANCIAL ASSISTANCE PROGRAM IS NOT AN ENTITLEMENT; PROVIDING A 24-MONTH MAXIMUM FOR RECEIPT OF PATHWAYS ASSISTANCE FOR SINGLE-PARENT AND TWO-PARENT FAMILIES, SUBJECT TO A 60-MONTH LIMITATION; REMOVING THE REQUIREMENT FOR WORKERS' COMPENSATION COVERAGE FOR FAIM PROJECT RECIPIENTS; MAINTAINING ELIGIBILITY FOR BASIC MEDICAID FOR RECIPIENTS OF ~~TEMPORARY ASSISTANCE FOR NEEDY FAMILIES~~ FAIM FINANCIAL ASSISTANCE AND UNDER OTHER CIRCUMSTANCES; AMENDING SECTIONS 23-1-303, 39-7-303, 40-4-215, 53-2-108, 53-2-109, 53-2-201, 53-2-211, 53-2-606, 53-2-610, 53-2-613, 53-2-901, 53-2-902, 53-2-903, 53-2-904, 53-2-1103, 53-2-1109, 53-4-201, 53-4-202, 53-4-211, 53-4-212, 53-4-214,

1 53-4-221, 53-4-231, 53-4-233, 53-4-241, 53-4-246, 53-4-247, 53-4-248, 53-4-601, 53-4-602, 53-4-603,
 2 53-4-606, 53-4-607, 53-4-608, 53-4-609, 53-4-611, 53-4-612, 53-4-613, 53-4-701, 53-4-702, 53-4-703,
 3 53-4-705, 53-4-706, 53-4-717, 53-6-101, 53-6-113, 53-6-131, AND 53-6-134, MCA; ~~AND REPEALING~~
 4 SECTIONS 39-7-601, 39-7-602, 39-7-603, 39-7-604, 39-7-605, 39-7-606, 53-4-249, 53-4-707, 53-4-708,
 5 53-4-715, 53-4-716, 53-4-718, AND 53-4-720, MCA; AND PROVIDING EFFECTIVE DATES AND A
 6 TERMINATION DATE."

7

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

9

10 **Section 1.** Section 23-1-303, MCA, is amended to read:

11 **"23-1-303. Powers and duties of the division.** The division, in cooperation with the department,
 12 may:

13 (1) hire a corps coordinator;

14 (2) coordinate with state agencies to place eligible participants in work experience projects,
 15 including those ~~state general assistance (GA) and federal aid to families with dependent children (AFDC)~~
 16 ~~temporary assistance for needy families~~ recipients OF FAIM FINANCIAL ASSISTANCE, AS DEFINED IN
 17 53-2-902, utilizing grant diversion funding and youth under state supervision utilizing payments from the
 18 department of public health and human services;

19 (3) develop and approve work experience projects that meet the requirements of this part;

20 (4) ensure that work experience projects involve labor-intensive improvements to public lands or
 21 facilities that will result in a public value and have a potential to yield revenue;

22 (5) execute contracts or cooperative agreements containing the terms and conditions necessary
 23 and desirable for the employment of crewleaders and corpsmembers in approved work experience projects
 24 with federal, state, or local agencies, persons, firms, partnerships, associations, or corporations;

25 (6) execute contracts or cooperative agreements with federal, state, or local agencies, persons,
 26 partnerships, associations, or corporations for the purpose of administering the requirements of this part;

27 (7) develop procedures for awarding incentive vouchers;

28 (8) authorize use of the corps for emergency projects, including but not limited to natural disasters,
 29 fire prevention and suppression, and rescue of lost or injured persons, and provide adequate training to
 30 corpsmembers prior to participation in an emergency project;

- 1 (9) apply for and accept grants or contributions of services, funds, or lands from any public or
- 2 private donors, including the acceptance of federal funds appropriated by the legislature;
- 3 (10) purchase, rent, acquire, or obtain personal property, supplies, instruments, tools, or equipment
- 4 necessary to complete work experience projects; and
- 5 (11) adopt rules and guidelines necessary to implement the provisions of this part and to effectively
- 6 administer the program."

7

8 **Section 2.** Section 39-7-303, MCA, is amended to read:

9 **"39-7-303. Definitions.** As used in this part, the following definitions apply:

- 10 (1) "Adult" means a person who is 18 years of age or older.
- 11 (2) "Commissioner" means the commissioner of labor and industry as provided in 2-15-1701.
- 12 (3) "Displaced homemaker" means an adult who:
 - 13 (a) has worked as an adult primarily without remuneration to care for the home and family and for
 - 14 that reason has diminished marketable skills and who has been dependent on public assistance or on the
 - 15 income of a relative but is no longer supported by that income; or
 - 16 (b) (i) is a parent whose youngest dependent child will become ineligible to receive FINANCIAL
 - 17 assistance under the ~~program for aid to families with dependent children temporary assistance for needy~~
 - 18 ~~families benefits~~ FAIM FINANCIAL ASSISTANCE, AS DEFINED IN 53-2-902, pursuant to Title 53, chapter
 - 19 4, part 2, within 2 years of the parent's application for displaced homemaker assistance;
 - 20 (ii) is unemployed or underemployed and is experiencing difficulty in obtaining any employment or
 - 21 suitable employment, as appropriate; or
 - 22 (iii) meets the qualifications described in subsection (3)(a) or (3)(b) and is a criminal offender."

23

24 **Section 3.** Section 40-4-215, MCA, is amended to read:

25 **"40-4-215. Investigations and reports.** (1) In contested custody proceedings and in other custody

26 proceedings if a parent or the child's custodian requests, the court may order an investigation and report

27 concerning custodial arrangements for the child. The department of public health and human services may

28 not be ordered to conduct the investigation or draft a report unless the parent or the child's custodian

29 requesting the investigation is a recipient of ~~aid to families with dependent children temporary assistance~~

30 ~~for needy families benefits~~ FAIM FINANCIAL ASSISTANCE, AS DEFINED IN 53-2-902, food stamps, or

1 public assistance and all reasonable options for payment of the investigation, if conducted by a person not
2 employed by the department, are exhausted. The department may consult with any investigator and share
3 information relevant to the child's best interests. The cost of the investigation and report must be paid
4 according to the final order.

5 (2) In preparing a report concerning a child, the investigator may consult any person who may have
6 information about the child and the child's potential custodial arrangements. Upon order of the court, the
7 investigator may refer the child to professional personnel for diagnosis. The investigator may consult with
8 and obtain information from medical, psychiatric, or other expert persons who have served the child in the
9 past without obtaining the consent of the parent or the child's custodian. The child's consent must be
10 obtained if the child has reached the age of 16 unless the court finds that the child lacks mental capacity
11 to consent. If the requirements of subsection (3) are fulfilled, the investigator's report may be received in
12 evidence at the hearing.

13 (3) The court shall mail the investigator's report to counsel and to any party not represented by
14 counsel at least 10 days prior to the hearing. The investigator shall make available to counsel and to any
15 party not represented by counsel the investigator's file of underlying data and reports, complete texts of
16 diagnostic reports made to the investigator pursuant to the provisions of subsection (2), and the names and
17 addresses of all persons whom the investigator has consulted. Any party to the proceeding may call the
18 investigator and any person the investigator has consulted for cross-examination. A party may not waive
19 the right of cross-examination prior to the hearing."
20

21 **Section 4.** Section 53-2-108, MCA, is amended to read:

22 "**53-2-108. Overpayment of assistance -- civil penalty when fraud.** (1) If, due to department or
23 recipient error, a recipient receives public assistance for which ~~he~~ the recipient is not eligible, the portion
24 of payment that ~~he~~ the recipient is not entitled to receive ~~shall~~ may be returned at the discretion of the
25 department.

26 (2) If a person obtains any part of an assistance payment through fraudulent means as specified
27 in 53-2-107, 125% of the amount of assistance to which the person was not entitled ~~shall~~ must be repaid
28 and, until fully paid, is a debt due the state."
29

30 **Section 5.** Section 53-2-109, MCA, is amended to read:

1 **"53-2-109. Recipients to report ~~income not previously declared~~ changes in factors affecting**
2 **eligibility**. Recipients of public assistance shall notify the department ~~within 10 days of the receipt of any~~
3 ~~income or resources not previously declared to the department~~ **of any change or anticipated change in**
4 **income, resources, household composition, or other factor that may affect eligibility for public assistance**
5 **or the benefit amount within the period of time specified by the department by rule.** Failure of the
6 department to verify information provided by the recipient does not absolve the recipient from his the
7 obligation to provide accurate information to the department."

8
9 **Section 6.** Section 53-2-201, MCA, is amended to read:

10 **"53-2-201. Powers and duties of department.** (1) The department shall:

11 (a) administer and supervise public assistance, including the provision of food stamps, food
12 commodities, ~~aid to families with dependent children,~~ **FAIM FINANCIAL ASSISTANCE, AS DEFINED IN**
13 **53-2-902,** energy assistance, weatherization, vocational rehabilitation, services for persons with severe
14 disabilities, developmental disability services, ~~and~~ medical care payments in behalf of recipients of public
15 assistance, employment and training services for recipients of public assistance, and the temporary
16 ~~assistance for needy families program~~ **OTHER PROGRAMS AS NECESSARY TO STRENGTHEN AND**
17 **PRESERVE FAMILIES;**

18 (b) give consultant service to private institutions providing care for the needy, and indigent,
19 handicapped, or dependent adults;

20 (c) cooperate with other state agencies and develop provisions for services to the blind, including
21 the prevention of blindness, the location of blind persons, medical services for eye conditions, and
22 vocational guidance and training of the blind;

23 (d) provide services in respect to organization and supervise county departments of public welfare
24 and county boards of public welfare in the administration of public assistance functions and for efficiency
25 and economy;

26 (e) assist and cooperate with other state and federal departments, bureaus, agencies, and
27 institutions, when requested, by performing services in conformity with public assistance purposes;

28 (f) administer all state and federal funds allocated to the department for public assistance and do
29 all things necessary, in conformity with federal and state law, for the proper fulfillment of public assistance
30 purposes; ~~and~~

1 (g) make rules governing payment for services and supplies provided to recipients of public
2 assistance; and

3 (h) adopt rules regarding assignment of monetary and medical support upon application for
4 temporary assistance for needy families benefits FAIM FINANCIAL ASSISTANCE, AS DEFINED IN 53-2-902,
5 and related medical assistance.

6 (2) The department may:

7 (a) purchase, exchange, condemn, or receive by gift either real or personal property ~~which~~ that is
8 necessary to carry out its public assistance functions. Title to property obtained under this subsection must
9 be taken in the name of the state of Montana for the use and benefit of the department.

10 (b) contract with the federal government to carry out its public assistance functions. The
11 department may do all things necessary in order to avail itself of federal aid and assistance.

12 (c) make rules, consistent with state and federal law, establishing the amount, scope, and duration
13 of services to be provided to recipients of public assistance."
14

15 **Section 7.** Section 53-2-211, MCA, is amended to read:

16 **"53-2-211. Department to share eligibility data.** (1) The department shall make available to the
17 unemployment compensation program of the department of labor and industry all information contained in
18 its files and records pertaining to eligibility of persons for medicaid, ~~aid to families with dependent children~~
19 temporary assistance for needy families benefits FAIM FINANCIAL ASSISTANCE, AS DEFINED IN 53-2-902,
20 and food stamps. The information made available must include information on the amount and source of
21 an applicant's income. The information received from the department must be used by the department of
22 labor and industry for the purpose of determining fraud, abuse, or eligibility for benefits under the
23 unemployment compensation program of the state and for no other purpose.

24 (2) The department shall make available to the unemployment compensation and the workers'
25 compensation programs of the department of labor and industry all information contained in its files and
26 records pertaining to eligibility of persons for low-income energy assistance, and weatherization, ~~and~~
27 ~~general relief~~. The information made available must include information on the amount and source of an
28 applicant's income. The information received from the department must be used by the department of labor
29 and industry for the purpose of determining fraud, abuse, or eligibility for benefits under the unemployment
30 compensation and workers' compensation programs of the state and for no other purpose.

1 (3) (a) Subject to federal restrictions, the department may request information from the department
 2 of labor and industry pertaining to unemployment, workers' compensation, and occupational disease
 3 benefits. If the department of labor and industry discovers evidence relating to fraud or abuse for
 4 unemployment, workers' compensation, or occupational benefits, the department of labor and industry may
 5 request information from the department of revenue pertaining to income as provided in 15-30-303(8)(c).

6 (b) The information must be used by the department for the purpose of determining fraud, abuse,
 7 or eligibility for benefits.

8 (4) The department may, to the extent permitted by federal law, make available to an agency of
 9 the state or to any other organization information contained in its files and records pertaining to the
 10 eligibility of persons for medicaid, ~~aid to families with dependent children the temporary assistance for~~
 11 ~~needy families program~~ FAIM FINANCIAL ASSISTANCE, AS DEFINED IN 53-2-902, food stamps,
 12 low-income energy assistance, weatherization, or other public assistance. The information may be disclosed
 13 only for purposes directly connected with the administration of a program or purpose of the agency and
 14 may not be used by the agency for any other purpose."
 15

16 **Section 8.** Section 53-2-606, MCA, is amended to read:

17 "**53-2-606. Right of appeal.** (1) If an application for assistance for food stamps, ~~aid to families~~
 18 ~~with dependent children temporary assistance for needy families benefits~~ FAIM FINANCIAL ASSISTANCE,
 19 AS DEFINED IN 53-2-902, or medicaid is not acted upon promptly or if a decision is made with which the
 20 applicant or recipient is not satisfied, the applicant or recipient may appeal to the board of public assistance
 21 for a fair hearing by addressing a request for a hearing to the department of public health and human
 22 services. The board of public assistance shall, upon receipt of a request for a hearing, give the applicant
 23 or recipient prompt notice and opportunity for a fair hearing.

24 (2) The department may upon its own motion review any decision of a county welfare board and
 25 may consider any application upon which a decision has not been made by the county board within a
 26 reasonable time from the filing of the decision. The department may have an additional investigation made
 27 and shall make a decision as to the granting of assistance and the amount of assistance to be granted the
 28 applicant as in its opinion is justified and in conformity with the provisions of this title.

29 (3) If the department reviews a county decision on its own motion, applicants or recipients affected
 30 by the decisions of the department shall upon request be given reasonable notice and an opportunity for

1 a fair hearing by the board of public assistance.

2 (4) All decisions of the department or the board of public assistance are final and are binding and
3 must be complied with by the county department."

4

5 **Section 9.** Section 53-2-610, MCA, is amended to read:

6 **"53-2-610. County to reimburse department.** (1) On or before the 20th of each month, the
7 department ~~of public health and human services~~ shall present a claim for reimbursement to each county
8 department for its proportionate share of public assistance granted in the county to recipients during the
9 month and for vendor medical payments made on behalf of recipients in the previous month. The county
10 department shall make the reimbursement to the department ~~of public health and human services~~ within
11 20 days after the claim is presented.

12 (2) The counties may not be required to reimburse the department ~~of public health and human~~
13 ~~services~~ for:

14 (a) any portion of public assistance paid to a household eligible for ~~aid to families with dependent~~
15 ~~children temporary assistance for needy families benefits~~ FAIM FINANCIAL ASSISTANCE, AS DEFINED IN
16 53-2-902, if the household includes an enrolled Indian who is the caretaker relative of a needy dependent
17 child; or

18 (b) any payment on behalf of any person in a state-operated medical institution.

19 (3) (a) From the original date of entrustment or the original date of state residency, whichever is
20 earlier, recipients of public assistance who become wards or patients in a licensed nursing home or hospital,
21 foster home, or private charitable institution are the financial responsibility of the appropriate county as
22 provided in subsections (3)(b) through (3)(d).

23 (b) The county in which commitment of an adult is initiated is considered the county of financial
24 responsibility except ~~where~~ when a court decree declares the residency to be otherwise. When an adult
25 is transferred from a facility or institution to one of the facilities listed in subsection (3)(a), the county that
26 initiated the original commitment is considered the county of financial responsibility except in the case of
27 an adult transfer from an out-of-state institution, in which case the county in which the facility is located
28 is considered the county of financial responsibility.

29 (c) In all cases in which a minor patient or ward is involved, the county of financial responsibility
30 is the county in which the parent or guardian resides. If the custody of a minor is entrusted to a state

1 agency, the agency may make a reasonable declaration of the county residency of its ward using applicable
2 guidelines enumerated in this section.

3 (d) If a person is or becomes an adult while in an institution, the person may determine the county
4 of residence when the person is restored to competency and released. The person becomes the financial
5 responsibility of the new county of residence."

6

7 **Section 10.** Section 53-2-613, MCA, is amended to read:

8 "**53-2-613. Application for assistance -- assignment of support rights.** (1) Applications for public
9 assistance, including but not limited to ~~aid to families with dependent children temporary assistance for~~
10 ~~needy families benefits~~ FAIM FINANCIAL ASSISTANCE, AS DEFINED IN 53-2-902, and medical assistance,
11 must be made to the county department of public welfare in the county in which the person is residing. The
12 application must be submitted, in the manner and form prescribed by the department ~~of public health and~~
13 ~~human services~~, and must contain information required by the department ~~of public health and human~~
14 ~~services~~.

15 (2) A person ~~by signing~~ who signs an application for ~~public assistance~~ temporary assistance for
16 ~~needy families benefits~~ FAIM FINANCIAL ASSISTANCE, AS DEFINED IN 53-2-902, or related medical
17 ~~assistance~~ assigns to the state, to the department ~~of public health and human services~~, and to the county
18 welfare department all rights that the applicant may have to monetary and medical support and medical
19 ~~payments~~ from any other person in the applicant's own behalf or in behalf of any other family member for
20 whom application is made. A person who signs an application for public assistance other than temporary
21 ~~assistance for needy families benefits~~ FAIM FINANCIAL ASSISTANCE, AS DEFINED IN 53-2-902, or related
22 medical assistance may, in accordance with rules adopted by the department, be required to assign to the
23 state, to the department, and to the county welfare department all rights that the applicant may have to
24 monetary and medical support from any other person in the applicant's own behalf or on behalf of any other
25 family member for whom application is made.

26 (3) The assignment:

27 (a) is effective for both current and accrued support and medical obligations;

28 (b) takes effect upon a determination that the applicant is eligible for public assistance;

29 (c) remains in effect with respect to the amount of any unpaid support and medical obligation
30 accrued under the assignment that was owed prior to the termination of public assistance to a recipient.

1 (4) Whenever a child support or spousal support obligation is assigned to the department of public
 2 ~~health and human services~~ pursuant to this section, the following provisions apply:

3 (a) If the support obligation is based upon a judgment or decree or an order of a court of competent
 4 jurisdiction, the department may retain assigned support amounts in an amount sufficient to reimburse
 5 public assistance money expended.

6 (b) A recipient or former recipient of public assistance may not commence or maintain an action
 7 to recover or enforce a delinquent support obligation or make any agreements with any other person or
 8 agency concerning the support obligation, except as provided in 40-5-202.

9 (c) If a notice of assigned interest is filed with the district court, the clerk of the court may not pay
 10 over or release for the benefit of any recipient or former recipient of public assistance any amounts received
 11 pursuant to a judgment or decree or an order of the court until the department's child support enforcement
 12 division has filed a written notice that:

13 (i) the assignment of current support amounts has been terminated; and

14 (ii) all assigned support delinquencies, if any, are satisfied or released.

15 (d) A recipient or former recipient of public assistance may not take action to modify or make any
 16 agreement to modify, settle, or release any past, present, or future support obligation unless the
 17 department's child support enforcement division is given written notice under the provisions of 40-5-202.
 18 Any modifications or agreements entered into without the participation of the department are void with
 19 respect to the state, the department, and the county welfare department."
 20

21 **Section 11.** Section 53-2-901, MCA, is amended to read:

22 **"53-2-901. Administration of food stamp program -- rulemaking authority.** (1) The department is
 23 authorized to administer the food stamp program in compliance with all federal laws and requirements.

24 (2) The department shall adopt rules that are necessary and desirable for the administration of the
 25 food stamp program.

26 (3) The department shall adopt rules that may include but are not limited to rules concerning:

27 (a) eligibility for assistance, including income and resource limitations, income and resource
 28 exclusions, and transfers of resources;

29 (b) amounts of assistance and methods for determining benefit amount;

30 (c) ~~certification periods~~ periodic redetermination of eligibility;

- 1 (d) reporting requirements;
- 2 (e) work registration, employment, and training requirements and exemptions from those
3 requirements;
- 4 (f) procedures and policies of the employment and training program;
- 5 (g) disqualification because of intentional program violations, for voluntarily quitting a job without
6 good cause, or for any other violation of program rules; and
- 7 (h) penalties applicable to recipients of ~~aid to families with dependent children temporary assistance~~
8 ~~for needy families benefits~~ FAIM FINANCIAL ASSISTANCE who have been sanctioned because of failure
9 to meet any requirement of ~~the aid to families with dependent children~~ that program.

10 (4) The department may adopt rules that include but are not limited to rules concerning:

11 (a) requirements for recipients to assign the right of support;

12 (b) requirements for recipients to cooperate with the state agency administering the child support
13 enforcement program established under Title IV-D of the Social Security Act, 42 U.S.C. 651, et seq.; and

14 (c) disqualification for failure to perform actions required by other means-tested programs, for
15 failure to cooperate with the state agency administering the child support enforcement program under Title
16 IV-D of the Social Security Act, 42 U.S.C. 651, et seq., or for failure to pay court-ordered child support
17 as provided in sections 819, 822, and 823 of the Personal Responsibility and Work Opportunity
18 Reconciliation Act of 1996, 7 U.S.C. 2015."

19

20 **Section 12.** Section 53-2-902, MCA, is amended to read:

21 **"53-2-902. Definitions.** As used in this part, the following definitions apply:

22 ~~(1) "Child support pass-through payments" means child support received for a dependent child or~~
23 ~~children in a family receiving aid to families with dependent children, up to \$50 a month, that is paid or~~
24 ~~"passed through" to the family pursuant to section 402 of the Social Security Act, 42 U.S.C.~~
25 ~~602(a)(8)(A)(vii).~~

26 ~~(2)(1)~~ (1) "Department" means the department of public health and human services provided in Title
27 2, chapter 15, part 22.

28 ~~(3)(2)~~ (2) "Employment and training demonstration project" means the employment and training
29 program for recipients of ~~aid to families with dependent children temporary assistance for needy families~~
30 ~~benefits~~ FAIM FINANCIAL ASSISTANCE who are participating in the FAIM project.

1 (3) "FAIM FINANCIAL ASSISTANCE" MEANS THE PROGRAM THAT PROVIDES PARTICIPANTS
 2 IN THE JOB SUPPLEMENT PROGRAM, PATHWAYS PROGRAM, AND COMMUNITY SERVICES PROGRAM
 3 OF THE FAIM PROJECT WITH BENEFITS THAT MAY INCLUDE CASH, SERVICES, AND NONCASH
 4 ASSISTANCE.

5 ~~(4)(3)(4)~~ "FAIM project" means the families achieving independence in Montana project, including
 6 the ~~aid to families with dependent children temporary assistance for needy families program FAIM~~
 7 FINANCIAL ASSISTANCE part established in 53-4-603, a food stamp part administered pursuant to the
 8 Food Stamp Act of 1977, 7 U.S.C. 2026, and a medicaid part administered pursuant to the Social Security
 9 Act, 42 U.S.C. 1315.

10 ~~(5)(4)(5)~~ "Food stamp program" means the provision of ~~coupons~~ food stamp benefits that can be
 11 used to purchase food to low-income persons pursuant to the Food Stamp Act Amendments of 1980, 7
 12 U.S.C. 2011, et seq.

13 ~~(6) "JOBS program" means the job opportunities and basic skills training program for recipients of~~
 14 ~~aid to families with dependent children that is conducted in accordance with the requirements of section~~
 15 ~~201 of the federal Family Support Act of 1988, 42 U.S.C. 602(a)(19), 681 through 686."~~

16
 17 **Section 13.** Section 53-2-903, MCA, is amended to read:

18 **"53-2-903. Employment and training program.** The department shall establish and administer an
 19 employment and training program for food stamp recipients that is in compliance with federal requirements.
 20 For purposes of the FAIM project, if in accordance with waivers of federal law that are granted by the food
 21 and ~~nutrition~~ consumer service of the U.S. department of agriculture, the department may merge its food
 22 stamp program employment and training program with its ~~JOBS temporary assistance for needy families~~
 23 FAIM FINANCIAL ASSISTANCE employment and training program or may modify the rules and requirements
 24 of the food stamp program employment and training program as necessary to make them consistent with
 25 those of the employment and training demonstration project."

26
 27 **Section 14.** Section 53-2-904, MCA, is amended to read:

28 **"53-2-904. Income and resource exclusions -- FAIM participants.** if In accordance with waivers
 29 of federal law that are granted by the food and ~~nutrition~~ CONSUMER service of the U.S. department of
 30 agriculture, the department may by rule establish special income and resource exclusions to be applied to

1 participants of the FAIM project in determining their eligibility for food stamps and in determining the benefit
 2 amount. Exclusions that may be established include but are not limited to exclusions for one-time only cash
 3 payments for special employment-related needs as provided in 53-4-603 ~~and child support pass-through~~
 4 ~~payments of up to \$50 a month~~ in determining the recipients' eligibility for food stamps and determining
 5 the benefit amount."

6

7 **Section 15.** Section 53-2-1103, MCA, is amended to read:

8 **"53-2-1103. Definitions.** For the purposes of this part, unless the context requires otherwise, the
 9 following definitions apply:

10 (1) "Economically disadvantaged person" has the same meaning as provided in section 4 of the
 11 Job Training Partnership Act (29 U.S.C. 1503).

12 (2) "Job Training Partnership Act" means the federal Job Training Partnership Act, Public Law
 13 97-300 (29 U.S.C. 1501, et seq.), as amended.

14 (3) "Job training plan" means the plan for providing services and training in a service delivery area,
 15 as required in 53-2-1107.

16 (4) "Program" means the program created by 53-2-1104 to implement the provisions of Title II-A
 17 of the Job Training Partnership Act.

18 (5) "Program year" means the fiscal year beginning on July 1 of the year for which an appropriation
 19 is made for the program established under this part, as provided in section 161 of the Job Training
 20 Partnership Act (29 U.S.C. 1571).

21 (6) "Public assistance program" means the state program of ~~aid to families with dependent children~~
 22 ~~temporary assistance for needy families~~ FAIM FINANCIAL ASSISTANCE, AS DEFINED IN 53-2-902.

23 (7) "Service delivery area" means an area designated as provided in section 101 of the Job Training
 24 Partnership Act (29 U.S.C. 1511)."

25

26 **Section 16.** Section 53-2-1109, MCA, is amended to read:

27 **"53-2-1109. Coordination of services.** The state job training coordinating council shall identify,
 28 in coordination with the appropriate state and local agencies, the employment, training, and vocational
 29 education needs throughout the state and assess the extent to which employment and training, vocational
 30 education, rehabilitation services, public assistance, economic development, and other federal, state, and

1 local programs and services represent a consistent, integrated, and coordinated approach to meeting such
 2 needs. In carrying out this coordinating function, the council shall consider state policy set forth in
 3 2-15-101 to eliminate overlapping and duplication of services within state government and in accordance
 4 with the provisions of section 121 of the Job Training Partnership Act (29 U.S.C. 1531) and other
 5 employment and training programs, including:

- 6 ~~(1) programs operated under the federal Family Support Act of 1988; and~~
 7 ~~(2) programs and services of public assistance agencies."~~

8

9 **Section 17.** Section 53-4-201, MCA, is amended to read:

10 **"53-4-201. Definitions.** As used in part 6 and this part, the following definitions apply:

11 ~~(1) The term "aid to families with dependent children" means money payments made on behalf of~~
 12 ~~a dependent child pursuant to Title IV of the federal Social Security Act (42 U.S.C. 601, et seq.) and may~~
 13 ~~include payments to meet the needs of a specified caretaker relative with whom the dependent child is~~
 14 ~~living. The term also includes emergency assistance to families with children as provided by the federal~~
 15 ~~Social Security Act.~~

16 ~~(2)(1) "Department" means the department of public health and human services provided for in~~
 17 ~~2-15-2201.~~

18 ~~(3)(2) (A) (a) The term "dependent "Dependent child", for public assistance purposes, means:~~

19 ~~(i) a child under the age of 18 years of age; or; OR~~

20 ~~(ii) a person under the age of 19 who is a student under the regulations prescribed by the~~
 21 ~~department.~~

22 ~~(b) The child described in subsection (3)(a)(i) or (3)(a)(ii) must be deprived of parental support or~~
 23 ~~care by reason of the death, continued absence from the home, continued unemployment, or physical or~~
 24 ~~mental incapacity of a parent and be who is living with a specified caretaker relative, as defined in rules~~
 25 ~~adopted by the department~~

26 (II) A PERSON UNDER 19 YEARS OF AGE WHO IS A STUDENT, AS DEFINED BY THE
 27 DEPARTMENT BY RULE.

28 (B) THE PERSON DESCRIBED IN SUBSECTION (2)(A)(I) OR (2)(A)(III) MUST BE LIVING WITH A
 29 SPECIFIED CARETAKER RELATIVE, AS DEFINED BY THE DEPARTMENT BY RULE.

30 (3) "FAIM FINANCIAL ASSISTANCE" MEANS THE PROGRAM THAT PROVIDES PARTICIPANTS

1 IN THE JOB SUPPLEMENT PROGRAM, PATHWAYS PROGRAM, AND COMMUNITY SERVICES PROGRAM
 2 OF THE FAIM PROJECT WITH BENEFITS THAT MAY INCLUDE CASH, SERVICES, AND NONCASH
 3 ASSISTANCE.

4 ~~(4)(3)(4)~~ "FAIM project" means the families achieving independence in Montana project as
 5 established in 53-4-601. ~~The temporary assistance for needy families program may also be known in the~~
 6 ~~state of Montana as the FAIM project.~~

7 ~~(4)(5)~~ "Family" means a group of people who live with a dependent child, each of whom is related
 8 to the dependent child by blood, marriage, or adoption or by law, such as:

9 (a) a parent, including a natural or adoptive parent, a stepparent, or a person considered by law
 10 to be a parent in the case of a child conceived by artificial insemination; or

11 (b) a sibling.

12 ~~(5)(6)~~ "Federal poverty level" means the measure of indigence established annually by the U.S.
 13 office of management and budget.

14 ~~(6)(7)~~ "Public assistance" or "assistance" means a type of monetary or other assistance furnished
 15 under this title to a person by a state or county agency, regardless of the original source of the assistance.

16 ~~(7)(8)~~ "Specified caretaker relative" means a person within a degree of kinship to the dependent
 17 child, as specified by department rule, who lives with the child and exercises care and control over the
 18 child.

19 (9) "STATE PLAN" MEANS THE POLICIES AND PROCEDURES GOVERNING THE STATE OF
 20 MONTANA'S FAIM FINANCIAL ASSISTANCE PROGRAM AND OTHER PROGRAMS FUNDED BY
 21 TEMPORARY ASSISTANCE FOR NEEDY FAMILIES. IT IS PREPARED BY THE DEPARTMENT AND
 22 CERTIFIED BY THE FEDERAL AGENCY THAT PROVIDES FUNDING FOR THOSE PROGRAMS.

23 ~~(8)(10)~~ "Temporary assistance for needy families" means the ~~program that provides money~~
 24 ~~payments to a dependent child pursuant to Title IV of the Social Security Act, 42 U.S.C. 601, et seq., as~~
 25 ~~amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, and may include~~
 26 ~~payments to meet the needs of a specified caretaker relative or relatives with whom the dependent child~~
 27 ~~is living. The term also includes emergency assistance for needy families as provided by the federal Social~~
 28 ~~Security Act. Temporary assistance for needy families may also be known in the state of Montana as the~~
 29 ~~FAIM project~~ FEDERAL BLOCK GRANT THAT FUNDS FAIM FINANCIAL ASSISTANCE AND OTHER
 30 PROGRAMS TO STRENGTHEN AND PRESERVE FAMILIES PURSUANT TO TITLE IV OF THE SOCIAL

1 SECURITY ACT, 42 U.S.C. 601, ET SEQ., AS AMENDED BY THE PERSONAL RESPONSIBILITY AND WORK
 2 OPPORTUNITY RECONCILIATION ACT OF 1996.

3 ~~(9) "Temporary assistance for needy families state plan" means the document summarizing the~~
 4 ~~policies and procedures governing the state of Montana's temporary assistance for needy families program~~
 5 ~~that is prepared by the department and is approved by the federal agency that provides funding for the~~
 6 ~~temporary assistance for needy families program."~~

7

8 Section 18. Section 53-4-202, MCA, is amended to read:

9 "53-4-202. ~~Aid to families with dependent children Temporary assistance for needy families~~
 10 ~~program~~ **FAIM FINANCIAL ASSISTANCE** to be in effect in all counties. (1) It is mandatory and required that
 11 the ~~temporary assistance for needy families~~ state plan and operation of aid to families with dependent
 12 children ~~the temporary assistance for needy families program~~ **PROGRAMS DESCRIBED IN THE STATE PLAN**
 13 must be in effect in each county of the state, and the administration and supervision of aid to families with
 14 dependent children must be uniform throughout the counties of the state. However, the,

15 (2) It is not required that the **PROGRAMS FUNDED UNDER THE** temporary assistance for needy
 16 families ~~program~~ **BLOCK GRANT** be uniformly administered in each county of the state, provided that it is
 17 administered in accordance with all requirements of the ~~temporary assistance for needy families state plan~~
 18 and federal law. The department may also administer demonstration programs pursuant to section 1115
 19 of the federal Social Security Act, 42 U.S.C. 1315, or any other provision of that act that permits the states
 20 to administer experimental, pilot, or demonstration projects.

21 (3) An enrolled member of an Indian tribe participating in **A PROGRAM THAT IS FUNDED BY** the
 22 ~~temporary assistance for needy families program~~ **BLOCK GRANT ADMINISTERED** by the state of
 23 Montana must be subject to the same rules, policies, and requirements as all other applicants for and
 24 recipients of ~~temporary assistance for needy families~~ benefits **FUNDED BY THE TEMPORARY ASSISTANCE**
 25 **FOR NEEDY FAMILIES BLOCK GRANT."**

26

27 Section 19. Section 53-4-211, MCA, is amended to read:

28 "53-4-211. ~~Administration of aid to families with dependent children~~ **PROGRAMS FUNDED UNDER**
 29 ~~temporary assistance for needy families program~~ **BLOCK GRANT.** (1) The department is hereby authorized
 30 and is charged with the general administration and supervision of ~~aid to families with dependent children~~

1 PROGRAMS FUNDED UNDER the temporary assistance for needy families program BLOCK GRANT under
2 the powers, duties, and functions as prescribed in chapter 2 of this title.

3 (2) THE STATE OF MONTANA SHALL MAINTAIN A FISCAL EFFORT EQUIVALENT TO AT LEAST
4 80% OF THE FEDERALLY CALCULATED MAINTENANCE OF EFFORT NECESSARY TO DRAW DOWN THE
5 TEMPORARY ASSISTANCE TO NEEDY FAMILIES BLOCK GRANT."

6
7 **Section 20.** Section 53-4-212, MCA, is amended to read:

8 **"53-4-212. Department to make rules.** (1) The department shall make rules and take action as
9 necessary or desirable for the administration of the ~~aid to families with dependent children~~ FAIM FINANCIAL
10 ASSISTANCE PROGRAM AND OTHER PROGRAMS FUNDED UNDER THE temporary assistance for needy
11 families program, including the FAIM project BLOCK GRANT.

12 (2) The department shall adopt rules that may include but are not limited to rules concerning:

13 (a) eligibility requirements, including gross and net income limitations, resource limitations, and
14 income and resource exclusions;

15 (b) amounts of assistance and methods for computing benefit amounts;

16 ~~(c) what constitutes deprivation of parental support or care sufficient to qualify a child as~~
17 ~~dependent;~~

18 ~~(d)(c)~~ (c) the degree of kinship required for a person to qualify as a specified caretaker relative in order
19 to be eligible for assistance;

20 ~~(e)(d) procedures and policies for employment and training programs,~~ requirements for participation
21 in the ~~JOBS program~~ employment and training programs, and exemptions, if any, from ~~these~~ participation
22 requirements;

23 ~~(f) procedures and policies of the JOBS program;~~

24 ~~(g) special requirements or criteria applicable to participants in the FAIM project, such as:~~

25 ~~(i) community service~~

26 (e) requirements for specified caretaker relatives participating in the community services program,
27 including the number of hours of community service work per month and other terms of performance;

28 ~~##(f)~~ (f) eligibility for and terms and conditions of child-care assistance for FAIM project participants,
29 including maximum amounts of assistance payable and amounts of copayments required by specified
30 caretaker relatives;

1 ~~(iii)(g)~~ maximum amounts of one-time only cash payments for special employment-related needs and
 2 the length of time that a family is required to remain off cash assistance after a payment is received;

3 ~~(iv)(h)~~ exemptions from time limits in pathways AND THE COMMUNITY SERVICES PROGRAM;

4 ~~(v)(i)~~ terms of a specified caretaker relative's or other family member's ineligibility for assistance
 5 because of failure to enter into a family investment agreement or to comply with the ~~specified caretaker~~
 6 ~~relative's~~ individual's obligations under the agreement, including the length of the period of ineligibility;

7 ~~(vi)(j)~~ requirements, if any, for participation in and exemptions from participation in and procedures
 8 and policies of the employment and training demonstration project; ~~and~~

9 ~~(vii)(k)~~ eligibility for and terms and conditions of extended child-care and medical assistance
 10 benefits;

11 ~~(h)(l)~~ reporting requirements; ~~and~~

12 ~~(i)(m)~~ sanctions, disqualification, or other penalties for failure to comply with the program rules or
 13 requirements;

14 (n) exemptions from the 60-month limitation on assistance provided in 53-4-231 based on hardship
 15 or for families that include an individual who has been battered or subjected to extreme cruelty, as defined
 16 in section 103 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 42 U.S.C.
 17 608, including but not limited to the duration of the exemption;

18 (o) individuals who must be included as members of an assistance unit;

19 (p) categories of aliens who may receive assistance, if any;

20 (q) requirements relating to the assignment of child and medical support rights and cooperation in
 21 establishing paternity and obtaining child and medical support;

22 (r) requirements for eligibility and other terms and conditions of ~~emergency assistance~~ OTHER
 23 PROGRAMS TO STRENGTHEN AND PRESERVE FAMILIES;

24 (s) special eligibility or participation requirements applicable to teenage parents, if any; and

25 (t) conditions under which assistance may be continued when a dependent child is temporarily
 26 absent from the home and the length of time for which assistance may be continued."

27
 28 **Section 21.** Section 53-4-214, MCA, is amended to read:

29 **"53-4-214. Distribution of copies of law and forms by department.** The department shall have
 30 printed and shall distribute copies of this part to all county welfare departments and shall prescribe the form

1 of and print and supply to the county welfare department blanks of applications, reports, and ~~such~~ other
 2 forms ~~as that~~ may be necessary in relation to ~~aid to families with dependent children~~ the FAIM FINANCIAL
 3 ASSISTANCE AND OTHER PROGRAMS FUNDED UNDER THE temporary assistance for needy families
 4 program BLOCK GRANT."

5
 6 **Section 22.** Section 53-4-221, MCA, is amended to read:
 7 **"53-4-221. County department charged with local administration.** The county department of public
 8 welfare ~~shall be~~ is charged with the local administration and supervision of ~~aid to families with dependent~~
 9 ~~children~~ PROGRAMS FUNDED UNDER the temporary assistance for needy families program BLOCK GRANT,
 10 subject to the powers, duties, and functions prescribed for the county department in chapter 2 of this title."
 11

12 **Section 23.** Section 53-4-231, MCA, is amended to read:
 13 **"53-4-231. Eligibility.** (1) ~~Assistance shall~~ Subject to the provisions of subsections (2) through (5),
 14 assistance may be granted under this part to ~~any dependent child, as defined in 53-4-201, who is in need~~
 15 ~~of such assistance.;~~

- 16 (a) a dependent child;
- 17 (b) a specified caretaker relative or relatives, including but is not limited to the natural or adoptive
 18 parents of a dependent child;
- 19 (c) the stepparent of a dependent child who lives with the child and the child's natural or adoptive
 20 parent;
- 21 (d) persons under 18 years of age who live in the home with a dependent child, including but not
 22 limited to siblings related to the dependent child by blood, marriage, or adoption or by law;

23 ~~(2)(e) Aid to families with dependent children assistance payments may be made to a needy~~
 24 pregnant woman with no other children who is receiving ~~such~~ payments. Payments may begin no earlier
 25 than the third month prior to the month in which the child is expected to be born.

26 ~~(3) Aid to families with dependent children shall be granted to or for the care of children of~~
 27 ~~unemployed parents who would not otherwise be entitled to such aid because the child is living in the home~~
 28 ~~with both parents. The department may adopt rules to administer the grant of assistance to children of~~
 29 ~~unemployed parents pursuant to Title IV, section 407, of the federal Social Security Act (42 U.S.C. 607),~~
 30 ~~as amended.~~

1 (2) Persons who are not citizens of the United States are eligible for assistance only as provided
2 in sections 401 through 435 of the Personal Responsibility and Work Opportunity Reconciliation Act of
3 1996, as codified in Title 8 of the United States Code.

4 (3) The following are not eligible for assistance:

5 (a) persons who are receiving supplemental security income payments under the Social Security
6 Act;

7 (b) a dependent child who is or is expected to be absent from the home of the specified caretaker
8 relative continuously for a period of time prescribed by the department by rule;

9 (c) a specified caretaker relative who fails to notify the department that a dependent child is
10 expected to be absent from the specified caretaker relative's home for a period of time equal to or
11 exceeding the period of time established by the department by rule by the end of the 5-day period that
12 begins with the date that it becomes clear to the specified caretaker relative that the child will be absent
13 for the specified period **COMPLY WITH REQUIREMENTS FOR REPORTING THE ABSENCE OF A DEPENDENT**
14 **CHILD FROM THE SPECIFIED CARETAKER RELATIVE'S HOME AS PRESCRIBED BY THE DEPARTMENT BY**
15 **RULE;**

16 (d) families in which the specified caretaker relative fails or refuses to assign child and medical
17 support rights to the department or to cooperate in establishing paternity or obtaining child or medical
18 support as required by the department by rule;

19 (e) teenage parents who fail or refuse to attend secondary school or another training program as
20 required by the department by rule;

21 (f) teenage parents who are not living in an adult-supervised setting as defined by the department
22 by rule;

23 (g) a fugitive felon or probation or parole violator as defined in section 103 of the Personal
24 Responsibility and Work Opportunity Reconciliation Act of 1996, 42 U.S.C. 608;

25 (h) individuals who have fraudulently misrepresented their place of residence, as defined in section
26 103 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 42 U.S.C. 608, for
27 a period of 10 years beginning on the date of conviction; and

28 (i) an individual convicted AFTER AUGUST 22, 1996, of any offense that is classified as a felony
29 and that has as an element the possession, use, or distribution of a controlled substance as defined in
30 section 102(6) of the Controlled Substance Act, 21 U.S.C. 802(6).

1 (4) A family is not eligible for assistance if the family includes an adult who has received assistance
 2 in A PROGRAM FUNDED UNDER the temporary assistance for needy families program BLOCK GRANT in
 3 any state or states for 60 months or more, whether or not the months are consecutive, except as provided
 4 by the department by rule in accordance with section 103 of the Personal Responsibility and Work
 5 Opportunity Reconciliation Act of 1996, 42 U.S.C. 608.

6 (5) This part may not be interpreted to entitle any individual or family to assistance under
 7 PROGRAMS FUNDED BY the temporary assistance for needy families program BLOCK GRANT."

8
 9 **Section 24.** Section 53-4-233, MCA, is amended to read:

10 **"53-4-233. Investigation of applications.** Whenever a county department receives an application
 11 for assistance under this part, an investigation ~~shall~~ must be promptly made. ~~The investigation of each~~
 12 ~~application for aid to families with dependent children shall be conducted~~ by the county department of
 13 public welfare. Each applicant ~~shall~~ must be informed of ~~his~~ the applicant's right to a fair hearing and of
 14 the confidential nature of information secured ~~with regard to his circumstances.~~ Upon completion of an
 15 investigation, aid ~~shall~~ must be furnished promptly to all eligible persons. Each applicant ~~shall~~ must receive
 16 written notice of the decision concerning ~~his application~~ the applicant's request for assistance."

17
 18 **Section 25.** Section 53-4-241, MCA, is amended to read:

19 **"53-4-241. Amount of assistance determined by department rules.** The amount of ~~aid to families~~
 20 ~~with dependent children temporary assistance for needy families benefits~~ FAIM FINANCIAL ASSISTANCE
 21 granted in any case, ~~including cases in which the recipient is participating in the FAIM project,~~ must be
 22 determined according to the rules and standards of assistance established by the department, ~~as required~~
 23 ~~by the federal Social Security Act."~~

24
 25 **SECTION 26. SECTION 53-4-246, MCA, IS AMENDED TO READ:**

26 **"53-4-246. County share of participation.** Each county where the recipient of ~~aid to families with~~
 27 ~~dependent children~~ FAIM financial assistance resides shall reimburse the department of ~~public health and~~
 28 ~~human services~~ in the amount of ~~22.5%~~ equal to the percentage of the approved ~~aid to families with~~
 29 ~~dependent children temporary assistance for needy families~~ grants, exclusive of the federal share.
 30 However, a county may not be required to pay more than the amount appropriated to the department by

1 the legislature for the state maintenance of effort for the temporary assistance for needy families block
 2 grant."

3

4 **Section 27.** Section 53-4-246, MCA, is amended to read:

5 **"53-4-246. County share of participation.** Each county where the recipient of ~~aid to families with~~
 6 ~~dependent children temporary assistance for needy families benefits~~ FAIM FINANCIAL ASSISTANCE resides
 7 shall reimburse the department ~~of public health and human services~~ in the amount of ~~22.5%~~ equal to the
 8 percentage of the approved ~~aid to families with dependent children temporary assistance for needy families~~
 9 ~~grants, exclusive of the not paid with federal share temporary assistance for needy families program funds."~~

10

11 **Section 28.** Section 53-4-247, MCA, is amended to read:

12 **"53-4-247. County liability when recipient moves to another county.** A recipient of ~~aid to families~~
 13 ~~with dependent children temporary assistance for needy families benefits~~ FAIM FINANCIAL ASSISTANCE
 14 who moves to another county in the state shall continue to receive assistance. The county that the
 15 recipient moves to ~~shall~~ must be charged by the department for the county share of assistance. The county
 16 that a recipient moves from shall notify the county that the recipient moves to."

17

18 **Section 29.** Section 53-4-248, MCA, is amended to read:

19 **"53-4-248. Parents liable to department for ~~aid to families with dependent children public~~**
 20 **assistance payments.** (1) A payment of public assistance money made to or for the benefit of a dependent
 21 child creates a debt due and owing to the department by the natural or adoptive parents who are legally
 22 responsible for the support of the child by statute or court decree in an amount equal to the amount of
 23 public assistance paid. However, where the support obligation is based upon a court decree, the debt is
 24 limited to the amount of the court decree.

25 (2) The department is subrogated to the right of the child or person having the care, custody, and
 26 control of the child to prosecute any support action or execute any administrative remedy existing under
 27 the laws of the state to obtain reimbursement of any money ~~thus~~ expended. If a court decree enters
 28 judgment for an amount of support to be paid by an obligor parent, the department is subrogated to the
 29 debt created by the order and the money judgment is in favor of the department. ~~No~~ An obligee may not
 30 commence an action to recover support due and owing to ~~him~~ the obligee without first filing an affidavit

1 with the court stating whether ~~he~~ the obligee has received public assistance from any source and, if ~~he~~ the
 2 obligee has received public assistance, that ~~he~~ the obligee has notified the department in writing of the
 3 pending action.

4 (3) ~~In no case may a~~ A debt arising under this section may not be incurred by or collected from a
 5 parent or other person while ~~he~~ the parent or other person is the recipient of public assistance money for
 6 the benefit of minor dependent children.

7 (4) The remedies ~~herein~~ provided in this section are in addition to and not in lieu of existing
 8 common law and statutory law.

9 (5) The department or its legal representatives may, at any time consistent with the income,
 10 earning capacity, and resources of the debtor, petition the court having jurisdiction over the particular case
 11 to set or reset a level and schedule of payments to be paid upon the debt."
 12

13 **Section 30.** Section 53-4-601, MCA, is amended to read:

14 **"53-4-601. Demonstration project -- purpose.** (1) The department is authorized to administer a
 15 demonstration project pursuant to section 1115 of the Social Security Act, 42 U.S.C. 1315, to provide
 16 assistance under Title IV of that act, 42 U.S.C. 601, et seq., to families who are currently receiving, eligible
 17 for, or at risk of becoming eligible for ~~aid to families with dependent children temporary assistance for~~
 18 ~~needy families benefits~~ FAIM FINANCIAL ASSISTANCE. This demonstration project may be cited as the
 19 families achieving independence in Montana (FAIM) project.

20 (2) The purpose of the demonstration project is to promote self-sufficiency and responsibility of
 21 participants by providing supports and incentives, such as child-care assistance, training, education, medical
 22 assistance, and resource referrals, and to make procedures and requirements less complex and more
 23 uniform in the ~~aid to families with dependent children temporary assistance for needy families~~ FAIM
 24 FINANCIAL ASSISTANCE, food stamp, and medicaid programs."
 25

26 **Section 31.** Section 53-4-602, MCA, is amended to read:

27 **"53-4-602. Definitions.** As used in this part, unless the context requires otherwise, the following
 28 definitions apply:

29 (1) "Cash assistance" means monetary payments to a recipient of ~~aid to families with dependent~~
 30 ~~children temporary assistance for needy families benefits~~ FAIM FINANCIAL ASSISTANCE to meet basic

1 needs, such as shelter, utilities, clothing, and personal needs.

2 (2) "Child-care assistance" means payments to or on behalf of the specified caretaker relative of
3 a dependent child to defray the cost of having a third party care for the child.

4 (3) "Department" means the department of public health and human services provided for in
5 2-15-2201.

6 (4) "FAIM project" means the families achieving independence in Montana project, including ~~an aid~~
7 ~~to families with dependent children a temporary assistance for needy families program~~ FAIM FINANCIAL
8 ASSISTANCE part established in 53-4-603, a food stamp part administered under the Food Stamp Act of
9 1977, 7 U.S.C. 2026, and a medicaid part administered pursuant to the Social Security Act, 42 U.S.C.
10 1315.

11 ~~(5) "JOBS program" means the job opportunities and basic skills training program established in~~
12 ~~53-4-703."~~

13

14 **Section 32.** Section 53-4-603, MCA, is amended to read:

15 **"53-4-603. FAIM project -- components.** (1) ~~The aid to families with dependent children temporary~~
16 ~~assistance for needy families program~~ FAIM FINANCIAL ASSISTANCE part of the FAIM project consists of
17 three components referred to as the job supplement program, pathways, and the community services
18 program.

19 (2) The job supplement program is an alternative to the components of the FAIM project that
20 provide cash assistance. An eligible family may receive assistance under the job supplement program
21 instead of receiving assistance under pathways or the community services program or may receive
22 assistance under the job supplement program either prior to or after receiving assistance under pathways
23 or the community services program.

24 (3) Services that may be provided to eligible individuals in the job supplement program include:

25 (a) full medicaid benefits for dependent children, as provided in 53-6-101, and basic medicaid
26 benefits for specified caretaker relatives, as provided in 53-6-101, ~~if pursuant to waivers of federal law that~~
27 ~~are granted by the secretary of the U.S. department of health and human services that permit limited~~
28 benefits. However, a specified caretaker relative who is pregnant is entitled to full medicaid benefits.

29 (b) child-care assistance, as provided in 53-4-611 and as specified by the department by rule;

30 (c) assistance in obtaining child support; and

1 (d) a one-time only cash payment to meet special employment-related needs of the family. In order
2 to receive a one-time cash payment, the family is required to agree not to ~~apply for or~~ receive cash
3 assistance for a period of time based on the size of the one-time cash payment received.

4 (4) (a) Pathways may provide eligible individuals with job training and education; resource referrals;
5 assistance in obtaining child support; one-time cash payments for special employment-related needs;
6 child-care assistance, as provided in 53-4-611 and as specified by department rule; cash assistance
7 payments; supportive services, if funding is available; full medicaid benefits for dependent children, as
8 provided in 53-6-101; and basic medicaid benefits for specified caretaker relatives, as provided in 53-6-101,
9 ~~if pursuant to~~ waivers of federal law that are granted by the secretary of the U.S. department of health and
10 human services that permit limited benefits. However, a specified caretaker relative who is pregnant is
11 entitled to full medicaid benefits.

12 (b) A specified caretaker relative in either a single-parent family or a two-parent family may receive
13 assistance under pathways for a maximum of 24 months, subject to the 60-month TIME limitation on
14 assistance provided in 53-4-231. The 24 months do not need to be consecutive.

15 ~~(c) Specified caretaker relatives in a two-parent family may receive assistance under pathways for~~
16 ~~a maximum of 18 months. The 18 months do not need to be consecutive.~~

17 (5) (a) In the community services program, a specified caretaker relative who has received ~~the~~
18 ~~maximum number of 24~~ months of assistance ~~allowable~~ under pathways may continue to receive assistance
19 for the specified caretaker relative's needs for an additional 36 months OR LONGER PERIOD, AS SPECIFIED
20 BY DEPARTMENT RULE, if the specified caretaker relative performs community service work as required
21 by the department, subject to the 60-month TIME limitation on assistance provided in 53-4-231.

22 (b) A specified caretaker relative who performs community service work as required is entitled to
23 cash assistance for the specified caretaker relative's needs and basic medicaid benefits, as provided in
24 53-6-101, ~~if pursuant to~~ waivers of federal law that are granted by the secretary of the U.S. department
25 of health and human services that permit limited benefits. However, a specified caretaker relative who is
26 pregnant is entitled to full medicaid benefits.

27 (c) Job training and education, resource referrals, and assistance in obtaining child support may
28 also be provided if determined by the department to be appropriate. Child-care assistance may be provided
29 to participants in the community services program as set forth in 53-4-611 and as specified by department
30 rule.

1 (6) Failure of a caretaker relative to participate in community service work as required must result
2 in the needs of the specified caretaker relative being removed from the cash assistance payment.

3 (7) A dependent child who meets all eligibility requirements for ~~aid to families with dependent~~
4 ~~children may receive assistance under any component of the FAIM project without any time limits.~~
5 ~~temporary assistance for needy families benefits~~ FAIM FINANCIAL ASSISTANCE is not subject to the time
6 limits on assistance in pathways and the community services program that are provided for specified
7 caretaker relatives in this section. However, a dependent child may be ineligible for temporary assistance
8 for needy families benefits FAIM FINANCIAL ASSISTANCE because of the 60-month limitation on
9 assistance provided in 53-4-231.

10 ~~(8) The department shall furnish workers' compensation coverage, as provided in 39-71-118, for~~
11 ~~recipients in any component of the FAIM project who perform community service work or who participate~~
12 ~~in a work experience program."~~

13

14 **Section 33.** Section 53-4-606, MCA, is amended to read:

15 **"53-4-606. Requirements for eligibility.** (1) Eligibility for ~~aid to families with dependent children~~
16 ~~temporary assistance for needy families benefits~~ FAIM FINANCIAL ASSISTANCE under the FAIM project
17 with regard to income, resources, and all other factors of eligibility must be determined in accordance with
18 the waivers granted by the U.S. secretary of health and human services under section 1115 of the Social
19 Security Act, 42 U.S.C. 1315.

20 ~~(2) If waivers of federal law are granted by the secretary of the U.S. department of health and~~
21 ~~human services, two parent families applying for or receiving aid to families with dependent children~~
22 ~~benefits under the FAIM project based on the unemployment of one parent may not be required to meet~~
23 ~~the special eligibility requirements of section 407 of the Social Security Act, 42 U.S.C. 607.~~

24 ~~(3)~~(2) (a) As a condition of eligibility for assistance under pathways and the community services
25 program, all specified caretaker relatives and other family members, as specified by the department by rule,
26 shall enter into a family investment agreement with the department and shall comply with the terms of that
27 agreement. Entering into an agreement is not a condition of eligibility for the job supplement program.

28 (b) The family investment agreement must set forth the mutual obligations of the ~~specified~~
29 ~~caretaker relative~~ participant and the department to help the family achieve the goal of self-sufficiency. The
30 agreement may contain provisions:

1 (i) regarding actions to be taken by the specified caretaker relative and by the department to secure
2 child support;

3 (ii) requiring that the immunization and health-screening requirements of the early and periodic
4 screening, diagnosis, and treatment program be met for all children in the family; and

5 (iii) specifying other services and activities appropriate for the ~~specified caretaker relative~~ participant
6 or family.

7 (c) An individual who is required to enter into a family investment agreement and who fails without
8 good cause to do so or fails without good cause to comply with the individual's obligations under the
9 agreement is ineligible, as provided in 53-4-608, for ~~aid to families with dependent children temporary~~
10 ~~assistance for needy families~~ FAIM FINANCIAL ASSISTANCE benefits.

11 ~~(4)(3)~~ As a condition of eligibility for the community service program, a specified caretaker relative
12 shall perform community service work as required by the department."
13

14 **Section 34.** Section 53-4-607, MCA, is amended to read:

15 **"53-4-607. Exemptions from time limitations in pathways and community services program.** (1)
16 Recipients of ~~aid to families with dependent children temporary assistance for needy families benefits~~ FAIM
17 FINANCIAL ASSISTANCE under the FAIM project may be exempted from the time limitations on assistance
18 under pathways and the community services program contained in 53-4-603 as provided by the department
19 by rule.

20 (2) In establishing categories of individuals who are exempt from the time limitations on assistance
21 under pathways, the department may take into consideration factors that may delay an individual's
22 attainment of self-sufficiency, including but not limited to the following:

23 (a) The individual has a verifiable illness, injury, or physical or mental impairment, handicap, or
24 disability.

25 (b) The individual is of advanced age.

26 (c) The individual does not have necessary state-paid child care available.

27 (d) The individual is attending high school or is working toward a graduate equivalency diploma,
28 if the individual is under ~~20~~ 18 years of age.

29 (e) The individual is the parent of a child under 1 year of age.

30 (f) The individual is providing care to a household member with a disability who requires special

1 care.

2 (g) The individual is a teenage parent receiving assistance in the individual's own name and
3 participating in activities pursuant to a family investment agreement.

4 (h) The department failed to substantially comply with its obligations under the family investment
5 agreement.

6 (i) ~~The individual is a homeless person.~~

7 ~~{}~~ The individual is a victim of domestic violence as defined by the department by rule."

8

9 **Section 35.** Section 53-4-608, MCA, is amended to read:

10 **"53-4-608. ~~Ineligibility because of Sanction for~~ RESULTS OF failure to comply with terms of**
11 **agreement.** If an individual is required to enter into a family investment agreement pursuant to 53-4-606
12 and fails without good cause ~~either~~ to enter into an agreement ~~or~~, THE INDIVIDUAL IS INELIGIBLE FOR
13 FAIM FINANCIAL ASSISTANCE. IF AN INDIVIDUAL IS REQUIRED TO ENTER INTO A FAMILY
14 INVESTMENT AGREEMENT PURSUANT TO 53-4-606 AND FAILS WITHOUT GOOD CAUSE to comply with
15 the individual's obligations under the agreement, the individual ~~is ineligible for aid to families with dependent~~
16 ~~children benefits~~ must be sanctioned for a period of time specified by the department by rule and the needs
17 of the individual may not be taken into consideration in determining the assistance unit's amount of cash
18 assistance. However, the family of ~~an ineligible~~ a sanctioned individual is entitled to assistance for its own
19 needs if it is otherwise eligible. The income and resources of the individual must be considered in
20 determining the family's eligibility for assistance during the period ~~of ineligibility~~ that the individual is
21 sanctioned."

22

23 **Section 36.** Section 53-4-609, MCA, is amended to read:

24 **"53-4-609. Categorical eligibility for other assistance. All recipients RECIPIENTS of aid to families**
25 ~~with dependent children temporary assistance for needy families benefits~~ FAIM FINANCIAL ASSISTANCE
26 under a component of the FAIM project are NOT categorically eligible for food stamp benefits and the
27 low-income energy assistance program, ~~regardless of whether they would otherwise meet~~ BUT ARE
28 ELIGIBLE ONLY IF THEY SATISFY all the eligibility requirements for those programs, ~~unless otherwise~~
29 ~~prohibited by federal law.~~"

30

1 **Section 37.** Section 53-4-611, MCA, is amended to read:

2 "**53-4-611. Child-care assistance.** (1) In the job supplement program component of the FAIM
3 project, the department ~~shall~~ may provide child-care assistance to all single-parent families if child care is
4 necessary to allow the parent to engage in paid employment and if funding is available. Child-care
5 assistance may, at the department's discretion, be provided to two-parent families if child care is necessary
6 to allow either or both parents to engage in paid employment and if funding is available.

7 (2) In the pathways component of the FAIM project, the department ~~shall~~ may provide child-care
8 assistance to all single-parent families if child care is necessary to allow the parent to participate in an
9 activity required by the family investment agreement and if funding is available. ~~However, child-care~~
10 ~~assistance for single-parent families to enable the parent to participate in postsecondary education is not~~
11 ~~guaranteed and may be provided only if funding is available.~~ Child-care assistance may, at the department's
12 discretion, be provided to two-parent families if child care is necessary to allow either or both of the parents
13 to participate in an activity required by the family investment agreement and if funding is available.

14 (3) In the community services program component of the FAIM project, the department ~~shall~~ may
15 provide child-care assistance to all single-parent families if child care is necessary to allow the parent to
16 participate in an activity required by the family investment agreement and if funding is available. Child-care
17 assistance may, at the department's discretion, be provided to two-parent families if child care is necessary
18 to allow either or both of the parents to participate in an activity required by the family investment
19 agreement and if funding is available."

20

21 **Section 38.** Section 53-4-612, MCA, is amended to read:

22 "**53-4-612. Extended child care and medical assistance benefits.** A family receiving ~~aid to families~~
23 ~~with dependent children temporary assistance for needy families~~ FAIM FINANCIAL ASSISTANCE benefits
24 under a component of the FAIM project that loses eligibility for assistance because of increased income
25 from any source may receive extended ~~child care and~~ medical assistance benefits if funding is available,
26 provided that the family's income does not exceed a percentage of the federal poverty level specified by
27 the department by rule, and may receive child-care assistance pursuant to 53-4-611 if funding is available."

28

29 **Section 39.** Section 53-4-613, MCA, is amended to read:

30 "**53-4-613. ~~JOBS program~~ Employment and training program.** (1) In cases in which the department

1 determines that participation in the ~~JOBS program~~ employment and training program would be appropriate
 2 for a participant in pathways, the participant may be required to participate in the ~~JOBS program~~
 3 employment and training as one of the conditions of the participant's family investment agreement.

4 ~~(2) If waivers of federal law are granted by the secretary of the U.S. department of health and~~
 5 ~~human services, the exemptions from participation in the JOBS program provided in section 201 of the~~
 6 ~~federal Family Support Act of 1988, 42 U.S.C. 602(a)(19), may not apply to recipients of aid to families~~
 7 ~~with dependent children benefits who are participating in the FAIM employment and training demonstration~~
 8 ~~project."~~

9

10 **Section 40.** Section 53-4-701, MCA, is amended to read:

11 "**53-4-701. Purpose.** It is the purpose of this part to establish a ~~program, consistent with the~~
 12 ~~provisions of the federal Family Support Act of 1988, to assure that recipients of the aid to families with~~
 13 ~~dependent children program obtain~~ component of the pathways program that:

14 (1) provides recipients of temporary assistance for needy families benefits FAIM FINANCIAL
 15 ASSISTANCE with the education, training, and employment services needed to avoid long-term welfare
 16 dependency; and

17 (2) complies with the participation requirements established in section 103 of the Personal
 18 Responsibility and Work Opportunity Reconciliation Act of 1996, 42 U.S.C. 607."

19

20 **Section 41.** Section 53-4-702, MCA, is amended to read:

21 "**53-4-702. Definitions.** As used in this part, unless the context requires otherwise, the following
 22 definitions apply:

23 ~~(1) "Aid to families with dependent children" has the same meaning as provided in 53-4-201.~~

24 ~~(2)(1)~~ (1) "Department" means the department of public health and human services provided for in
 25 2-15-2201.

26 (2) "FAIM FINANCIAL ASSISTANCE" MEANS THE PROGRAM THAT PROVIDES PARTICIPANTS
 27 IN THE JOB SUPPLEMENT PROGRAM, PATHWAYS PROGRAM, AND COMMUNITY SERVICES PROGRAM
 28 OF THE FAIM PROJECT WITH BENEFITS THAT MAY INCLUDE CASH PAYMENTS, SERVICES, AND
 29 NONCASH ASSISTANCE.

30 ~~(3)(2)(3)~~ (3) "FAIM project" means the families achieving independence in Montana project as

1 established in 53-4-601.

2 ~~(4) "Family Support Act of 1988" means the federal Family Support Act of 1988, Public Law~~
3 ~~100-485, as amended.~~

4 ~~(5) "JOBS program" or "program" means the job opportunities and basic skills training program~~
5 ~~established in 53-4-703.~~

6 ~~(3) "Temporary assistance for needy families" has the meaning provided in 53-4-201."~~

7

8 **Section 42.** Section 53-4-703, MCA, is amended to read:

9 **"53-4-703. ~~JOBS program~~ Employment and training program established --purpose.** ~~(1) The~~
10 ~~department shall establish and administer a job opportunities and basic skills training (JOBS) program that~~
11 ~~meets the requirements of section 201 of the federal Family Support Act of 1988 (42 U.S.C. 602(a)(19),~~
12 ~~681 through 686) an intensive employment and training program in accordance with the requirements of~~
13 ~~section 103 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 42 U.S.C.~~
14 ~~607.~~

15 ~~(2) The purpose of the program is to provide recipients of aid to families with dependent children~~
16 ~~the education, training, and employment that will help them avoid long-term welfare dependency."~~

17

18 **Section 43.** Section 53-4-705, MCA, is amended to read:

19 **"53-4-705. **Services and activities.**** ~~(1) Under the program provided for in 53-4-703, the~~
20 ~~department shall make available a broad range of services and activities to assist recipients of aid to families~~
21 ~~with dependent children temporary assistance for needy families benefit FAIM FINANCIAL ASSISTANCE~~
22 ~~as specified by the department by rule. Such services and activities may include:~~

23 ~~(a) appropriate educational activities, including:~~

24 ~~(i) high school education or its equivalent, combined with training as needed;~~

25 ~~(ii) basic and remedial education to help participants achieve a basic literacy level; and~~

26 ~~(iii) education for individuals with limited English language proficiency;~~

27 ~~(b) job skills training;~~

28 ~~(c) job readiness activities to help prepare participants for work;~~

29 ~~(d) job development and job placement;~~

30 ~~(e) group and individual job search activities as provided for in 42 U.S.C. 682(g);~~

1 ~~(f) on the job training;~~

2 ~~(g) work supplementation programs as provided for in 42 U.S.C. 682(e); and~~

3 ~~(h) community work experience programs as provided for in 42 U.S.C. 682(f).~~

4 ~~(2) In addition to the services and activities provided in subsection (1), the department may offer~~
5 ~~to participants under the program:~~

6 ~~(a) postsecondary education in appropriate cases; and~~

7 ~~(b) such other education, training, and employment activities as may be determined necessary."~~

8
9 **Section 44.** Section 53-4-706, MCA, is amended to read:

10 **"53-4-706. Participation requirements.** (1) Except as otherwise provided in this section and
11 ~~53-4-707~~, the department may require individuals to participate in the JOBS employment and training
12 program as a condition of their eligibility for ~~aid to families with dependent children temporary assistance~~
13 ~~for needy families benefits~~ FAIM FINANCIAL ASSISTANCE.

14 (2) To the extent that the program is available and that state resources permit, the department
15 shall:

16 ~~(a) require recipients of aid to families with dependent children who are not participating in the~~
17 ~~FAIM project and with respect to whom the state guarantees child care in accordance with section 402(g)~~
18 ~~of the Social Security Act (42 U.S.C. 602(g)) to participate in the program;~~

19 ~~(b) require recipients of aid to families with dependent children temporary assistance for needy~~
20 ~~families benefits~~ FAIM FINANCIAL ASSISTANCE who are participating in either the pathways or community
21 ~~service program~~ component of the FAIM project to participate in the program if the department determines
22 that it is an appropriate activity for the recipient and includes participation as a condition of the recipient's
23 family investment agreement; and

24 ~~(c) allow applicants for and recipients of aid to families with dependent children who are not~~
25 ~~required under subsection (2)(a) to participate in the program to do so on a voluntary basis."~~

26
27 **Section 45.** Section 53-4-717, MCA, is amended to read:

28 **"53-4-717. Sanctions.** (1) ~~Except as provided in subsection (2), an individual who without good~~
29 ~~cause fails to participate in the JOBS program as required or who without good cause refuses to accept~~
30 ~~equitable employment shall lose eligibility for aid to families with dependent children as provided in 42 U.S.C.~~

1 ~~602(a)(19)(G).~~

2 ~~(2) If an individual receiving aid to families with dependent children temporary assistance for needy~~
 3 ~~families benefits FAIM FINANCIAL ASSISTANCE~~ under the FAIM project is required to participate in the
 4 ~~JOBS employment and training~~ program as a condition of the individual's family investment agreement and
 5 fails without good cause to participate, the individual must be sanctioned in accordance with rules
 6 established by the department."

7

8 **Section 46.** Section 53-6-101, MCA, is amended to read:

9 **"53-6-101. Montana medicaid program -- authorization of services.** (1) There is a Montana
 10 medicaid program established for the purpose of providing necessary medical services to eligible persons
 11 who have need for medical assistance. The Montana medicaid program is a joint federal-state program
 12 administered under this chapter and in accordance with Title XIX of the federal Social Security Act, 42
 13 U.S.C. 1396, et seq., as may be amended. The department of public health and human services shall
 14 administer the Montana medicaid program.

15 (2) Medical assistance provided by the Montana medicaid program includes the following services:

16 (a) inpatient hospital services;

17 (b) outpatient hospital services;

18 (c) other laboratory and x-ray services, including minimum mammography examination as defined
 19 in 33-22-132;

20 (d) skilled nursing services in long-term care facilities;

21 (e) physicians' services;

22 (f) nurse specialist services;

23 (g) early and periodic screening, diagnosis, and treatment services for persons under 21 years of
 24 age;

25 (h) ambulatory prenatal care for pregnant women during a presumptive eligibility period, as
 26 provided in 42 U.S.C. 1396a(a)(47) and 42 U.S.C. 1396r-1;

27 (i) targeted case management services, as authorized in 42 U.S.C. 1396n(g), for high-risk pregnant
 28 women;

29 (j) services that are provided by physician assistants-certified within the scope of their practice and
 30 that are otherwise directly reimbursed as allowed under department rule to an existing provider;

1 (k) health services provided under a physician's orders by a public health department; and

2 (l) federally qualified health center services, as defined in 42 U.S.C. 1396d(l)(2).

3 (3) Medical assistance provided by the Montana medicaid program may, as provided by department
4 rule, also include the following services:

5 (a) medical care or any other type of remedial care recognized under state law, furnished by
6 licensed practitioners within the scope of their practice as defined by state law;

7 (b) home health care services;

8 (c) private-duty nursing services;

9 (d) dental services;

10 (e) physical therapy services;

11 (f) mental health center services administered and funded under a state mental health program
12 authorized under Title 53, chapter 21, part 2;

13 (g) clinical social worker services;

14 (h) prescribed drugs, dentures, and prosthetic devices;

15 (i) prescribed eyeglasses;

16 (j) other diagnostic, screening, preventive, rehabilitative, chiropractic, and osteopathic services;

17 (k) inpatient psychiatric hospital services for persons under 21 years of age;

18 (l) services of professional counselors licensed under Title 37, chapter 23;

19 (m) hospice care, as defined in 42 U.S.C. 1396d(o);

20 (n) case management services as provided in 42 U.S.C. 1396d(a) and 1396n(g), including targeted
21 case management services for the mentally ill;

22 (o) inpatient psychiatric services for persons under 21 years of age, as provided in 42 U.S.C.
23 1396d(h), in a residential treatment facility, as defined in 50-5-101, that is licensed in accordance with
24 50-5-201; and

25 (p) any additional medical service or aid allowable under or provided by the federal Social Security
26 Act.

27 (4) Services for persons qualifying for medicaid under the medically needy category of assistance
28 as described in 53-6-131 may be more limited in amount, scope, and duration than services provided to
29 others qualifying for assistance under the Montana medicaid program. The department is not required to
30 provide all of the services listed in subsections (2) and (3) to persons qualifying for medicaid under the

1 medically needy category of assistance.

2 (5) ~~If~~ In accordance with waivers of federal law that are granted by the secretary of the U.S.
 3 department of health and human services, the department of public health and human services may
 4 implement limited medicaid benefits, to be known as basic medicaid, for adult recipients who are eligible
 5 because they are receiving ~~aid to families with dependent children temporary assistance for needy families~~
 6 ~~benefits~~ FAIM FINANCIAL ASSISTANCE, AS DEFINED IN 53-4-702, as the specified caretaker relative of
 7 a dependent child under the FAIM project and for all adult recipients of medical assistance only who are
 8 covered under a group related to ~~aid to families with dependent children the temporary assistance for needy~~
 9 ~~families~~ program OF FAIM FINANCIAL ASSISTANCE, AS DEFINED IN 53-4-702. Basic medicaid benefits
 10 consist of all mandatory services listed in subsections (2)(a) through (2)(l) but may include those optional
 11 services listed in subsections (3)(a) through (3)(p) that the department in its discretion specifies by rule.
 12 The department, in exercising its discretion, may consider the amount of funds appropriated by the
 13 legislature for the FAIM project and whether the provision of a particular service is commonly covered by
 14 private health insurance plans. However, a recipient who is pregnant, MEETS THE CRITERIA FOR
 15 DISABILITY PROVIDED IN TITLE II OF THE SOCIAL SECURITY ACT, 42 U.S.C. 416, ET SEQ., OR IS LESS
 16 THAN 21 YEARS OF AGE is entitled to full medicaid coverage.

17 (6) The department may implement, as provided for in Title XIX of the ~~federal~~ Social Security Act,
 18 42 U.S.C. 1396, et seq., as may be amended, a program under medicaid for payment of medicare
 19 premiums, deductibles, and coinsurance for persons not otherwise eligible for medicaid.

20 (7) The department may set rates for medical and other services provided to recipients of medicaid
 21 and may enter into contracts for delivery of services to individual recipients or groups of recipients.

22 (8) The services provided under this part may be only those that are medically necessary and that
 23 are the most efficient and cost-effective.

24 (9) The amount, scope, and duration of services provided under this part must be determined by
 25 the department in accordance with Title XIX of the ~~federal~~ Social Security Act, 42 U.S.C. 1396, et seq.,
 26 as may be amended.

27 (10) Services, procedures, and items of an experimental or cosmetic nature may not be provided.

28 (11) If available funds are not sufficient to provide medical assistance for all eligible persons, the
 29 department may set priorities to limit, reduce, or otherwise curtail the amount, scope, or duration of the
 30 medical services made available under the Montana medicaid program.

1 (12) Community-based medicaid services, as provided for in part 4 of this chapter, must be provided
2 in accordance with the provisions of this chapter and the rules adopted under this chapter.

3 (13) Medicaid payment for personal-care facilities may not be made unless the department certifies
4 to the director of the governor's office of budget and program planning that payment to this type of
5 provider would, in the aggregate, be a cost-effective alternative to services otherwise provided."

6

7 **Section 47.** Section 53-6-113, MCA, is amended to read:

8 **"53-6-113. Department to adopt rules.** (1) The department of public health and human services
9 shall adopt appropriate rules necessary for the administration of the Montana medicaid program as provided
10 for in this part and as may be required by federal laws and regulations governing state participation in
11 medicaid under Title XIX of the ~~federal~~ Social Security Act, 42 U.S.C. 1396, et seq., as amended.

12 (2) The department shall adopt rules as are necessary to further define for the purposes of this part
13 the services provided under 53-6-101 and to provide that services being used are medically necessary and
14 that the services are the most efficient and cost-effective available. The rules may establish the amount,
15 scope, and duration of services provided under the Montana medicaid program, including the items and
16 components constituting the services.

17 (3) The department shall establish by rule the rates for reimbursement of services provided under
18 this part. The department may in its discretion set rates of reimbursement that it determines necessary for
19 the purposes of the program. In establishing rates of reimbursement, the department may consider but is
20 not limited to considering:

21 (a) the availability of appropriated funds;

22 (b) the actual cost of services;

23 (c) the quality of services;

24 (d) the professional knowledge and skills necessary for the delivery of services; and

25 (e) the availability of services.

26 (4) The department shall specify by rule those professionals who may deliver or direct the delivery
27 of particular services.

28 (5) The department may provide by rule for payment by a recipient of a portion of the
29 reimbursements established by the department for services provided under this part.

30 (6) The department may adopt rules consistent with this part to govern eligibility for the Montana

1 medicaid program. Rules may include but are not limited to financial standards and criteria for income and
 2 resources, treatment of resources, nonfinancial criteria, family responsibilities, residency, application,
 3 termination, definition of terms, ~~and confidentiality of applicant and recipient information, and cooperation~~
 4 with the state agency administering the child support enforcement program under Title IV-D of the Social
 5 Security Act, 42 U.S.C. 651, et seq.

6 (7) The department may adopt rules limiting eligibility based on criteria more restrictive than that
 7 provided in 53-6-131 if required by Title XIX of the ~~federal~~ Social Security Act, 42 U.S.C. 1396, et seq.,
 8 as may be amended, or if funds appropriated are not sufficient to provide medical care for all eligible
 9 persons.

10 (8) The department may adopt rules necessary for the administration of medicaid managed-care
 11 systems. Rules to be adopted may include but are not limited to rules concerning:

- 12 (a) participation in managed care;
- 13 (b) selection and qualifications for providers of managed care; and
- 14 (c) standards for the provision of managed care.

15 (9) ~~(a)~~ The department shall establish by rule income limits for eligibility for extended medical
 16 assistance of persons receiving ~~aid to families with dependent children temporary assistance for needy~~
 17 ~~families~~ benefits FROM FAIM FINANCIAL ASSISTANCE, AS DEFINED IN 53-4-702, as participants of the
 18 FAIM project who lose eligibility because of increased income, as provided in 53-6-134, and shall also
 19 establish by rule the length of time for which extended medical assistance will be provided. The
 20 department, in exercising its discretion to set income limits and duration of assistance, may consider the
 21 amount of funds appropriated by the legislature for the FAIM project.

22 ~~(b) Notwithstanding Title 53, chapter 2, part 9, and Title 53, chapter 4, part 6, it is the intent of~~
 23 ~~the legislature that rules may not be adopted except to implement the waiver granted by the U.S. secretary~~
 24 ~~of health and human services under section 1115 of the Social Security Act, 42 U.S.C. 1315, and to~~
 25 ~~implement the FAIM program. Rules may not implement any other program or programs that may result~~
 26 ~~because of federal welfare reform unless the rules are required for compliance with federal law."~~

27
 28 **Section 48.** Section 53-6-131, MCA, is amended to read:

29 "**53-6-131. Eligibility requirements.** (1) Medical assistance under the Montana medicaid program
 30 may be granted to a person who is determined by the department of public health and human services, in

1 its discretion, to be eligible as follows:

2 (a) The person receives or is considered to be receiving supplemental security income benefits
3 under Title XVI of the ~~federal~~ Social Security Act, 42 U.S.C. 1381, et seq., and does not have income or
4 resources in excess of the applicable medical assistance limits or aid to families with dependent children
5 receive temporary assistance for needy families FROM FAIM FINANCIAL ASSISTANCE, AS DEFINED IN
6 53-4-702, benefits under Title IV of the federal Social Security Act, 42 U.S.C. 601, et seq.

7 (b) The person would be eligible for assistance under a program described in subsection (1)(a) if
8 that person were to apply for that assistance.

9 (c) The person is in a medical facility that is a medicaid provider and, but for residence in the
10 facility, the person would be receiving assistance under one of the programs in subsection (1)(a).

11 (d) The person is under 19 years of age and meets the conditions of eligibility in the ~~state plan for~~
12 ~~aid to families with dependent children temporary assistance for needy families state plan, AS DEFINED IN~~
13 53-4-201, other than with respect to age and school attendance.

14 (e) The person is under 21 years of age and in foster care under the supervision of the state or was
15 in foster care under the supervision of the state and has been adopted as a hard-to-place child.

16 (f) The person meets the nonfinancial criteria of the categories in subsections (1)(a) through (1)(e)
17 and:

18 (i) the person's income does not exceed the income level specified for federally aided categories
19 of assistance and the person's resources are within the resource standards of the federal supplemental
20 security income program; or

21 (ii) the person, while having income greater than the medically needy income level specified for
22 federally aided categories of assistance:

23 (A) has an adjusted income level, after incurring medical expenses, that does not exceed the
24 medically needy income level specified for federally aided categories of assistance or, alternatively, has paid
25 in cash to the department the amount by which the person's income exceeds the medically needy income
26 level specified for federally aided categories of assistance; and

27 (B) has resources that are within the resource standards of the federal supplemental security
28 income program.

29 (g) The person is a qualified pregnant woman or child as defined in 42 U.S.C. 1396d(n).

30 (2) The department may establish income and resource limitations. Limitations of income and

1 resources must be within the amounts permitted by federal law for the medicaid program.

2 (3) The Montana medicaid program shall pay, as required by federal law, the premiums necessary
3 for medicaid-eligible persons participating in the medicare program and may, within the discretion of the
4 department, pay all or a portion of the medicare premiums, deductibles, and coinsurance for a qualified
5 medicare-eligible person or for a qualified disabled and working individual, as defined in section 6408(d)(2)
6 of the federal Omnibus Budget Reconciliation Act of 1989, Public Law 101-239, who:

7 (a) has income that does not exceed income standards as may be required by the ~~federal~~ Social
8 Security Act; and

9 (b) has resources that do not exceed standards that the department determines reasonable for
10 purposes of the program.

11 (4) The department may pay a medicaid-eligible person's expenses for premiums, coinsurance, and
12 similar costs for health insurance or other available health coverage, as provided in 42 U.S.C. 1396b(a)(1).

13 (5) ~~if in accordance with~~ waivers of federal law that are granted by the secretary of the U.S.
14 department of health and human services, the department of public health and human services may grant
15 eligibility for basic medicaid benefits as described in 53-6-101 to an individual receiving ~~aid to families with~~
16 ~~dependent children temporary assistance for needy families benefits~~ FAIM FINANCIAL ASSISTANCE, AS
17 DEFINED IN 53-4-702, as the specified caretaker relative of a dependent child under the FAIM project and
18 to all adult recipients of medical assistance only who are covered under a group related to ~~aid to families~~
19 ~~with dependent children~~ the temporary assistance for needy families program OF FAIM FINANCIAL
20 ASSISTANCE. A recipient who is pregnant, MEETS THE CRITERIA FOR DISABILITY PROVIDED IN TITLE
21 II OF THE SOCIAL SECURITY ACT, 42 U.S.C. 416, ET SEQ., OR IS LESS THAN 21 YEARS OF AGE is
22 entitled to full medicaid coverage as provided in 53-6-101.

23 (6) The department, under the Montana medicaid program, may provide, if a waiver is not available
24 from the federal government, medicaid and other assistance mandated by Title XIX of the ~~federal~~ Social
25 Security Act, 42 U.S.C. 1396, et seq., as may be amended, and not specifically listed in this part to
26 categories of persons that may be designated by the act for receipt of assistance.

27 (7) Notwithstanding any other provision of this chapter, medical assistance must be provided to
28 infants and pregnant women whose family income does not exceed 133% of the federal poverty threshold,
29 as provided in 42 U.S.C. 1396a(a)(10)(A)(ii)(IX) and 42 U.S.C. 1396a(l)(2)(A)(i), and whose family
30 resources do not exceed standards that the department determines reasonable for purposes of the program.

1 (8) Subject to appropriations, the department may cooperate with and make grants to a nonprofit
 2 corporation that uses donated funds to provide basic preventive and primary health care medical benefits
 3 to children whose families are ineligible for the Montana medicaid program and who are ineligible for any
 4 other health care coverage, are under 19 years of age, and are enrolled in school if of school age.

5 (9) A person described in subsection (7) must be provided continuous eligibility for medical
 6 assistance, as authorized in 42 U.S.C. 1396a(e)(5) through a(e)(7).

7 (10) The department may establish resource and income standards of eligibility for mental health
 8 services that are more liberal than the resource and income standards of eligibility for physical health
 9 services. The standards for eligibility for mental health services may provide for eligibility for households
 10 with family income that does not exceed 200% of the federal poverty threshold or that does not exceed
 11 a lesser amount determined in the discretion of the department. The department may by rule specify under
 12 what circumstances deductions for medical expenses should be used to reduce countable family income
 13 in determining eligibility. The department may also adopt rules establishing fees to be charged recipients
 14 for services. The fees may vary according to family income."

15

16 **Section 49.** Section 53-6-134, MCA, is amended to read:

17 **"53-6-134. Extension of eligibility for medical assistance to persons terminated from aid to families**
 18 **~~with dependent children temporary assistance for needy families program~~ FAIM FINANCIAL ASSISTANCE.**

19 ~~(1) In accordance with section 1925 of Title XIX of the Social Security Act, 42 U.S.C. 1396r-6, the~~
 20 ~~department of public health and human services shall provide for the extension of eligibility for medical~~
 21 ~~assistance to persons who lose eligibility for aid to families with dependent children because of:~~

22 ~~(a) increased hours or income from employment; or~~

23 ~~(b) loss of federally prescribed earned income disregards.~~

24 ~~(2)~~ In providing for the extension of eligibility for medical assistance under subsection ~~(1)~~(2), the
 25 department may provide for health insurance or other health coverage in accordance with subsections
 26 1925(a)(4)(B) and 1925(b)(4)(C) of Title XIX of the Social Security Act, 42 U.S.C. 1396r-6(a)(4)(B) and 42
 27 U.S.C. 1396r-6(b)(4)(C), and may exercise the other options contained in section 1925 of Title XIX of the
 28 Social Security Act, 42 U.S.C. 1396r-6, regarding the provision of medical assistance.

29 ~~(3)~~(2) ~~If~~ In accordance with waivers of federal law that are granted by the secretary of the U.S.
 30 department of health and human services, the department of public health and human services may provide

1 extended eligibility for medical assistance for a period of time established by the department by rule for
2 persons receiving ~~aid to families with dependent children temporary assistance for needy families benefits~~
3 FAIM FINANCIAL ASSISTANCE, AS DEFINED IN 53-4-702, under the job supplement program, pathways,
4 or community services program components of the FAIM project described in 53-4-603 who lose eligibility
5 because of increased income from any source or because of exhausting time-limited earned income
6 disregards, provided that the family's income does not exceed a percentage of the federal poverty level
7 established by the department by rule. The department, in exercising its discretion to establish income
8 standards and duration of extended medical assistance by rule, may consider the amount of funds
9 appropriated by the legislature for the FAIM project."

10

11 NEW SECTION. Section 50. Saving clause. [This act] does not affect rights and duties that
12 matured, penalties that were incurred, or proceedings that were begun before [the effective date of this
13 act].

14

15 NEW SECTION. Section 51. Repealer. Sections 39-7-601, 39-7-602, 39-7-603, 39-7-604,
16 39-7-605, 39-7-606, 53-4-249, 53-4-707, 53-4-708, 53-4-715, 53-4-716, 53-4-718, and 53-4-720, MCA,
17 are repealed.

18

19 NEW SECTION. SECTION 52. EFFECTIVE DATES. (1) EXCEPT AS PROVIDED IN SUBSECTIONS
20 (2) AND (3), [THIS ACT] IS EFFECTIVE ON PASSAGE AND APPROVAL.

21 (2) [SECTION 26] IS EFFECTIVE JULY 1, 1997.

22 (3) [SECTION 27] IS EFFECTIVE JULY 1, 1999.

23

24 NEW SECTION. SECTION 53. TERMINATION. [SECTION 26] TERMINATES JUNE 30, 1999.

25

-END-

1 HOUSE BILL NO. 371

2 INTRODUCED BY AHNER

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT REPLACING THE AID TO FAMILIES WITH DEPENDENT
5 CHILDREN PROGRAM WITH THE ~~TEMPORARY ASSISTANCE FOR NEEDY FAMILIES~~ FAMILIES ACHIEVING
6 INDEPENDENCE IN MONTANA (FAIM) FINANCIAL ASSISTANCE PROGRAM; MAKING PROVISIONS
7 REGARDING OVERPAYMENT OF PUBLIC ASSISTANCE APPLY TO RECIPIENT ERROR; REQUIRING
8 RECIPIENTS TO NOTIFY THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES REGARDING
9 ANY CHANGE THAT MAY AFFECT ELIGIBILITY FOR PUBLIC ASSISTANCE; AMENDING PROVISIONS
10 REGARDING THE FOOD STAMP PROGRAM; ALLOWING THE DEPARTMENT TO ADOPT RULES;
11 REPLACING THE JOBS PROGRAM WITH AN EMPLOYMENT AND TRAINING PROGRAM; DELETING THE
12 CHILD SUPPORT PASS-THROUGH PAYMENT OF UP TO \$50 A MONTH; REVISING THE TERMS
13 "DEPENDENT CHILD" AND "FAMILY" FOR PURPOSES OF THE ~~TEMPORARY ASSISTANCE FOR NEEDY~~
14 ~~FAMILIES~~ FAIM FINANCIAL ASSISTANCE PROGRAM; ALLOWING ADMINISTRATION OF THE ~~TEMPORARY~~
15 ~~ASSISTANCE FOR NEEDY FAMILIES~~ FAIM FINANCIAL ASSISTANCE PROGRAM TO VARY ACROSS THE
16 STATE; REQUIRING MEMBERS OF INDIAN TRIBES PARTICIPATING IN THE ~~TEMPORARY ASSISTANCE FOR~~
17 ~~NEEDY FAMILIES~~ FAIM FINANCIAL ASSISTANCE PROGRAM TO BE SUBJECT TO THE SAME RULES,
18 POLICIES, AND REQUIREMENTS OF THE PROGRAM; REQUIRING THE DEPARTMENT TO ADOPT
19 ADDITIONAL RULES FOR THE ~~TEMPORARY ASSISTANCE FOR NEEDY FAMILIES~~ FAIM FINANCIAL
20 ASSISTANCE PROGRAM, INCLUDING RULES FOR EXEMPTIONS FROM TIME LIMITS, FOR ALIENS, AND
21 FOR TEENAGE PARENTS; REVISING ELIGIBILITY PROVISIONS; MAKING THE PROVISION OF CHILD-CARE
22 ASSISTANCE DISCRETIONARY; PROVIDING THAT THE ~~TEMPORARY ASSISTANCE FOR NEEDY FAMILIES~~
23 FAIM FINANCIAL ASSISTANCE PROGRAM IS NOT AN ENTITLEMENT; PROVIDING A 24-MONTH
24 MAXIMUM FOR RECEIPT OF PATHWAYS ASSISTANCE FOR SINGLE-PARENT AND TWO-PARENT
25 FAMILIES, SUBJECT TO A 60-MONTH LIMITATION; REMOVING THE REQUIREMENT FOR WORKERS'
26 COMPENSATION COVERAGE FOR FAIM PROJECT RECIPIENTS; MAINTAINING ELIGIBILITY FOR BASIC
27 MEDICAID FOR RECIPIENTS OF ~~TEMPORARY ASSISTANCE FOR NEEDY FAMILIES~~ FAIM FINANCIAL
28 ASSISTANCE AND UNDER OTHER CIRCUMSTANCES; AMENDING SECTIONS 23-1-303, 39-7-303,
29 40-4-215, 53-2-108, 53-2-109, 53-2-201, 53-2-211, 53-2-606, 53-2-610, 53-2-613, 53-2-901, 53-2-902,
30 53-2-903, 53-2-904, 53-2-1103, 53-2-1109, 53-4-201, 53-4-202, 53-4-211, 53-4-212, 53-4-214,

1 53-4-221, 53-4-231, 53-4-233, 53-4-241, 53-4-246, 53-4-247, 53-4-248, 53-4-601, 53-4-602, 53-4-603,
 2 53-4-606, 53-4-607, 53-4-608, 53-4-609, 53-4-611, 53-4-612, 53-4-613, 53-4-701, 53-4-702, 53-4-703,
 3 53-4-705, 53-4-706, 53-4-717, 53-6-101, 53-6-113, 53-6-131, AND 53-6-134, MCA; ~~AND REPEALING~~
 4 SECTIONS 39-7-601, 39-7-602, 39-7-603, 39-7-604, 39-7-605, 39-7-606, 53-4-249, 53-4-707, 53-4-708,
 5 53-4-715, 53-4-716, 53-4-718, AND 53-4-720, MCA; AND PROVIDING EFFECTIVE DATES AND A
 6 TERMINATION DATE."

7

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

9

10 **Section 1.** Section 23-1-303, MCA, is amended to read:11 **"23-1-303. Powers and duties of the division.** The division, in cooperation with the department,
 12 may:

13 (1) hire a corps coordinator;

14 (2) coordinate with state agencies to place eligible participants in work experience projects,
 15 including those ~~state general assistance (GA) and federal aid to families with dependent children (AFDC)~~
 16 ~~temporary assistance for needy families~~ recipients OF FAIM FINANCIAL ASSISTANCE, AS DEFINED IN
 17 53-2-902, utilizing grant diversion funding and youth under state supervision utilizing payments from the
 18 department of public health and human services;

19 (3) develop and approve work experience projects that meet the requirements of this part;

20 (4) ensure that work experience projects involve labor-intensive improvements to public lands or
 21 facilities that will result in a public value and have a potential to yield revenue;22 (5) execute contracts or cooperative agreements containing the terms and conditions necessary
 23 and desirable for the employment of crewleaders and corpsmembers in approved work experience projects
 24 with federal, state, or local agencies, persons, firms, partnerships, associations, or corporations;25 (6) execute contracts or cooperative agreements with federal, state, or local agencies, persons,
 26 partnerships, associations, or corporations for the purpose of administering the requirements of this part;

27 (7) develop procedures for awarding incentive vouchers;

28 (8) authorize use of the corps for emergency projects, including but not limited to natural disasters,
 29 fire prevention and suppression, and rescue of lost or injured persons, and provide adequate training to
 30 corpsmembers prior to participation in an emergency project;

1 (9) apply for and accept grants or contributions of services, funds, or lands from any public or
2 private donors, including the acceptance of federal funds appropriated by the legislature;

3 (10) purchase, rent, acquire, or obtain personal property, supplies, instruments, tools, or equipment
4 necessary to complete work experience projects; and

5 (11) adopt rules and guidelines necessary to implement the provisions of this part and to effectively
6 administer the program."

7
8 **Section 2.** Section 39-7-303, MCA, is amended to read:

9 "**39-7-303. Definitions.** As used in this part, the following definitions apply:

10 (1) "Adult" means a person who is 18 years of age or older.

11 (2) "Commissioner" means the commissioner of labor and industry as provided in 2-15-1701.

12 (3) "Displaced homemaker" means an adult who:

13 (a) has worked as an adult primarily without remuneration to care for the home and family and for
14 that reason has diminished marketable skills and who has been dependent on public assistance or on the
15 income of a relative but is no longer supported by that income; or

16 (b) (i) is a parent whose youngest dependent child will become ineligible to receive FINANCIAL
17 assistance under the program for aid to families with dependent children temporary assistance for needy
18 families benefits FAIM FINANCIAL ASSISTANCE, AS DEFINED IN 53-2-902, pursuant to Title 53, chapter
19 4, part 2, within 2 years of the parent's application for displaced homemaker assistance;

20 (ii) is unemployed or underemployed and is experiencing difficulty in obtaining any employment or
21 suitable employment, as appropriate; or

22 (iii) meets the qualifications described in subsection (3)(a) or (3)(b) and is a criminal offender."
23

24 **Section 3.** Section 40-4-215, MCA, is amended to read:

25 "**40-4-215. Investigations and reports.** (1) In contested custody proceedings and in other custody
26 proceedings if a parent or the child's custodian requests, the court may order an investigation and report
27 concerning custodial arrangements for the child. The department of public health and human services may
28 not be ordered to conduct the investigation or draft a report unless the parent or the child's custodian
29 requesting the investigation is a recipient of aid to families with dependent children temporary assistance
30 for needy families benefits FAIM FINANCIAL ASSISTANCE, AS DEFINED IN 53-2-902, food stamps, or

1 public assistance and all reasonable options for payment of the investigation, if conducted by a person not
 2 employed by the department, are exhausted. The department may consult with any investigator and share
 3 information relevant to the child's best interests. The cost of the investigation and report must be paid
 4 according to the final order.

5 (2) In preparing a report concerning a child, the investigator may consult any person who may have
 6 information about the child and the child's potential custodial arrangements. Upon order of the court, the
 7 investigator may refer the child to professional personnel for diagnosis. The investigator may consult with
 8 and obtain information from medical, psychiatric, or other expert persons who have served the child in the
 9 past without obtaining the consent of the parent or the child's custodian. The child's consent must be
 10 obtained if the child has reached the age of 16 unless the court finds that the child lacks mental capacity
 11 to consent. If the requirements of subsection (3) are fulfilled, the investigator's report may be received in
 12 evidence at the hearing.

13 (3) The court shall mail the investigator's report to counsel and to any party not represented by
 14 counsel at least 10 days prior to the hearing. The investigator shall make available to counsel and to any
 15 party not represented by counsel the investigator's file of underlying data and reports, complete texts of
 16 diagnostic reports made to the investigator pursuant to the provisions of subsection (2), and the names and
 17 addresses of all persons whom the investigator has consulted. Any party to the proceeding may call the
 18 investigator and any person the investigator has consulted for cross-examination. A party may not waive
 19 the right of cross-examination prior to the hearing."
 20

21 **Section 4.** Section 53-2-108, MCA, is amended to read:

22 "53-2-108. **Overpayment of assistance -- civil penalty when fraud.** (1) If, due to department or
 23 recipient error, a recipient receives public assistance for which ~~he~~ the recipient is not eligible, the portion
 24 of payment that ~~he~~ the recipient is not entitled to receive ~~shall~~ may be returned at the discretion of the
 25 department.

26 (2) If a person obtains any part of an assistance payment through fraudulent means as specified
 27 in 53-2-107, 125% of the amount of assistance to which the person was not entitled ~~shall~~ must be repaid
 28 and, until fully paid, is a debt due the state."
 29

30 **Section 5.** Section 53-2-109, MCA, is amended to read:

1 **"53-2-109. Recipients to report ~~income not previously declared~~ changes in factors affecting**
 2 **eligibility.** Recipients of public assistance shall notify the department ~~within 10 days of the receipt of any~~
 3 ~~income or resources not previously declared to the department~~ of any change or anticipated change in
 4 income, resources, household composition, or other factor that may affect eligibility for public assistance
 5 or the benefit amount within the period of time specified by the department by rule. Failure of the
 6 department to verify information provided by the recipient does not absolve the recipient from ~~his~~ the
 7 obligation to provide accurate information to the department."

8
 9 **Section 6.** Section 53-2-201, MCA, is amended to read:

10 **"53-2-201. Powers and duties of department.** (1) The department shall:

11 (a) administer and supervise public assistance, including the provision of food stamps, food
 12 commodities, ~~aid to families with dependent children,~~ FAIM FINANCIAL ASSISTANCE, AS DEFINED IN
 13 53-2-902, energy assistance, weatherization, vocational rehabilitation, services for persons with severe
 14 disabilities, developmental disability services, ~~and~~ medical care payments in behalf of recipients of public
 15 assistance, employment and training services for recipients of public assistance, and the temporary
 16 ~~assistance for needy families program~~ OTHER PROGRAMS AS NECESSARY TO STRENGTHEN AND
 17 PRESERVE FAMILIES;

18 (b) give consultant service to private institutions providing care for the needy, and indigent,
 19 handicapped, or dependent adults;

20 (c) cooperate with other state agencies and develop provisions for services to the blind, including
 21 the prevention of blindness, the location of blind persons, medical services for eye conditions, and
 22 vocational guidance and training of the blind;

23 (d) provide services in respect to organization and supervise county departments of public welfare
 24 and county boards of public welfare in the administration of public assistance functions and for efficiency
 25 and economy;

26 (e) assist and cooperate with other state and federal departments, bureaus, agencies, and
 27 institutions, when requested, by performing services in conformity with public assistance purposes;

28 (f) administer all state and federal funds allocated to the department for public assistance and do
 29 all things necessary, in conformity with federal and state law, for the proper fulfillment of public assistance
 30 purposes; ~~and~~

1 (g) make rules governing payment for services and supplies provided to recipients of public
2 assistance; and

3 (h) adopt rules regarding assignment of monetary and medical support upon application for
4 temporary assistance for needy families benefits FAIM FINANCIAL ASSISTANCE, AS DEFINED IN 53-2-902,
5 and related medical assistance.

6 (2) The department may:

7 (a) purchase, exchange, condemn, or receive by gift either real or personal property ~~which~~ that is
8 necessary to carry out its public assistance functions. Title to property obtained under this subsection must
9 be taken in the name of the state of Montana for the use and benefit of the department.

10 (b) contract with the federal government to carry out its public assistance functions. The
11 department may do all things necessary in order to avail itself of federal aid and assistance.

12 (c) make rules, consistent with state and federal law, establishing the amount, scope, and duration
13 of services to be provided to recipients of public assistance."
14

15 **Section 7.** Section 53-2-211, MCA, is amended to read:

16 **"53-2-211. Department to share eligibility data.** (1) The department shall make available to the
17 unemployment compensation program of the department of labor and industry all information contained in
18 its files and records pertaining to eligibility of persons for medicaid, ~~aid to families with dependent children~~
19 ~~temporary assistance for needy families benefits~~ FAIM FINANCIAL ASSISTANCE, AS DEFINED IN 53-2-902,
20 and food stamps. The information made available must include information on the amount and source of
21 an applicant's income. The information received from the department must be used by the department of
22 labor and industry for the purpose of determining fraud, abuse, or eligibility for benefits under the
23 unemployment compensation program of the state and for no other purpose.

24 (2) The department shall make available to the unemployment compensation and the workers'
25 compensation programs of the department of labor and industry all information contained in its files and
26 records pertaining to eligibility of persons for low-income energy assistance, and weatherization, ~~and~~
27 ~~general relief~~. The information made available must include information on the amount and source of an
28 applicant's income. The information received from the department must be used by the department of labor
29 and industry for the purpose of determining fraud, abuse, or eligibility for benefits under the unemployment
30 compensation and workers' compensation programs of the state and for no other purpose.

1 (3) (a) Subject to federal restrictions, the department may request information from the department
 2 of labor and industry pertaining to unemployment, workers' compensation, and occupational disease
 3 benefits. If the department of labor and industry discovers evidence relating to fraud or abuse for
 4 unemployment, workers' compensation, or occupational benefits, the department of labor and industry may
 5 request information from the department of revenue pertaining to income as provided in 15-30-303(3)(c)

6 (b) The information must be used by the department for the purpose of determining fraud, abuse,
 7 or eligibility for benefits.

8 (4) The department may, to the extent permitted by federal law, make available to an agency of
 9 the state or to any other organization information contained in its files and records pertaining to the
 10 eligibility of persons for medicaid, ~~aid to families with dependent children the temporary assistance for~~
 11 ~~needy families program~~ FAIM FINANCIAL ASSISTANCE, AS DEFINED IN 53-2-902, food stamps,
 12 low-income energy assistance, weatherization, or other public assistance. The information may be disclosed
 13 only for purposes directly connected with the administration of a program or purpose of the agency and
 14 may not be used by the agency for any other purpose."

15
 16 **Section 8.** Section 53-2-606, MCA, is amended to read:

17 **"53-2-606. Right of appeal.** (1) If an application for assistance for food stamps, ~~aid to families~~
 18 ~~with dependent children temporary assistance for needy families benefits~~ FAIM FINANCIAL ASSISTANCE,
 19 AS DEFINED IN 53-2-902, or medicaid is not acted upon promptly or if a decision is made with which the
 20 applicant or recipient is not satisfied, the applicant or recipient may appeal to the board of public assistance
 21 for a fair hearing by addressing a request for a hearing to the department of public health and human
 22 services. The board of public assistance shall, upon receipt of a request for a hearing, give the applicant
 23 or recipient prompt notice and opportunity for a fair hearing.

24 (2) The department may upon its own motion review any decision of a county welfare board and
 25 may consider any application upon which a decision has not been made by the county board within a
 26 reasonable time from the filing of the decision. The department may have an additional investigation made
 27 and shall make a decision as to the granting of assistance and the amount of assistance to be granted the
 28 applicant as in its opinion is justified and in conformity with the provisions of this title.

29 (3) If the department reviews a county decision on its own motion, applicants or recipients affected
 30 by the decisions of the department shall upon request be given reasonable notice and an opportunity for

1 a fair hearing by the board of public assistance.

2 (4) All decisions of the department or the board of public assistance are final and are binding and
3 must be complied with by the county department."
4

5 **Section 9.** Section 53-2-610, MCA, is amended to read:

6 **"53-2-610. County to reimburse department.** (1) On or before the 20th of each month, the
7 department of ~~public health and human services~~ shall present a claim for reimbursement to each county
8 department for its proportionate share of public assistance granted in the county to recipients during the
9 month and for vendor medical payments made on behalf of recipients in the previous month. The county
10 department shall make the reimbursement to the department of ~~public health and human services~~ within
11 20 days after the claim is presented.

12 (2) The counties may not be required to reimburse the department of ~~public health and human~~
13 ~~services~~ for:

14 (a) any portion of public assistance paid to a household eligible for ~~aid to families with dependent~~
15 ~~children temporary assistance for needy families benefits~~ **FAIM FINANCIAL ASSISTANCE, AS DEFINED IN**
16 **53-2-902**, if the household includes an enrolled Indian who is the caretaker relative of a needy dependent
17 child; or

18 (b) any payment on behalf of any person in a state-operated medical institution.

19 (3) (a) From the original date of entrustment or the original date of state residency, whichever is
20 earlier, recipients of public assistance who become wards or patients in a licensed nursing home or hospital,
21 foster home, or private charitable institution are the financial responsibility of the appropriate county as
22 provided in subsections (3)(b) through (3)(d).

23 (b) The county in which commitment of an adult is initiated is considered the county of financial
24 responsibility except ~~where~~ when a court decree declares the residency to be otherwise. When an adult
25 is transferred from a facility or institution to one of the facilities listed in subsection (3)(a), the county that
26 initiated the original commitment is considered the county of financial responsibility except in the case of
27 an adult transfer from an out-of-state institution, in which case the county in which the facility is located
28 is considered the county of financial responsibility.

29 (c) In all cases in which a minor patient or ward is involved, the county of financial responsibility
30 is the county in which the parent or guardian resides. If the custody of a minor is entrusted to a state

1 agency, the agency may make a reasonable declaration of the county residency of its ward using applicable
2 guidelines enumerated in this section.

3 (d) If a person is or becomes an adult while in an institution, the person may determine the county
4 of residence when the person is restored to competency and released. The person becomes the financial
5 responsibility of the new county of residence."
6

7 **Section 10.** Section 53-2-613, MCA, is amended to read:

8 **"53-2-613. Application for assistance -- assignment of support rights.** (1) Applications for public
9 assistance, including but not limited to ~~aid to families with dependent children temporary assistance for~~
10 ~~needy families benefits~~ FAIM FINANCIAL ASSISTANCE, AS DEFINED IN 53-2-902, and medical assistance,
11 must be made to the county department of public welfare in the county in which the person is residing. The
12 application must be submitted, in the manner and form prescribed by the department of ~~public health and~~
13 ~~human services~~, and must contain information required by the department of ~~public health and human~~
14 ~~services~~.

15 (2) A person ~~by signing who signs~~ an application for ~~public assistance temporary assistance for~~
16 ~~needy families benefits~~ FAIM FINANCIAL ASSISTANCE, AS DEFINED IN 53-2-902, or related medical
17 ~~assistance~~ assigns to the state, to the department of ~~public health and human services~~, and to the county
18 welfare department all rights that the applicant may have to monetary and medical support ~~and medical~~
19 ~~payments~~ from any other person in the applicant's own behalf or in behalf of any other family member for
20 whom application is made. A person who signs an application for public assistance other than temporary
21 ~~assistance for needy families benefits~~ FAIM FINANCIAL ASSISTANCE, AS DEFINED IN 53-2-902, or related
22 medical assistance may, in accordance with rules adopted by the department, be required to assign to the
23 state, to the department, and to the county welfare department all rights that the applicant may have to
24 monetary and medical support from any other person in the applicant's own behalf or on behalf of any other
25 family member for whom application is made.

26 (3) The assignment:

27 (a) is effective for both current and accrued support and medical obligations;

28 (b) takes effect upon a determination that the applicant is eligible for public assistance;

29 (c) remains in effect with respect to the amount of any unpaid support and medical obligation
30 accrued under the assignment that was owed prior to the termination of public assistance to a recipient.

1 (4) Whenever a child support or spousal support obligation is assigned to the department of public
2 ~~health and human services~~ pursuant to this section, the following provisions apply:

3 (a) If the support obligation is based upon a judgment or decree or an order of a court of competent
4 jurisdiction, the department may retain assigned support amounts in an amount sufficient to reimburse
5 public assistance money expended.

6 (b) A recipient or former recipient of public assistance may not commence or maintain an action
7 to recover or enforce a delinquent support obligation or make any agreements with any other person or
8 agency concerning the support obligation, except as provided in 40-5-202.

9 (c) If a notice of assigned interest is filed with the district court, the clerk of the court may not pay
10 over or release for the benefit of any recipient or former recipient of public assistance any amounts received
11 pursuant to a judgment or decree or an order of the court until the department's child support enforcement
12 division has filed a written notice that:

13 (i) the assignment of current support amounts has been terminated; and

14 (ii) all assigned support delinquencies, if any, are satisfied or released.

15 (d) A recipient or former recipient of public assistance may not take action to modify or make any
16 agreement to modify, settle, or release any past, present, or future support obligation unless the
17 department's child support enforcement division is given written notice under the provisions of 40-5-202.
18 Any modifications or agreements entered into without the participation of the department are void with
19 respect to the state, the department, and the county welfare department."

20

21 **Section 11.** Section 53-2-901, MCA, is amended to read:

22 "53-2-901. **Administration of food stamp program -- rulemaking authority.** (1) The department is
23 authorized to administer the food stamp program in compliance with all federal laws and requirements.

24 (2) The department shall adopt rules that are necessary and desirable for the administration of the
25 food stamp program.

26 (3) The department shall adopt rules that may include but are not limited to rules concerning:

27 (a) eligibility for assistance, including income and resource limitations, income and resource
28 exclusions, and transfers of resources;

29 (b) amounts of assistance and methods for determining benefit amount;

30 (c) ~~certification periods~~ periodic redetermination of eligibility;

- 1 (d) reporting requirements;
- 2 (e) work registration, employment, and training requirements and exemptions from those
3 requirements;
- 4 (f) procedures and policies of the employment and training program;
- 5 (g) disqualification because of intentional program violations, for voluntarily quitting a job without
6 good cause, or for any other violation of program rules; and
- 7 (h) penalties applicable to recipients of ~~aid to families with dependent children temporary assistance~~
8 ~~for needy families benefits~~ FAIM FINANCIAL ASSISTANCE who have been sanctioned because of failure
9 to meet any requirement of ~~the aid to families with dependent children~~ that program.

10 (4) The department may adopt rules that include but are not limited to rules concerning:

11 (a) requirements for recipients to assign the right of support;

12 (b) requirements for recipients to cooperate with the state agency administering the child support
13 enforcement program established under Title IV-D of the Social Security Act, 42 U.S.C. 651, et seq.; and

14 (c) disqualification for failure to perform actions required by other means-tested programs, for
15 failure to cooperate with the state agency administering the child support enforcement program under Title
16 IV-D of the Social Security Act, 42 U.S.C. 651, et seq., or for failure to pay court-ordered child support
17 as provided in sections 819, 822, and 823 of the Personal Responsibility and Work Opportunity
18 Reconciliation Act of 1996, 7 U.S.C. 2015."

19

20 **Section 12.** Section 53-2-902, MCA, is amended to read:

21 **"53-2-902. Definitions.** As used in this part, the following definitions apply:

22 ~~(1) "Child support pass-through payments" means child support received for a dependent child or~~
23 ~~children in a family receiving aid to families with dependent children, up to \$50 a month, that is paid or~~
24 ~~"passed through" to the family pursuant to section 402 of the Social Security Act, 42 U.S.C.~~
25 ~~602(a)(8)(A)(vi).~~

26 ~~(2)(1)~~ (1) "Department" means the department of public health and human services provided in Title
27 2, chapter 15, part 22.

28 ~~(3)(2)~~ (2) "Employment and training demonstration project" means the employment and training
29 program for recipients of ~~aid to families with dependent children temporary assistance for needy families~~
30 ~~benefits~~ FAIM FINANCIAL ASSISTANCE who are participating in the FAIM project.

1 (3) "FAIM FINANCIAL ASSISTANCE" MEANS THE PROGRAM THAT PROVIDES PARTICIPANTS
 2 IN THE JOB SUPPLEMENT PROGRAM, PATHWAYS PROGRAM, AND COMMUNITY SERVICES PROGRAM
 3 OF THE FAIM PROJECT WITH BENEFITS THAT MAY INCLUDE CASH, SERVICES, AND NONCASH
 4 ASSISTANCE.

5 ~~(4)(3)(4)~~ "FAIM project" means the families achieving independence in Montana project, including
 6 the aid to families with dependent children ~~temporary assistance for needy families program~~ FAIM
 7 FINANCIAL ASSISTANCE part established in 53-4-603, a food stamp part administered pursuant to the
 8 Food Stamp Act of 1977, 7 U.S.C. 2026, and a medicaid part administered pursuant to the Social Security
 9 Act, 42 U.S.C. 1315.

10 ~~(5)(4)(5)~~ "Food stamp program" means the provision of ~~coupons~~ food stamp benefits that can be
 11 used to purchase food to low-income persons pursuant to the Food Stamp Act Amendments of 1980, 7
 12 U.S.C. 2011, et seq.

13 ~~(6) "JOBS program" means the job opportunities and basic skills training program for recipients of~~
 14 ~~aid to families with dependent children that is conducted in accordance with the requirements of section~~
 15 ~~201 of the federal Family Support Act of 1988, 42 U.S.C. 602(a)(19), 681 through 686."~~

16

17 **Section 13.** Section 53-2-903, MCA, is amended to read:

18 **"53-2-903. Employment and training program.** The department shall establish and administer an
 19 employment and training program for food stamp recipients that is in compliance with federal requirements.
 20 For purposes of the FAIM project, if in accordance with waivers of federal law that are granted by the food
 21 and ~~nutrition~~ consumer service of the U.S. department of agriculture, the department may merge its food
 22 stamp program employment and training program with its ~~JOBS temporary assistance for needy families~~
 23 FAIM FINANCIAL ASSISTANCE employment and training program or may modify the rules and requirements
 24 of the food stamp program employment and training program as necessary to make them consistent with
 25 those of the employment and training demonstration project."

26

27 **Section 14.** Section 53-2-904, MCA, is amended to read:

28 **"53-2-904. Income and resource exclusions -- FAIM participants.** If in accordance with waivers
 29 of federal law that are granted by the food and ~~nutrition~~ CONSUMER service of the U.S. department of
 30 agriculture, the department may by rule establish special income and resource exclusions to be applied to

1 participants of the FAIM project in determining their eligibility for food stamps and in determining the benefit
 2 amount. Exclusions that may be established include but are not limited to exclusions for one-time only cash
 3 payments for special employment-related needs as provided in 53-4-603 and ~~child support pass-through~~
 4 ~~payments of up to \$50 a month~~ in determining the recipients' eligibility for food stamps and determining
 5 the benefit amount."

6

7 **Section 15.** Section 53-2-1103, MCA, is amended to read:

8 **"53-2-1103. Definitions.** For the purposes of this part, unless the context requires otherwise, the
 9 following definitions apply:

10 (1) "Economically disadvantaged person" has the same meaning as provided in section 4 of the
 11 Job Training Partnership Act (29 U.S.C. 1503).

12 (2) "Job Training Partnership Act" means the federal Job Training Partnership Act, Public Law
 13 97-300 (29 U.S.C. 1501, et seq.), as amended.

14 (3) "Job training plan" means the plan for providing services and training in a service delivery area,
 15 as required in 53-2-1107.

16 (4) "Program" means the program created by 53-2-1104 to implement the provisions of Title II-A
 17 of the Job Training Partnership Act.

18 (5) "Program year" means the fiscal year beginning on July 1 of the year for which an appropriation
 19 is made for the program established under this part, as provided in section 161 of the Job Training
 20 Partnership Act (29 U.S.C. 1571).

21 (6) "Public assistance program" means the state program of ~~aid to families with dependent children~~
 22 ~~temporary assistance for needy families~~ **FAIM FINANCIAL ASSISTANCE, AS DEFINED IN 53-2-902.**

23 (7) "Service delivery area" means an area designated as provided in section 101 of the Job Training
 24 Partnership Act (29 U.S.C. 1511)."

25

26 **Section 16.** Section 53-2-1109, MCA, is amended to read:

27 **"53-2-1109. Coordination of services.** The state job training coordinating council shall identify,
 28 in coordination with the appropriate state and local agencies, the employment, training, and vocational
 29 education needs throughout the state and assess the extent to which employment and training, vocational
 30 education, rehabilitation services, public assistance, economic development, and other federal, state, and

1 local programs and services represent a consistent, integrated, and coordinated approach to meeting such
 2 needs. In carrying out this coordinating function, the council shall consider state policy set forth in
 3 2-15-101 to eliminate overlapping and duplication of services within state government and in accordance
 4 with the provisions of section 121 of the Job Training Partnership Act (29 U.S.C. 1531) and other
 5 employment and training programs, including:

- 6 ~~(1) programs operated under the federal Family Support Act of 1988; and~~
 7 ~~(2) programs and services of public assistance agencies."~~

8

9 **Section 17.** Section 53-4-201, MCA, is amended to read:

10 **"53-4-201. Definitions.** As used in part 6 and this part, the following definitions apply:

11 ~~(1) The term "aid to families with dependent children" means money payments made on behalf of~~
 12 ~~a dependent child pursuant to Title IV of the federal Social Security Act (42 U.S.C. 601, et seq.) and may~~
 13 ~~include payments to meet the needs of a specified caretaker relative with whom the dependent child is~~
 14 ~~living. The term also includes emergency assistance to families with children as provided by the federal~~
 15 ~~Social Security Act.~~

16 ~~(2)(1) "Department" means the department of public health and human services provided for in~~
 17 ~~2-15-2201.~~

18 ~~(3)(2) (A) (a) The term "dependent "Dependent child", for public assistance purposes, means:~~

19 ~~(i) a child under the age of 18 years of age; or; OR~~

20 ~~(ii) a person under the age of 19 who is a student under the regulations prescribed by the~~
 21 ~~department.~~

22 ~~(b) The child described in subsection (3)(a)(i) or (3)(a)(ii) must be deprived of parental support or~~
 23 ~~care by reason of the death, continued absence from the home, continued unemployment, or physical or~~
 24 ~~mental incapacity of a parent and be who is living with a specified caretaker relative, as defined in rules~~
 25 ~~adopted by the department~~

26 ~~(ii) A PERSON UNDER 19 YEARS OF AGE WHO IS A STUDENT, AS DEFINED BY THE~~
 27 ~~DEPARTMENT BY RULE.~~

28 ~~(B) THE PERSON DESCRIBED IN SUBSECTION (2)(A)(I) OR (2)(A)(III) MUST BE LIVING WITH A~~
 29 ~~SPECIFIED CARETAKER RELATIVE, AS DEFINED BY THE DEPARTMENT BY RULE.~~

30 ~~(3) "FAIM FINANCIAL ASSISTANCE" MEANS THE PROGRAM THAT PROVIDES PARTICIPANTS~~

1 IN THE JOB SUPPLEMENT PROGRAM, PATHWAYS PROGRAM, AND COMMUNITY SERVICES PROGRAM
 2 OF THE FAIM PROJECT WITH BENEFITS THAT MAY INCLUDE CASH, SERVICES, AND NONCASH
 3 ASSISTANCE.

4 ~~(4)(3)(4)~~ "FAIM project" means the families achieving independence in Montana project as
 5 established in 53-4-601. ~~The temporary assistance for needy families program may also be known in the~~
 6 ~~state of Montana as the FAIM project.~~

7 ~~(4)(5)~~ "Family" means a group of people who live with a dependent child, each of whom is related
 8 to the dependent child by blood, marriage, or adoption or by law, such as:

9 (a) a parent, including a natural or adoptive parent, a stepparent, or a person considered by law
 10 to be a parent in the case of a child conceived by artificial insemination; or

11 (b) a sibling.

12 ~~(6)(6)~~ "Federal poverty level" means the measure of indigence established annually by the U.S.
 13 office of management and budget.

14 ~~(6)(7)~~ "Public assistance" or "assistance" means a type of monetary or other assistance furnished
 15 under this title to a person by a state or county agency, regardless of the original source of the assistance.

16 ~~(7)(8)~~ "Specified caretaker relative" means a person within a degree of kinship to the dependent
 17 child, as specified by department rule, who lives with the child and exercises care and control over the
 18 child.

19 (9) "STATE PLAN" MEANS THE POLICIES AND PROCEDURES GOVERNING THE STATE OF
 20 MONTANA'S FAIM FINANCIAL ASSISTANCE PROGRAM AND OTHER PROGRAMS FUNDED BY
 21 TEMPORARY ASSISTANCE FOR NEEDY FAMILIES. IT IS PREPARED BY THE DEPARTMENT AND
 22 CERTIFIED BY THE FEDERAL AGENCY THAT PROVIDES FUNDING FOR THOSE PROGRAMS.

23 ~~(8)(10)~~ "Temporary assistance for needy families" means ~~the program that provides money~~
 24 ~~payments to a dependant child pursuant to Title IV of the Social Security Act, 42 U.S.C. 601, et seq., as~~
 25 ~~amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, and may include~~
 26 ~~payments to meet the needs of a specified caretaker relative or relatives with whom the dependent child~~
 27 ~~is living. The term also includes emergency assistance for needy families as provided by the federal Social~~
 28 ~~Security Act. Temporary assistance for needy families may also be known in the state of Montana as the~~
 29 ~~FAIM project~~ FEDERAL BLOCK GRANT THAT FUNDS FAIM FINANCIAL ASSISTANCE AND OTHER
 30 PROGRAMS TO STRENGTHEN AND PRESERVE FAMILIES PURSUANT TO TITLE IV OF THE SOCIAL

1 SECURITY ACT, 42 U.S.C. 601, ET SEQ., AS AMENDED BY THE PERSONAL RESPONSIBILITY AND WORK
 2 OPPORTUNITY RECONCILIATION ACT OF 1996.

3 ~~(9) "Temporary assistance for needy families state plan" means the document summarizing the~~
 4 ~~policies and procedures governing the state of Montana's temporary assistance for needy families program~~
 5 ~~that is prepared by the department and is approved by the federal agency that provides funding for the~~
 6 ~~temporary assistance for needy families program."~~

7
 8 **Section 18.** Section 53-4-202, MCA, is amended to read:

9 ~~"53-4-202. Aid to families with dependent children Temporary assistance for needy families~~
 10 ~~program FAIM FINANCIAL ASSISTANCE to be in effect in all counties. (1) It is mandatory and required that~~
 11 ~~the temporary assistance for needy families state plan and operation of aid to families with dependent~~
 12 ~~children the temporary assistance for needy families program PROGRAMS DESCRIBED IN THE STATE PLAN~~
 13 ~~must be in effect in each county of the state, and the administration and supervision of aid to families with~~
 14 ~~dependent children must be uniform throughout the counties of the state. However, the,~~

15 ~~(2) It is not required that the PROGRAMS FUNDED UNDER THE temporary assistance for needy~~
 16 ~~families program BLOCK GRANT be uniformly administered in each county of the state, provided that it is~~
 17 ~~administered in accordance with all requirements of the temporary assistance for needy families state plan~~
 18 ~~and federal law. The department may also administer demonstration programs pursuant to section 1115~~
 19 ~~of the federal Social Security Act, 42 U.S.C. 1315, or any other provision of that act that permits the states~~
 20 ~~to administer experimental, pilot, or demonstration projects.~~

21 ~~(3) An enrolled member of an Indian tribe participating in A PROGRAM THAT IS FUNDED BY the~~
 22 ~~temporary assistance for needy families program operated BLOCK GRANT ADMINISTERED by the state of~~
 23 ~~Montana must be subject to the same rules, policies, and requirements as all other applicants for and~~
 24 ~~recipients of temporary assistance for needy families benefits FUNDED BY THE TEMPORARY ASSISTANCE~~
 25 ~~FOR NEEDY FAMILIES BLOCK GRANT."~~

26
 27 **Section 19.** Section 53-4-211, MCA, is amended to read:

28 ~~"53-4-211. Administration of aid to families with dependent children PROGRAMS FUNDED UNDER~~
 29 ~~temporary assistance for needy families program BLOCK GRANT. (1) The department is hereby authorized~~
 30 ~~and is charged with the general administration and supervision of aid to families with dependent children~~

1 PROGRAMS FUNDED UNDER the temporary assistance for needy families program BLOCK GRANT under
2 the powers, duties, and functions as prescribed in chapter 2 of this title.

3 (2) THE STATE OF MONTANA SHALL MAINTAIN A FISCAL EFFORT EQUIVALENT TO AT LEAST
4 80% OF THE FEDERALLY CALCULATED MAINTENANCE OF EFFORT NECESSARY TO DRAW DOWN THE
5 TEMPORARY ASSISTANCE TO NEEDY FAMILIES BLOCK GRANT."

6
7 **Section 20.** Section 53-4-212, MCA, is amended to read:

8 **"53-4-212. Department to make rules.** (1) The department shall make rules and take action as
9 necessary or desirable for the administration of the ~~aid to families with dependent children~~ FAIM FINANCIAL
10 ASSISTANCE PROGRAM AND OTHER PROGRAMS FUNDED UNDER THE temporary assistance for needy
11 families program, including the FAIM project BLOCK GRANT.

12 (2) The department shall adopt rules that may include but are not limited to rules concerning:

13 (a) eligibility requirements, including gross and net income limitations, resource limitations, and
14 income and resource exclusions;

15 (b) amounts of assistance and methods for computing benefit amounts;

16 ~~(c) what constitutes deprivation of parental support or care sufficient to qualify a child as~~
17 ~~dependent;~~

18 ~~(d)(c)~~ (c) the degree of kinship required for a person to qualify as a specified caretaker relative in order
19 to be eligible for assistance;

20 ~~(e)(d) procedures and policies for employment and training programs,~~ requirements for participation
21 in the ~~JOBS program~~ employment and training programs, and exemptions, if any, from ~~these~~ participation
22 requirements;

23 ~~(f) procedures and policies of the JOBS program;~~

24 ~~(g) special requirements or criteria applicable to participants in the FAIM project, such as:~~

25 ~~(i) community service~~

26 (e) requirements for specified caretaker relatives participating in the community services program,
27 including the number of hours of community service work per month and other terms of performance;

28 ~~(ii)(f)~~ (f) eligibility for and terms and conditions of child-care assistance for FAIM project participants,
29 including maximum amounts of assistance payable and amounts of copayments required by specified
30 caretaker relatives;

- 1 ~~(((g))~~ maximum amounts of one-time only cash payments for special employment-related needs and
 2 the length of time that a family is required to remain off cash assistance after a payment is received;
 3 ~~((h))~~ exemptions from time limits in pathways AND THE COMMUNITY SERVICES PROGRAM;
 4 ~~((i))~~ terms of a specified caretaker relative's or other family member's ineligibility for assistance
 5 because of failure to enter into a family investment agreement or to comply with the ~~specified caretaker~~
 6 ~~relative's~~ individual's obligations under the agreement, including the length of the period of ineligibility;
 7 ~~((j))~~ requirements, if any, for participation in and exemptions from participation in and procedures
 8 and policies of the employment and training demonstration project; ~~and~~
 9 ~~((k))~~ eligibility for and terms and conditions of extended child-care and medical assistance
 10 benefits;
 11 ~~((l))~~ reporting requirements; ~~and~~
 12 ~~((m))~~ sanctions, disqualification, or other penalties for failure to comply with the program rules or
 13 requirements;
 14 (n) exemptions from the 60-month limitation on assistance provided in 53-4-231 based on hardship
 15 or for families that include an individual who has been battered or subjected to extreme cruelty, as defined
 16 in section 103 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 42 U.S.C.
 17 608, including but not limited to the duration of the exemption;
 18 (o) individuals who must be included as members of an assistance unit;
 19 (p) categories of aliens who may receive assistance, if any;
 20 (q) requirements relating to the assignment of child and medical support rights and cooperation in
 21 establishing paternity and obtaining child and medical support;
 22 (r) requirements for eligibility and other terms and conditions of ~~emergency assistance~~ OTHER
 23 PROGRAMS TO STRENGTHEN AND PRESERVE FAMILIES;
 24 (s) special eligibility or participation requirements applicable to teenage parents, if any; and
 25 (t) conditions under which assistance may be continued when a dependent child is temporarily
 26 absent from the home and the length of time for which assistance may be continued."

27

28 **Section 21.** Section 53-4-214, MCA, is amended to read:

29 **"53-4-214. Distribution of copies of law and forms by department.** The department shall have
 30 printed and shall distribute copies of this part to all county welfare departments and shall prescribe the form

1 of and print and supply to the county welfare department blanks of applications, reports, and ~~such~~ other
 2 forms ~~as that~~ may be necessary in relation to ~~aid to families with dependent children~~ the FAIM FINANCIAL
 3 ASSISTANCE AND OTHER PROGRAMS FUNDED UNDER THE temporary assistance for needy families
 4 program BLOCK GRANT."

5
 6 **Section 22.** Section 53-4-221, MCA, is amended to read:

7 **"53-4-221. County department charged with local administration.** The county department of public
 8 welfare ~~shall be~~ is charged with the local administration and supervision of ~~aid to families with dependent~~
 9 ~~children~~ PROGRAMS FUNDED UNDER the temporary assistance for needy families program BLOCK GRANT,
 10 subject to the powers, duties, and functions prescribed for the county department in chapter 2 of this title."

11
 12 **Section 23.** Section 53-4-231, MCA, is amended to read:

13 **"53-4-231. Eligibility.** (1) ~~Assistance shall~~ Subject to the provisions of subsections (2) through (5),
 14 assistance may be granted under this part to any dependent child, as defined in 53-4-201, who is in need
 15 of such assistance.;

16 (a) a dependent child;

17 (b) a specified caretaker relative or relatives, including but is not limited to the natural or adoptive
 18 parents of a dependent child;

19 (c) the stepparent of a dependent child who lives with the child and the child's natural or adoptive
 20 parent;

21 (d) persons under 18 years of age who live in the home with a dependent child, including but not
 22 limited to siblings related to the dependent child by blood, marriage, or adoption or by law;

23 ~~(2)(e) Aid to families with dependent children assistance payments may be made to a needy~~
 24 ~~pregnant woman with no other children~~ who is receiving ~~such~~ payments. Payments may begin no earlier
 25 than the third month prior to the month in which the child is expected to be born.

26 ~~(3) Aid to families with dependent children shall be granted to or for the care of children of~~
 27 ~~unemployed parents who would not otherwise be entitled to such aid because the child is living in the home~~
 28 ~~with both parents. The department may adopt rules to administer the grant of assistance to children of~~
 29 ~~unemployed parents pursuant to Title IV, section 407, of the federal Social Security Act (42 U.S.C. 607),~~
 30 ~~as amended.~~

1 (2) Persons who are not citizens of the United States are eligible for assistance only as provided
2 in sections 401 through 435 of the Personal Responsibility and Work Opportunity Reconciliation Act of
3 1996, as codified in Title 8 of the United States Code.

4 (3) The following are not eligible for assistance:

5 (a) persons who are receiving supplemental security income payments under the Social Security
6 Act;

7 (b) a dependent child who is or is expected to be absent from the home of the specified caretaker
8 relative continuously for a period of time prescribed by the department by rule;

9 (c) a specified caretaker relative who fails to notify the department that a dependent child is
10 expected to be absent from the specified caretaker relative's home for a period of time equal to or
11 exceeding the period of time established by the department by rule by the end of the 5-day period that
12 begins with the date that it becomes clear to the specified caretaker relative that the child will be absent
13 for the specified period **COMPLY WITH REQUIREMENTS FOR REPORTING THE ABSENCE OF A DEPENDENT**
14 **CHILD FROM THE SPECIFIED CARETAKER RELATIVE'S HOME AS PRESCRIBED BY THE DEPARTMENT BY**
15 **RULE;**

16 (d) families in which the specified caretaker relative fails or refuses to assign child and medical
17 support rights to the department or to cooperate in establishing paternity or obtaining child or medical
18 support as required by the department by rule;

19 (e) teenage parents who fail or refuse to attend secondary school or another training program as
20 required by the department by rule;

21 (f) teenage parents who are not living in an adult-supervised setting as defined by the department
22 by rule;

23 (g) a fugitive felon or probation or parole violator as defined in section 103 of the Personal
24 Responsibility and Work Opportunity Reconciliation Act of 1996, 42 U.S.C. 608;

25 (h) individuals who have fraudulently misrepresented their place of residence, as defined in section
26 103 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 42 U.S.C. 608, for
27 a period of 10 years beginning on the date of conviction; and

28 (i) an individual convicted AFTER AUGUST 22, 1996, of any offense that is classified as a felony
29 and that has as an element the possession, use, or distribution of a controlled substance as defined in
30 section 102(6) of the Controlled Substance Act, 21 U.S.C. 802(6).

1 (4) A family is not eligible for assistance if the family includes an adult who has received assistance
 2 in A PROGRAM FUNDED UNDER the temporary assistance for needy families ~~program~~ BLOCK GRANT in
 3 any state or states for 60 months or more, whether or not the months are consecutive, except as provided
 4 by the department by rule in accordance with section 103 of the Personal Responsibility and Work
 5 Opportunity Reconciliation Act of 1996, 42 U.S.C. 608.

6 (5) This part may not be interpreted to entitle any individual or family to assistance under
 7 PROGRAMS FUNDED BY the temporary assistance for needy families ~~program~~ BLOCK GRANT."

8
 9 **Section 24.** Section 53-4-233, MCA, is amended to read:

10 **"53-4-233. Investigation of applications.** Whenever a county department receives an application
 11 for assistance under this part, an investigation ~~shall~~ must be promptly made. ~~The investigation of each~~
 12 ~~application for aid to families with dependent children shall be conducted~~ by the county department of
 13 public welfare. Each applicant ~~shall~~ must be informed of ~~his~~ the applicant's right to a fair hearing and of
 14 the confidential nature of information secured ~~with regard to his circumstances.~~ Upon completion of an
 15 investigation, aid ~~shall~~ must be furnished promptly to all eligible persons. Each applicant ~~shall~~ must receive
 16 written notice of the decision concerning ~~his application~~ the applicant's request for assistance."

17
 18 **Section 25.** Section 53-4-241, MCA, is amended to read:

19 **"53-4-241. Amount of assistance determined by department rules.** The amount of ~~aid to families~~
 20 ~~with dependent children temporary assistance for needy families benefits~~ FAIM FINANCIAL ASSISTANCE
 21 granted in any case, ~~including cases in which the recipient is participating in the FAIM project,~~ must be
 22 determined according to the rules and standards of assistance established by the department, ~~as required~~
 23 ~~by the federal Social Security Act."~~

24
 25 **SECTION 26. SECTION 53-4-246, MCA, IS AMENDED TO READ:**

26 **"53-4-246. County share of participation.** Each county where the recipient of ~~aid to families with~~
 27 ~~dependent children~~ FAIM financial assistance resides shall reimburse the department of ~~public health and~~
 28 ~~human services~~ in the amount of ~~22.5%~~ equal to the percentage of the approved ~~aid to families with~~
 29 ~~dependent children temporary assistance for needy families~~ grants, exclusive of the federal share.
 30 However, a county may not be required to pay more than the amount appropriated to the department by

1 the legislature for the state maintenance of effort for the temporary assistance for needy families block
 2 grant."

3

4 **Section 27.** Section 53-4-246, MCA, is amended to read:

5 **"53-4-246. County share of participation.** Each county where the recipient of ~~aid to families with~~
 6 ~~dependent children temporary assistance for needy families benefits~~ FAIM FINANCIAL ASSISTANCE resides
 7 shall reimburse the department ~~of public health and human services~~ in the amount of ~~22.5%~~ equal to the
 8 percentage of the approved ~~aid to families with dependent children temporary assistance for needy families~~
 9 ~~grants, exclusive of the not paid with federal share temporary assistance for needy families program funds."~~

10

11 **Section 28.** Section 53-4-247, MCA, is amended to read:

12 **"53-4-247. County liability when recipient moves to another county.** A recipient of ~~aid to families~~
 13 ~~with dependent children temporary assistance for needy families benefits~~ FAIM FINANCIAL ASSISTANCE
 14 who moves to another county in the state shall continue to receive assistance. The county that the
 15 recipient moves to ~~shall~~ must be charged by the department for the county share of assistance. The county
 16 that a recipient moves from shall notify the county that the recipient moves to."

17

18 **Section 29.** Section 53-4-248, MCA, is amended to read:

19 **"53-4-248. Parents liable to department for ~~aid to families with dependent children~~ public**
 20 **assistance payments.** (1) A payment of public assistance money made to or for the benefit of a dependent
 21 child creates a debt due and owing to the department by the natural or adoptive parents who are legally
 22 responsible for the support of the child by statute or court decree in an amount equal to the amount of
 23 public assistance paid. However, where the support obligation is based upon a court decree, the debt is
 24 limited to the amount of the court decree.

25 (2) The department is subrogated to the right of the child or person having the care, custody, and
 26 control of the child to prosecute any support action or execute any administrative remedy existing under
 27 the laws of the state to obtain reimbursement of any money ~~thus~~ expended. If a court decree enters
 28 judgment for an amount of support to be paid by an obligor parent, the department is subrogated to the
 29 debt created by the order and the money judgment is in favor of the department. ~~No~~ An obligee may not
 30 commence an action to recover support due and owing to ~~him~~ the obligee without first filing an affidavit

1 with the court stating whether ~~he~~ the obligee has received public assistance from any source and, if ~~he~~ the
 2 obligee has received public assistance, that ~~he~~ the obligee has notified the department in writing of the
 3 pending action.

4 (3) ~~In no case may a~~ A debt arising under this section may not be incurred by or collected from a
 5 parent or other person while ~~he~~ the parent or other person is the recipient of public assistance money for
 6 the benefit of minor dependent children.

7 (4) The remedies ~~herein~~ provided in this section are in addition to and not in lieu of existing
 8 common law and statutory law.

9 (5) The department or its legal representatives may, at any time consistent with the income,
 10 earning capacity, and resources of the debtor, petition the court having jurisdiction over the particular case
 11 to set or reset a level and schedule of payments to be paid upon the debt."
 12

13 **Section 30.** Section 53-4-601, MCA, is amended to read:

14 **"53-4-601. Demonstration project -- purpose.** (1) The department is authorized to administer a
 15 demonstration project pursuant to section 1115 of the Social Security Act, 42 U.S.C. 1315, to provide
 16 assistance under Title IV of that act, 42 U.S.C. 601, et seq., to families who are currently receiving, eligible
 17 for, or at risk of becoming eligible for ~~aid to families with dependent children temporary assistance for~~
 18 ~~needy families benefits~~ FAIM FINANCIAL ASSISTANCE. This demonstration project may be cited as the
 19 families achieving independence in Montana (FAIM) project.

20 (2) The purpose of the demonstration project is to promote self-sufficiency and responsibility of
 21 participants by providing supports and incentives, such as child-care assistance, training, education, medical
 22 assistance, and resource referrals, and to make procedures and requirements less complex and more
 23 uniform in the ~~aid to families with dependent children temporary assistance for needy families~~ FAIM
 24 FINANCIAL ASSISTANCE, food stamp, and medicaid programs."
 25

26 **Section 31.** Section 53-4-602, MCA, is amended to read:

27 **"53-4-602. Definitions.** As used in this part, unless the context requires otherwise, the following
 28 definitions apply:

29 (1) "Cash assistance" means monetary payments to a recipient of ~~aid to families with dependent~~
 30 ~~children temporary assistance for needy families benefits~~ FAIM FINANCIAL ASSISTANCE to meet basic

1 needs, such as shelter, utilities, clothing, and personal needs.

2 (2) "Child-care assistance" means payments to or on behalf of the specified caretaker relative of
3 a dependent child to defray the cost of having a third party care for the child.

4 (3) "Department" means the department of public health and human services provided for in
5 2-15-2201.

6 (4) "FAIM project" means the families achieving independence in Montana project, including ~~an aid~~
7 ~~to families with dependent children a temporary assistance for needy families program~~ FAIM FINANCIAL
8 ASSISTANCE part established in 53-4-603, a food stamp part administered under the Food Stamp Act of
9 1977, 7 U.S.C. 2026, and a medicaid part administered pursuant to the Social Security Act, 42 U.S.C.
10 1315.

11 ~~(5) "JOBS program" means the job opportunities and basic skills training program established in~~
12 ~~53-4-703."~~

13

14 **Section 32.** Section 53-4-603, MCA, is amended to read:

15 **"53-4-603. FAIM project -- components.** (1) ~~The aid to families with dependent children temporary~~
16 ~~assistance for needy families program~~ FAIM FINANCIAL ASSISTANCE part of the FAIM project consists of
17 three components referred to as the job supplement program, pathways, and the community services
18 program.

19 (2) The job supplement program is an alternative to the components of the FAIM project that
20 provide cash assistance. An eligible family may receive assistance under the job supplement program
21 instead of receiving assistance under pathways or the community services program or may receive
22 assistance under the job supplement program either prior to or after receiving assistance under pathways
23 or the community services program.

24 (3) Services that may be provided to eligible individuals in the job supplement program include:

25 (a) full medicaid benefits for dependent children, as provided in 53-6-101, and basic medicaid
26 benefits for specified caretaker relatives, as provided in 53-6-101, ~~if pursuant to waivers of federal law that~~
27 ~~are granted by the secretary of the U.S. department of health and human services that permit limited~~
28 benefits. However, a specified caretaker relative who is pregnant is entitled to full medicaid benefits.

29 (b) child-care assistance, as provided in 53-4-611 and as specified by the department by rule;

30 (c) assistance in obtaining child support; and

1 (d) a one-time only cash payment to meet special employment-related needs of the family. In order
2 to receive a one-time cash payment, the family is required to agree not to ~~apply for or~~ receive cash
3 assistance for a period of time based on the size of the one-time cash payment received.

4 (4) (a) Pathways may provide eligible individuals with job training and education; resource referrals;
5 assistance in obtaining child support; one-time cash payments for special employment-related needs;
6 child-care assistance, as provided in 53-4-611 and as specified by department rule; cash assistance
7 payments; supportive services, if funding is available; full medicaid benefits for dependent children, as
8 provided in 53-6-101; and basic medicaid benefits for specified caretaker relatives, as provided in 53-6-101,
9 if pursuant to waivers of federal law that are granted by the secretary of the U.S. department of health and
10 human services that permit limited benefits. However, a specified caretaker relative who is pregnant is
11 entitled to full medicaid benefits.

12 (b) A specified caretaker relative in either a single-parent family or a two-parent family may receive
13 assistance under pathways for a maximum of 24 months, subject to the 60-month TIME limitation on
14 assistance provided in 53-4-231. The 24 months do not need to be consecutive.

15 ~~(c) Specified caretaker relatives in a two-parent family may receive assistance under pathways for~~
16 ~~a maximum of 18 months. The 18 months do not need to be consecutive.~~

17 (5) (a) In the community services program, a specified caretaker relative who has received the
18 ~~maximum number of 24~~ months of assistance ~~allowable~~ under pathways may continue to receive assistance
19 for the specified caretaker relative's needs for an additional 36 months OR LONGER PERIOD, AS SPECIFIED
20 BY DEPARTMENT RULE, if the specified caretaker relative performs community service work as required
21 by the department, subject to the 60-month TIME limitation on assistance provided in 53-4-231.

22 (b) A specified caretaker relative who performs community service work as required is entitled to
23 cash assistance for the specified caretaker relative's needs and basic medicaid benefits, as provided in
24 53-6-101, if pursuant to waivers of federal law that are granted by the secretary of the U.S. department
25 of health and human services that permit limited benefits. However, a specified caretaker relative who is
26 pregnant is entitled to full medicaid benefits.

27 (c) Job training and education, resource referrals, and assistance in obtaining child support may
28 also be provided if determined by the department to be appropriate. Child-care assistance may be provided
29 to participants in the community services program as set forth in 53-4-611 and as specified by department
30 rule.

1 (6) Failure of a caretaker relative to participate in community service work as required must result
2 in the needs of the specified caretaker relative being removed from the cash assistance payment.

3 (7) A dependent child who meets all eligibility requirements for ~~aid to families with dependent~~
4 ~~children may receive assistance under any component of the FAIM project without any time limits.~~
5 temporary assistance for needy families benefits FAIM FINANCIAL ASSISTANCE is not subject to the time
6 limits on assistance in pathways and the community services program that are provided for specified
7 caretaker relatives in this section. However, a dependent child may be ineligible for temporary assistance
8 for needy families benefits FAIM FINANCIAL ASSISTANCE because of the 60-month limitation on
9 assistance provided in 53-4-231.

10 ~~(8) The department shall furnish workers' compensation coverage, as provided in 39-71-118, for~~
11 ~~recipients in any component of the FAIM project who perform community service work or who participate~~
12 ~~in a work experience program."~~

13

14 **Section 33.** Section 53-4-606, MCA, is amended to read:

15 **"53-4-606. Requirements for eligibility.** (1) Eligibility for ~~aid to families with dependent children~~
16 ~~temporary assistance for needy families benefits~~ FAIM FINANCIAL ASSISTANCE under the FAIM project
17 with regard to income, resources, and all other factors of eligibility must be determined in accordance with
18 the waivers granted by the U.S. secretary of health and human services under section 1115 of the Social
19 Security Act, 42 U.S.C. 1315.

20 ~~(2) If waivers of federal law are granted by the secretary of the U.S. department of health and~~
21 ~~human services, two-parent families applying for or receiving aid to families with dependent children~~
22 ~~benefits under the FAIM project based on the unemployment of one parent may not be required to meet~~
23 ~~the special eligibility requirements of section 407 of the Social Security Act, 42 U.S.C. 607.~~

24 ~~(3)(2)~~ (a) As a condition of eligibility for assistance under pathways and the community services
25 program, all specified caretaker relatives and other family members, as specified by the department by rule,
26 shall enter into a family investment agreement with the department and shall comply with the terms of that
27 agreement. Entering into an agreement is not a condition of eligibility for the job supplement program.

28 (b) The family investment agreement must set forth the mutual obligations of the ~~specified~~
29 ~~caretaker relative~~ participant and the department to help the family achieve the goal of self-sufficiency. The
30 agreement may contain provisions:

1 (i) regarding actions to be taken by the specified caretaker relative and by the department to secure
2 child support;

3 (ii) requiring that the immunization and health-screening requirements of the early and periodic
4 screening, diagnosis, and treatment program be met for all children in the family; and

5 (iii) specifying other services and activities appropriate for the ~~specified caretaker relative~~ participant
6 or family.

7 (c) An individual who is required to enter into a family investment agreement and who fails without
8 good cause to do so or fails without good cause to comply with the individual's obligations under the
9 agreement is ineligible, as provided in 53-4-608, for ~~aid to families with dependent children temporary~~
10 ~~assistance for needy families~~ FAIM FINANCIAL ASSISTANCE benefits.

11 ~~(4)~~(3) As a condition of eligibility for the community service program, a specified caretaker relative
12 shall perform community service work as required by the department."
13

14 **Section 34.** Section 53-4-607, MCA, is amended to read:

15 "**53-4-607. Exemptions from time limitations in pathways and community services program.** (1)
16 Recipients of ~~aid to families with dependent children temporary assistance for needy families~~ benefits FAIM
17 FINANCIAL ASSISTANCE under the FAIM project may be exempted from the time limitations on assistance
18 under pathways and the community services program contained in 53-4-603 as provided by the department
19 by rule.

20 (2) In establishing categories of individuals who are exempt from the time limitations on assistance
21 under pathways, the department may take into consideration factors that may delay an individual's
22 attainment of self-sufficiency, including but not limited to the following:

23 (a) The individual has a verifiable illness, injury, or physical or mental impairment, handicap, or
24 disability.

25 (b) The individual is of advanced age.

26 (c) The individual does not have necessary state-paid child care available.

27 (d) The individual is attending high school or is working toward a graduate equivalency diploma,
28 if the individual is under ~~20~~ 18 years of age.

29 (e) The individual is the parent of a child under 1 year of age.

30 (f) The individual is providing care to a household member with a disability who requires special

1 care.

2 (g) The individual is a teenage parent receiving assistance in the individual's own name and
3 participating in activities pursuant to a family investment agreement.

4 (h) The department failed to substantially comply with its obligations under the family investment
5 agreement.

6 (i) ~~The individual is a homeless person.~~

7 (j) The individual is a victim of domestic violence as defined by the department by rule."

8

9 **Section 35.** Section 53-4-608, MCA, is amended to read:

10 **"53-4-608. ~~Ineligibility because of Sanction for~~ RESULTS OF failure to comply with terms of**
11 **agreement.** If an individual is required to enter into a family investment agreement pursuant to 53-4-606
12 and fails without good cause ~~either~~ to enter into an agreement ~~or~~, THE INDIVIDUAL IS INELIGIBLE FOR
13 FAIM FINANCIAL ASSISTANCE. IF AN INDIVIDUAL IS REQUIRED TO ENTER INTO A FAMILY
14 INVESTMENT AGREEMENT PURSUANT TO 53-4-606 AND FAILS WITHOUT GOOD CAUSE to comply with
15 the individual's obligations under the agreement, the individual ~~is ineligible for aid to families with dependent~~
16 ~~children benefits~~ must be sanctioned for a period of time specified by the department by rule and the needs
17 of the individual may not be taken into consideration in determining the assistance unit's amount of cash
18 assistance. However, the family of ~~an ineligible~~ a sanctioned individual is entitled to assistance for its own
19 needs if it is otherwise eligible. The income and resources of the individual must be considered in
20 determining the family's eligibility for assistance during the period ~~of ineligibility~~ that the individual is
21 sanctioned."

22

23 **Section 36.** Section 53-4-609, MCA, is amended to read:

24 **"53-4-609. Categorical eligibility for other assistance. ~~All recipients~~ RECIPIENTS of aid to families**
25 ~~with dependent children temporary assistance for needy families benefits~~ FAIM FINANCIAL ASSISTANCE
26 under a component of the FAIM project are NOT categorically eligible for food stamp benefits and the
27 low-income energy assistance program, ~~regardless of whether they would otherwise meet~~ BUT ARE
28 ELIGIBLE ONLY IF THEY SATISFY all the eligibility requirements for those programs, ~~unless otherwise~~
29 ~~prohibited by federal law."~~

30

1 **Section 37.** Section 53-4-611, MCA, is amended to read:

2 "**53-4-611. Child-care assistance.** (1) In the job supplement program component of the FAIM
3 project, the department ~~shall~~ may provide child-care assistance to all single-parent families if child care is
4 necessary to allow the parent to engage in paid employment and if funding is available. Child-care
5 assistance may, at the department's discretion, be provided to two-parent families if child care is necessary
6 to allow either or both parents to engage in paid employment and if funding is available.

7 (2) In the pathways component of the FAIM project, the department ~~shall~~ may provide child-care
8 assistance to all single-parent families if child care is necessary to allow the parent to participate in an
9 activity required by the family investment agreement and if funding is available. ~~However, child-care~~
10 ~~assistance for single-parent families to enable the parent to participate in postsecondary education is not~~
11 ~~guaranteed and may be provided only if funding is available~~. Child-care assistance may, at the department's
12 discretion, be provided to two-parent families if child care is necessary to allow either or both of the parents
13 to participate in an activity required by the family investment agreement and if funding is available.

14 (3) In the community services program component of the FAIM project, the department ~~shall~~ may
15 provide child-care assistance to all single-parent families if child care is necessary to allow the parent to
16 participate in an activity required by the family investment agreement and if funding is available. Child-care
17 assistance may, at the department's discretion, be provided to two-parent families if child care is necessary
18 to allow either or both of the parents to participate in an activity required by the family investment
19 agreement and if funding is available."

20

21 **Section 38.** Section 53-4-612, MCA, is amended to read:

22 "**53-4-612. Extended child care and medical assistance benefits.** A family receiving ~~aid to families~~
23 ~~with dependent children temporary assistance for needy families~~ FAIM FINANCIAL ASSISTANCE benefits
24 under a component of the FAIM project that loses eligibility for assistance because of increased income
25 from any source may receive extended ~~child care and~~ medical assistance benefits if funding is available,
26 provided that the family's income does not exceed a percentage of the federal poverty level specified by
27 the department by rule, and may receive child-care assistance pursuant to 53-4-611 if funding is available."

28

29 **Section 39.** Section 53-4-613, MCA, is amended to read:

30 "**53-4-613. ~~JOBS program~~ Employment and training program.** (1) In cases in which the department

1 determines that participation in the ~~JOBS program~~ employment and training program would be appropriate
 2 for a participant in pathways, the participant may be required to participate in the ~~JOBS program~~
 3 employment and training as one of the conditions of the participant's family investment agreement.

4 ~~(2) If waivers of federal law are granted by the secretary of the U.S. department of health and~~
 5 ~~human services, the exemptions from participation in the JOBS program provided in section 201 of the~~
 6 ~~federal Family Support Act of 1988, 42 U.S.C. 602(a)(19), may not apply to recipients of aid to families~~
 7 ~~with dependent children benefits who are participating in the FAIM employment and training demonstration~~
 8 ~~project."~~

9

10 **Section 40.** Section 53-4-701, MCA, is amended to read:

11 **"53-4-701. Purpose.** It is the purpose of this part to establish a ~~program, consistent with the~~
 12 ~~provisions of the federal Family Support Act of 1988, to assure that recipients of the aid to families with~~
 13 ~~dependent children program obtain~~ component of the pathways program that:

14 (1) provides recipients of temporary assistance for needy families benefits FAIM FINANCIAL
 15 ASSISTANCE with the education, training, and employment services needed to avoid long-term welfare
 16 dependency; and

17 (2) complies with the participation requirements established in section 103 of the Personal
 18 Responsibility and Work Opportunity Reconciliation Act of 1996, 42 U.S.C. 607."

19

20 **Section 41.** Section 53-4-702, MCA, is amended to read:

21 **"53-4-702. Definitions.** As used in this part, unless the context requires otherwise, the following
 22 definitions apply:

23 ~~(1) "Aid to families with dependent children" has the same meaning as provided in 53-4-201.~~

24 ~~(2)(1)~~ (1) "Department" means the department of public health and human services provided for in
 25 2-15-2201.

26 (2) "FAIM FINANCIAL ASSISTANCE" MEANS THE PROGRAM THAT PROVIDES PARTICIPANTS
 27 IN THE JOB SUPPLEMENT PROGRAM, PATHWAYS PROGRAM, AND COMMUNITY SERVICES PROGRAM
 28 OF THE FAIM PROJECT WITH BENEFITS THAT MAY INCLUDE CASH PAYMENTS, SERVICES, AND
 29 NONCASH ASSISTANCE.

30 ~~(3)(2)(3)~~ (3) "FAIM project" means the families achieving independence in Montana project as

1 established in 53-4-601.

2 ~~(4) "Family Support Act of 1988" means the federal Family Support Act of 1988, Public Law~~
3 ~~100-485, as amended.~~

4 ~~(5) "JOBS program" or "program" means the job opportunities and basic skills training program~~
5 ~~established in 53-4-703.~~

6 ~~(3) "Temporary assistance for needy families" has the meaning provided in 53-4-201."~~

7

8 **Section 42.** Section 53-4-703, MCA, is amended to read:

9 **"53-4-703. JOBS program Employment and training program established —purpose.** ~~(4)~~ The
10 department shall establish and administer ~~a job opportunities and basic skills training (JOBS) program that~~
11 ~~meets the requirements of section 201 of the federal Family Support Act of 1988 (42 U.S.C. 602(a)(19),~~
12 ~~681 through 686)~~ an intensive employment and training program in accordance with the requirements of
13 section 103 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 42 U.S.C.
14 607.

15 ~~(2) The purpose of the program is to provide recipients of aid to families with dependent children~~
16 ~~the education, training, and employment that will help them avoid long-term welfare dependency."~~

17

18 **Section 43.** Section 53-4-705, MCA, is amended to read:

19 **"53-4-705. Services and activities.** ~~(4)~~ Under the program provided for in 53-4-703, the
20 department shall make available a broad range of services and activities to assist recipients of ~~aid to families~~
21 ~~with dependent children~~ temporary assistance for needy families benefits FAIM FINANCIAL ASSISTANCE
22 as specified by the department by rule. Such services and activities may include:

23 ~~(a) appropriate educational activities, including:~~

24 ~~(i) high school education or its equivalent, combined with training as needed;~~

25 ~~(ii) basic and remedial education to help participants achieve a basic literacy level; and~~

26 ~~(iii) education for individuals with limited English language proficiency;~~

27 ~~(b) job skills training;~~

28 ~~(c) job readiness activities to help prepare participants for work;~~

29 ~~(d) job development and job placement;~~

30 ~~(e) group and individual job search activities as provided for in 42 U.S.C. 682(g);~~

- 1 ~~(f) on the job training;~~
 2 ~~(g) work supplementation programs as provided for in 42 U.S.C. 682(e); and~~
 3 ~~(h) community work experience programs as provided for in 42 U.S.C. 682(f).~~
 4 ~~(2) In addition to the services and activities provided in subsection (1), the department may offer~~
 5 ~~to participants under the program:~~
 6 ~~(a) postsecondary education in appropriate cases; and~~
 7 ~~(b) such other education, training, and employment activities as may be determined necessary."~~

8
 9 **Section 44.** Section 53-4-706, MCA, is amended to read:

10 "**53-4-706. Participation requirements.** (1) Except as otherwise provided in this section and
 11 ~~53-4-707~~, the department may require individuals to participate in the JOBS employment and training
 12 program as a condition of their eligibility for ~~aid to families with dependent children temporary assistance~~
 13 ~~for needy families benefits~~ FAIM FINANCIAL ASSISTANCE.

14 (2) To the extent that the program is available and that state resources permit, the department
 15 shall:

16 ~~(a) require recipients of aid to families with dependent children who are not participating in the~~
 17 ~~FAIM project and with respect to whom the state guarantees child care in accordance with section 402(g)~~
 18 ~~of the Social Security Act (42 U.S.C. 602(g)) to participate in the program;~~

19 ~~(b) require recipients of aid to families with dependent children temporary assistance for needy~~
 20 ~~families benefits~~ FAIM FINANCIAL ASSISTANCE who are participating in either the pathways or community
 21 service program component of the FAIM project to participate in the program if the department determines
 22 that it is an appropriate activity for the recipient and includes participation as a condition of the recipient's
 23 family investment agreement; and

24 ~~(c) allow applicants for and recipients of aid to families with dependent children who are not~~
 25 ~~required under subsection (2)(a) to participate in the program to do so on a voluntary basis."~~

26
 27 **Section 45.** Section 53-4-717, MCA, is amended to read:

28 "**53-4-717. Sanctions.** (1) ~~Except as provided in subsection (2), an individual who without good~~
 29 ~~cause fails to participate in the JOBS program as required or who without good cause refuses to accept~~
 30 ~~suitable employment shall lose eligibility for aid to families with dependent children as provided in 42 U.S.C.~~

1 ~~602(a)(19)(G).~~

2 ~~(2) If an individual receiving aid to families with dependent children temporary assistance for needy~~
3 ~~families benefits FAIM FINANCIAL ASSISTANCE under the FAIM project is required to participate in the~~
4 ~~JOBS employment and training program as a condition of the individual's family investment agreement and~~
5 ~~fails without good cause to participate, the individual must be sanctioned in accordance with rules~~
6 ~~established by the department."~~

7

8 **Section 46.** Section 53-6-101, MCA, is amended to read:

9 **"53-6-101. Montana medicaid program -- authorization of services.** (1) There is a Montana
10 medicaid program established for the purpose of providing necessary medical services to eligible persons
11 who have need for medical assistance. The Montana medicaid program is a joint federal-state program
12 administered under this chapter and in accordance with Title XIX of the ~~federal~~ Social Security Act, 42
13 U.S.C. 1396, et seq., as may be amended. The department of public health and human services shall
14 administer the Montana medicaid program.

15 (2) Medical assistance provided by the Montana medicaid program includes the following services:

16 (a) inpatient hospital services;

17 (b) outpatient hospital services;

18 (c) other laboratory and x-ray services, including minimum mammography examination as defined
19 in 33-22-132;

20 (d) skilled nursing services in long-term care facilities;

21 (e) physicians' services;

22 (f) nurse specialist services;

23 (g) early and periodic screening, diagnosis, and treatment services for persons under 21 years of
24 age;

25 (h) ambulatory prenatal care for pregnant women during a presumptive eligibility period, as
26 provided in 42 U.S.C. 1396a(a)(47) and 42 U.S.C. 1396r-1;

27 (i) targeted case management services, as authorized in 42 U.S.C. 1396n(g), for high-risk pregnant
28 women;

29 (j) services that are provided by physician assistants-certified within the scope of their practice and
30 that are otherwise directly reimbursed as allowed under department rule to an existing provider;

1 (k) health services provided under a physician's orders by a public health department; and

2 (l) federally qualified health center services, as defined in 42 U.S.C. 1396d(l)(2).

3 (3) Medical assistance provided by the Montana medicaid program may, as provided by department
4 rule, also include the following services:

5 (a) medical care or any other type of remedial care recognized under state law, furnished by
6 licensed practitioners within the scope of their practice as defined by state law;

7 (b) home health care services;

8 (c) private-duty nursing services;

9 (d) dental services;

10 (e) physical therapy services;

11 (f) mental health center services administered and funded under a state mental health program
12 authorized under Title 53, chapter 21, part 2;

13 (g) clinical social worker services;

14 (h) prescribed drugs, dentures, and prosthetic devices;

15 (i) prescribed eyeglasses;

16 (j) other diagnostic, screening, preventive, rehabilitative, chiropractic, and osteopathic services;

17 (k) inpatient psychiatric hospital services for persons under 21 years of age;

18 (l) services of professional counselors licensed under Title 37, chapter 23;

19 (m) hospice care, as defined in 42 U.S.C. 1396d(o);

20 (n) case management services as provided in 42 U.S.C. 1396d(a) and 1396n(g), including targeted
21 case management services for the mentally ill;

22 (o) inpatient psychiatric services for persons under 21 years of age, as provided in 42 U.S.C.
23 1396d(h), in a residential treatment facility, as defined in 50-5-101, that is licensed in accordance with
24 50-5-201; and

25 (p) any additional medical service or aid allowable under or provided by the federal Social Security
26 Act.

27 (4) Services for persons qualifying for medicaid under the medically needy category of assistance
28 as described in 53-6-131 may be more limited in amount, scope, and duration than services provided to
29 others qualifying for assistance under the Montana medicaid program. The department is not required to
30 provide all of the services listed in subsections (2) and (3) to persons qualifying for medicaid under the

1 medically needy category of assistance.

2 (5) ~~If in accordance with~~ waivers of federal law that are granted by the secretary of the U.S.
 3 department of health and human services, the department of public health and human services may
 4 implement limited medicaid benefits, to be known as basic medicaid, for adult recipients who are eligible
 5 because they are receiving ~~aid to families with dependent children temporary assistance for needy families~~
 6 benefits FAIM FINANCIAL ASSISTANCE, AS DEFINED IN 53-4-702, as the specified caretaker relative of
 7 a dependent child under the FAIM project and for all adult recipients of medical assistance only who are
 8 covered under a group related to ~~aid to families with dependent children the temporary assistance for needy~~
 9 families program OF FAIM FINANCIAL ASSISTANCE, AS DEFINED IN 53-4-702. Basic medicaid benefits
 10 consist of all mandatory services listed in subsections (2)(a) through (2)(l) but may include those optional
 11 services listed in subsections (3)(a) through (3)(p) that the department in its discretion specifies by rule.
 12 The department, in exercising its discretion, may consider the amount of funds appropriated by the
 13 legislature for the FAIM project and whether the provision of a particular service is commonly covered by
 14 private health insurance plans. However, a recipient who is pregnant, MEETS THE CRITERIA FOR
 15 DISABILITY PROVIDED IN TITLE II OF THE SOCIAL SECURITY ACT, 42 U.S.C. 416, ET SEQ., OR IS LESS
 16 THAN 21 YEARS OF AGE is entitled to full medicaid coverage.

17 (6) The department may implement, as provided for in Title XIX of the ~~federal~~ Social Security Act,
 18 42 U.S.C. 1396, et seq., as may be amended, a program under medicaid for payment of medicare
 19 premiums, deductibles, and coinsurance for persons not otherwise eligible for medicaid.

20 (7) The department may set rates for medical and other services provided to recipients of medicaid
 21 and may enter into contracts for delivery of services to individual recipients or groups of recipients.

22 (8) The services provided under this part may be only those that are medically necessary and that
 23 are the most efficient and cost-effective.

24 (9) The amount, scope, and duration of services provided under this part must be determined by
 25 the department in accordance with Title XIX of the ~~federal~~ Social Security Act, 42 U.S.C. 1396, et seq.,
 26 as may be amended.

27 (10) Services, procedures, and items of an experimental or cosmetic nature may not be provided.

28 (11) If available funds are not sufficient to provide medical assistance for all eligible persons, the
 29 department may set priorities to limit, reduce, or otherwise curtail the amount, scope, or duration of the
 30 medical services made available under the Montana medicaid program.

1 (12) Community-based medicaid services, as provided for in part 4 of this chapter, must be provided
2 in accordance with the provisions of this chapter and the rules adopted under this chapter.

3 (13) Medicaid payment for personal-care facilities may not be made unless the department certifies
4 to the director of the governor's office of budget and program planning that payment to this type of
5 provider would, in the aggregate, be a cost-effective alternative to services otherwise provided."
6

7 **Section 47.** Section 53-6-113, MCA, is amended to read:

8 **"53-6-113. Department to adopt rules.** (1) The department of public health and human services
9 shall adopt appropriate rules necessary for the administration of the Montana medicaid program as provided
10 for in this part and as may be required by federal laws and regulations governing state participation in
11 medicaid under Title XIX of the ~~federal~~ Social Security Act, 42 U.S.C. 1396, et seq., as amended.

12 (2) The department shall adopt rules as are necessary to further define for the purposes of this part
13 the services provided under 53-6-101 and to provide that services being used are medically necessary and
14 that the services are the most efficient and cost-effective available. The rules may establish the amount,
15 scope, and duration of services provided under the Montana medicaid program, including the items and
16 components constituting the services.

17 (3) The department shall establish by rule the rates for reimbursement of services provided under
18 this part. The department may in its discretion set rates of reimbursement that it determines necessary for
19 the purposes of the program. In establishing rates of reimbursement, the department may consider but is
20 not limited to considering:

- 21 (a) the availability of appropriated funds;
22 (b) the actual cost of services;
23 (c) the quality of services;
24 (d) the professional knowledge and skills necessary for the delivery of services; and
25 (e) the availability of services.

26 (4) The department shall specify by rule those professionals who may deliver or direct the delivery
27 of particular services.

28 (5) The department may provide by rule for payment by a recipient of a portion of the
29 reimbursements established by the department for services provided under this part.

30 (6) The department may adopt rules consistent with this part to govern eligibility for the Montana

1 medicaid program. Rules may include but are not limited to financial standards and criteria for income and
 2 resources, treatment of resources, nonfinancial criteria, family responsibilities, residency, application,
 3 termination, definition of terms, ~~and~~ confidentiality of applicant and recipient information, and cooperation
 4 with the state agency administering the child support enforcement program under Title IV-D of the Social
 5 Security Act, 42 U.S.C. 651, et seq.

6 (7) The department may adopt rules limiting eligibility based on criteria more restrictive than that
 7 provided in 53-6-131 if required by Title XIX of the ~~federal~~ Social Security Act, 42 U.S.C. 1396, et seq.,
 8 as may be amended, or if funds appropriated are not sufficient to provide medical care for all eligible
 9 persons.

10 (8) The department may adopt rules necessary for the administration of medicaid managed-care
 11 systems. Rules to be adopted may include but are not limited to rules concerning:

12 (a) participation in managed care;

13 (b) selection and qualifications for providers of managed care; and

14 (c) standards for the provision of managed care.

15 (9) ~~(a)~~ The department shall establish by rule income limits for eligibility for extended medical
 16 assistance of persons receiving ~~aid to families with dependent children temporary assistance for needy~~
 17 ~~families benefits~~ FROM FAIM FINANCIAL ASSISTANCE, AS DEFINED IN 53-4-702, as participants of the
 18 FAIM project who lose eligibility because of increased income, as provided in 53-6-134, and shall also
 19 establish by rule the length of time for which extended medical assistance will be provided. The
 20 department, in exercising its discretion to set income limits and duration of assistance, may consider the
 21 amount of funds appropriated by the legislature for the FAIM project.

22 ~~(b) Notwithstanding Title 53, chapter 2, part 9, and Title 53, chapter 4, part 6, it is the intent of~~
 23 ~~the legislature that rules may not be adopted except to implement the waiver granted by the U.S. secretary~~
 24 ~~of health and human services under section 1115 of the Social Security Act, 42 U.S.C. 1315, and to~~
 25 ~~implement the FAIM program. Rules may not implement any other program or programs that may result~~
 26 ~~because of federal welfare reform unless the rules are required for compliance with federal law."~~

27
 28 **Section 48.** Section 53-6-131, MCA, is amended to read:

29 "**53-6-131. Eligibility requirements.** (1) Medical assistance under the Montana medicaid program
 30 may be granted to a person who is determined by the department of public health and human services, in

1 its discretion, to be eligible as follows:

2 (a) The person receives or is considered to be receiving supplemental security income benefits
3 under Title XVI of the ~~federal~~ Social Security Act, 42 U.S.C. 1381, et seq., and does not have income or
4 resources in excess of the applicable medical assistance limits or aid to families with dependent children
5 receive temporary assistance for needy families FROM FAIM FINANCIAL ASSISTANCE, AS DEFINED IN
6 53-4-702, benefits under Title IV of the federal Social Security Act, 42 U.S.C. 601, et seq.

7 (b) The person would be eligible for assistance under a program described in subsection (1)(a) if
8 that person were to apply for that assistance.

9 (c) The person is in a medical facility that is a medicaid provider and, but for residence in the
10 facility, the person would be receiving assistance under one of the programs in subsection (1)(a).

11 (d) The person is under 19 years of age and meets the conditions of eligibility in the ~~state plan for~~
12 ~~aid to families with dependent children~~ temporary assistance for needy families state plan, AS DEFINED IN
13 53-4-201, other than with respect to age and school attendance.

14 (e) The person is under 21 years of age and in foster care under the supervision of the state or was
15 in foster care under the supervision of the state and has been adopted as a hard-to-place child.

16 (f) The person meets the nonfinancial criteria of the categories in subsections (1)(a) through (1)(e)
17 and:

18 (i) the person's income does not exceed the income level specified for federally aided categories
19 of assistance and the person's resources are within the resource standards of the federal supplemental
20 security income program; or

21 (ii) the person, while having income greater than the medically needy income level specified for
22 federally aided categories of assistance:

23 (A) has an adjusted income level, after incurring medical expenses, that does not exceed the
24 medically needy income level specified for federally aided categories of assistance or, alternatively, has paid
25 in cash to the department the amount by which the person's income exceeds the medically needy income
26 level specified for federally aided categories of assistance; and

27 (B) has resources that are within the resource standards of the federal supplemental security
28 income program.

29 (g) The person is a qualified pregnant woman or child as defined in 42 U.S.C. 1396d(n).

30 (2) The department may establish income and resource limitations. Limitations of income and

1 resources must be within the amounts permitted by federal law for the medicaid program.

2 (3) The Montana medicaid program shall pay, as required by federal law, the premiums necessary
3 for medicaid-eligible persons participating in the medicare program and may, within the discretion of the
4 department, pay all or a portion of the medicare premiums, deductibles, and coinsurance for a qualified
5 medicare-eligible person or for a qualified disabled and working individual, as defined in section 6408(d)(2)
6 of the federal Omnibus Budget Reconciliation Act of 1989, Public Law 101-239, who:

7 (a) has income that does not exceed income standards as may be required by the ~~federal~~ Social
8 Security Act; and

9 (b) has resources that do not exceed standards that the department determines reasonable for
10 purposes of the program.

11 (4) The department may pay a medicaid-eligible person's expenses for premiums, coinsurance, and
12 similar costs for health insurance or other available health coverage, as provided in 42 U.S.C. 1396b(a)(1).

13 (5) ~~If in accordance with~~ waivers of federal law that are granted by the secretary of the U.S.
14 department of health and human services, the department of public health and human services may grant
15 eligibility for basic medicaid benefits as described in 53-6-101 to an individual receiving ~~aid to families with~~
16 ~~dependent children temporary assistance for needy families benefits~~ FAIM FINANCIAL ASSISTANCE, AS
17 DEFINED IN 53-4-702, as the specified caretaker relative of a dependent child under the FAIM project and
18 to all adult recipients of medical assistance only who are covered under a group related to ~~aid to families~~
19 ~~with dependent children the temporary assistance for needy families~~ program OF FAIM FINANCIAL
20 ASSISTANCE. A recipient who is pregnant, MEETS THE CRITERIA FOR DISABILITY PROVIDED IN TITLE
21 II OF THE SOCIAL SECURITY ACT, 42 U.S.C. 416, ET SEQ., OR IS LESS THAN 21 YEARS OF AGE is
22 entitled to full medicaid coverage as provided in 53-6-101.

23 (6) The department, under the Montana medicaid program, may provide, if a waiver is not available
24 from the federal government, medicaid and other assistance mandated by Title XIX of the ~~federal~~ Social
25 Security Act, 42 U.S.C. 1396, et seq., as may be amended, and not specifically listed in this part to
26 categories of persons that may be designated by the act for receipt of assistance.

27 (7) Notwithstanding any other provision of this chapter, medical assistance must be provided to
28 infants and pregnant women whose family income does not exceed 133% of the federal poverty threshold,
29 as provided in 42 U.S.C. 1396a(a)(10)(A)(ii)(IX) and 42 U.S.C. 1396a(l)(2)(A)(i), and whose family
30 resources do not exceed standards that the department determines reasonable for purposes of the program.

1 (8) Subject to appropriations, the department may cooperate with and make grants to a nonprofit
 2 corporation that uses donated funds to provide basic preventive and primary health care medical benefits
 3 to children whose families are ineligible for the Montana medicaid program and who are ineligible for any
 4 other health care coverage, are under 19 years of age, and are enrolled in school if of school age.

5 (9) A person described in subsection (7) must be provided continuous eligibility for medical
 6 assistance, as authorized in 42 U.S.C. 1396a(e)(5) through a(e)(7).

7 (10) The department may establish resource and income standards of eligibility for mental health
 8 services that are more liberal than the resource and income standards of eligibility for physical health
 9 services. The standards for eligibility for mental health services may provide for eligibility for households
 10 with family income that does not exceed 200% of the federal poverty threshold or that does not exceed
 11 a lesser amount determined in the discretion of the department. The department may by rule specify under
 12 what circumstances deductions for medical expenses should be used to reduce countable family income
 13 in determining eligibility. The department may also adopt rules establishing fees to be charged recipients
 14 for services. The fees may vary according to family income."

15

16 **Section 49.** Section 53-6-134, MCA, is amended to read:

17 **"53-6-134. Extension of eligibility for medical assistance to persons terminated from aid to families**
 18 **with dependent children temporary assistance for needy families program FAIM FINANCIAL ASSISTANCE.**

19 ~~(1) In accordance with section 1925 of Title XIX of the Social Security Act, 42 U.S.C. 1396r-6, the~~
 20 ~~department of public health and human services shall provide for the extension of eligibility for medical~~
 21 ~~assistance to persons who lose eligibility for aid to families with dependent children because of:~~

22 ~~(a) increased hours or income from employment; or~~

23 ~~(b) loss of federally prescribed earned income disregards.~~

24 ~~(2)~~ In providing for the extension of eligibility for medical assistance under subsection ~~(1)~~(2), the
 25 department may provide for health insurance or other health coverage in accordance with subsections
 26 1925(a)(4)(B) and 1925(b)(4)(C) of Title XIX of the Social Security Act, 42 U.S.C. 1396r-6(a)(4)(B) and 42
 27 U.S.C. 1396r-6(b)(4)(C), and may exercise the other options contained in section 1925 of Title XIX of the
 28 Social Security Act, 42 U.S.C. 1396r-6, regarding the provision of medical assistance.

29 ~~(3)~~(2) If in accordance with waivers of federal law that are granted by the secretary of the U.S.
 30 department of health and human services, the department of public health and human services may provide

1 extended eligibility for medical assistance for a period of time established by the department by rule for
2 persons receiving ~~aid to families with dependent children temporary assistance for needy families benefits~~
3 FAIM FINANCIAL ASSISTANCE, AS DEFINED IN 53-4-702, under the job supplement program, pathways,
4 or community services program components of the FAIM project described in 53-4-603 who lose eligibility
5 because of increased income from any source or because of exhausting time-limited earned income
6 disregards, provided that the family's income does not exceed a percentage of the federal poverty level
7 established by the department by rule. The department, in exercising its discretion to establish income
8 standards and duration of extended medical assistance by rule, may consider the amount of funds
9 appropriated by the legislature for the FAIM project."

10
11 NEW SECTION. Section 50. Saving clause. [This act] does not affect rights and duties that
12 matured, penalties that were incurred, or proceedings that were begun before [the effective date of this
13 act].

14
15 NEW SECTION. Section 51. Repealer. Sections 39-7-601, 39-7-602, 39-7-603, 39-7-604,
16 39-7-605, 39-7-606, 53-4-249, 53-4-707, 53-4-708, 53-4-715, 53-4-716, 53-4-718, and 53-4-720, MCA,
17 are repealed.

18
19 NEW SECTION. SECTION 52. EFFECTIVE DATES. (1) EXCEPT AS PROVIDED IN SUBSECTIONS
20 (2) AND (3), [THIS ACT] IS EFFECTIVE ON PASSAGE AND APPROVAL.

21 (2) [SECTION 26] IS EFFECTIVE JULY 1, 1997.

22 (3) [SECTION 27] IS EFFECTIVE JULY 1, 1999.

23
24 NEW SECTION. SECTION 53. TERMINATION. [SECTION 26] TERMINATES JUNE 30, 1999.

25 -END-