

State of Arkansas  
94th General Assembly  
Regular Session, 2023

# A Bill

HOUSE BILL 1401

By: Representatives Burkes, Lundstrum

By: Senator C. Penzo

## For An Act To Be Entitled

AN ACT REGARDING PUBLIC ASSISTANCE; TO AMEND THE  
DURATION OF CASH ASSISTANCE; AND FOR OTHER PURPOSES.

### Subtitle

REGARDING PUBLIC ASSISTANCE; AND TO AMEND  
THE DURATION OF CASH ASSISTANCE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. DO NOT CODIFY. Legislative findings and intent.

(a) The General Assembly finds that:

(1) Thousands of individuals are trapped in the cycle of welfare dependency in Arkansas;

(2) Moving Arkansans from welfare to work will help them achieve self-sufficiency and purpose;

(3) Mitigating the cycle of dependency can help save taxpayer dollars and increase the size of Arkansas's workforce;

(4) Arkansas currently has a twenty-four (24) month time limit for families with work-eligible adults receiving cash welfare;

(5) More than one half (1/2) of all cash welfare recipients have been on cash welfare for longer than eighteen (18) months;

(6) Reducing the cash welfare time limit from twenty-four (24) months to twelve (12) months would not impact child-only cases where there are no work eligible adults in the household; and

(7) Arkansas has an opportunity to be a national leader in its cash welfare program.



(b) It is the intent of the General Assembly to reduce the twenty-four (24) month state limitation on cash welfare to twelve (12) months for households with work-eligible adults.

SECTION 2. Arkansas Code § 20-76-404(a)-(d), concerning the duration of financial assistance, is amended to read as follows:

(a)(1) The Division of Workforce Services shall not provide financial assistance to a family that includes an adult recipient who has received financial assistance for more than ~~twenty-four (24)~~ twelve (12) months, except as provided in subsection (c) of this section.

(2) The number of months need not be consecutive and shall include the time a recipient receives financial assistance from another state.

(3) The division may by rule establish other limitations on the receipt of financial assistance not inconsistent with state or federal law.

(b)(1) The division shall certify to the Governor, the House Committee on Public Health, Welfare, and Labor, and the Senate Committee on Public Health, Welfare, and Labor when the support services necessary for program recipients to obtain employment or participate in allowable work activities are available.

(2) The division may certify subsets of program recipients, including without limitation recipients in a certain geographical area or employment opportunity district or program recipients with a high school diploma or high school equivalency diploma approved by the Adult Education Section.

(3) Before implementing the ~~twenty-four-month~~ twelve-month cumulative limit on financial assistance, the division shall notify program recipients by direct mail or contact and by other means reasonably calculated to reach to current and potential program recipients, including, but not limited to, the posting of notices in county offices.

(c) The division shall exempt or temporarily defer within thirty (30) calendar days the following persons from the ~~twenty-four-month~~ twelve-month cumulative limit on financial assistance:

(1) An individual, as determined by a division case manager, who cooperated and participated in activities, but was unable to obtain employment because of circumstances or barriers beyond his or her control;

- (2) Child-only cases;
- (3) An individual unable to obtain employment because of the lack of support services necessary to overcome barriers to employment;
- (4) A parent or caregiver over sixty (60) years of age;
- (5) A parent or caregiver who is caring for a disabled child relative or disabled adult relative, based upon criteria set forth in division rules;
- (6) A disabled parent or caregiver, based upon criteria set forth in division rules;
- (7) A parent less than eighteen (18) years of age who resides in the home of a parent or in an approved adult-supervised setting and who participates in full-time education or training;
- (8) An individual, who as determined by a division case manager, is unable to obtain employment due directly to the effects of domestic violence. All case manager determinations made under this subdivision (c)(8) shall be reviewed by a supervisor within five (5) days of the determination;
- (9) Other individuals as determined by the division, including, but not limited to, a child when necessary to protect the child from the risk of neglect, as defined by § 12-18-103(14); and
- (10) Individuals participating in education and training activities who have reached the end of their ~~twenty-four-month~~ twelve-month cumulative limit on financial assistance, have complied with all transitional employment assistance rules, are making satisfactory academic progress as determined by the academic institution or training program in which the individual is currently enrolled, and are expected to complete the requirements for the education or training program within a reasonable period of time as defined in rules issued by the division.

(d)(1) No months shall be counted toward a person's ~~twenty-four-month~~ twelve-month cumulative limit on financial assistance while he or she is receiving a deferral or exemption.

(2) There shall be no limit on the length or the number of deferrals or exemptions granted each person as long as the person meets any of the criteria outlined in subsection (c) of this section.

(3) The division shall periodically review each case to determine whether the person still meets any of the criteria outlined in subsection (c) of this section.

(4)(A) The division shall carry out an enhanced review of all cases six (6) months before the expiration of the time limit.

(B) The review shall assess the barriers that remain to the adult or adults in the case obtaining employment, what enhanced services can be provided to enable him or her to obtain employment, and whether the case should be given a six-month extension or be exempted from the time limit.

(C) The division shall make every reasonable effort to deliver the available services identified in subdivision (d)(4)(B) of this section.

(D) The division shall grant an extension at the time for review if the client meets one (1) of the grounds for extension.

(E) The division shall carry out a further review at the end of the extension period.

SECTION 3. Arkansas Code § 20-76-410(c)(5)(F), concerning the suspension of benefits in the Transitional Employment Assistance Program, is amended to read as follows:

(F) Months during which cash assistance benefits are suspended shall not count toward the family's ~~twenty-four-month~~ twelve-month limit on receiving Transitional Employment Assistance Program assistance.

SECTION 4. Arkansas Code § 20-76-444(b)(1), concerning eligibility for assistance under the Arkansas Work Pays Program, is amended to read as follows:

(b)(1) Eligibility for assistance under the Arkansas Work Pays Program is limited to applicants or participants who:

(A) Have care and custody of a related minor child;

(B) Reside in the State of Arkansas at the time of application for assistance and during the period of assistance;

(C) Apply for Arkansas Work Pays Program assistance within six (6) months of leaving the Transitional Employment Assistance Program after at least three (3) months of Transitional Employment Assistance Program assistance;

(D) Have not received more than ~~twenty-four (24)~~ twelve (12) months of Arkansas Work Pays Program benefits;

(E) Were engaged:

(i) In paid work activities for a minimum of twenty-four (24) hours per week and met the federal work participation requirement for the past month; or

(ii) In the case of continuing eligibility, in paid work activities for a minimum of twenty-four (24) hours per week and met the federal work participation requirement for one (1) of the past three (3) months and for at least three (3) of the past six (6) months;

(F) Are:

(i) Citizens of the United States;

(ii) Qualified aliens lawfully present in the United States before August 22, 1996;

(iii) Qualified aliens who physically entered the United States on or after August 22, 1996, and have been in qualified immigrant status for at least five (5) years; or

(iv) Aliens to whom benefits under Temporary Assistance for Needy Families must be provided under federal law;

(G) Have income below one hundred fifty percent (150%) of the federal poverty level; and

(H) Sign and comply with a personal responsibility agreement.

SECTION 5. Arkansas Code § 20-76-444(d)(3), concerning the number of months of eligibility for cash assistance under the Arkansas Work Pays Program, is amended to read as follows:

(3) The number of months for which families are eligible for cash assistance may be reduced in three-month increments from the statutory provision of ~~twenty-four (24)~~ twelve (12) months.

**APPROVED: 3/13/23**