

ACT 99

S.B. NO. 536

A Bill for an Act Relating to Public Assistance.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 346-71, Hawaii Revised Statutes, is amended in the following particulars:

(1) By amending subsection (a) to read:

“(a) The department of social services and housing shall administer and provide public assistance to eligible persons who are disabled, or are at least fifty-five years of age, or have dependent children in the home not otherwise provided for under this chapter, and who are unable to provide sufficient support for themselves or those dependent upon them; provided that such persons have first been determined ineligible for a comparable federally funded financial assistance program and are bona fide residents of this State. In family groups in which there are children, income and resources of both parents, natural or adoptive, shall be considered available for each other and the support of their children. Persons who meet the categorical criteria for eligibility, but fail to satisfy income and resource criteria adopted by the department for eligibility under the comparable federally funded financial assistance program shall not be eligible for general assistance. The failure of any adult member of the assistance unit to comply with the requirements or conditions of general assistance shall exclude the entire assistance unit from receiving financial assistance. However, when the adult member is disqualified for not meet-

ing the work requirement, the assistance unit shall not be disqualified if the assistance unit was formed after the failure to meet the work requirement occurred. "Assistance unit" as the term is used herein means persons whose needs, income, and assets are considered in the financial assistance payment and their dependents.

For purposes of determining whether persons seeking assistance are bona fide residents of this State, the department of social services and housing shall consider, but is not limited to considering, the following factors: enrollment and receipt of welfare benefits from another jurisdiction; physical presence in the State; maintenance of a place of residence in the State; the availability of furnishings and household and personal effects sufficient to lead a reasonable person to conclude that the place of residence is more than a public accommodation; qualification as to residence for purposes of voting in the State; change in vehicle operation license; vehicle registration; enrollment of children in local schools; bank accounts in this State or any other jurisdiction."

(2) By amending subsection (b) to read:

"(b) A disabled person between eighteen and sixty-five years of age shall be eligible for general assistance, if [he:] the person:

- (1) Is determined to be needy in accordance with standards established by this chapter and the rules and regulations of the department;
- (2) Is unable to meet the requirements established by the Federal Supplemental Security Income Program or its successor agency; and
- (3) Is unable to engage in any substantial gainful employment because of a physical or mental impairment determined and certified by a licensed physician. A determination of mental impairment may only be made by a licensed physician whose specialty is in psychiatry. The department may require that such determination and certification be by a licensed physician designated and paid by the department. "Substantial" as the term is used herein [shall mean] means at least thirty hours of work per week. "Disabled" as the term is used herein means disability which extends for a period of over thirty days.

Any person determined to be eligible under this subsection may be referred to any appropriate state agency for vocational rehabilitation services and shall be required to accept the services as a further condition of eligibility for the receipt of general assistance under this section. An assistance unit shall be determined ineligible for general assistance if any adult member of the assistance unit fails to cooperate with any appropriate state agency for vocational rehabilitation services after being referred for services. [In addition to the foregoing, any] Any person [determined to be] found eligible under this subsection may also be required to seek employment, and participate in public work projects as described in section 346-31, and in public employment projects as described in section 346-102."

(3) By amending subsection (c) to read:

"(c) A person with dependent children in the home shall be eligible for general assistance if[:] the person:

- (1) [He is] Is unemployed for reasons other than voluntary separation without good cause or for misconduct[: and] within twelve months prior to application; and
- (2) [He is] Is actively and diligently seeking gainful employment; and

- (3) [He has] Has not refused to accept employment when offered; and
- (4) [He has] Has registered and is available for work as required by section 383-29; and
- (5) [He has] Has exhausted all of [his] the person's benefits under chapter 383; provided [should] that if the benefits of any person under chapter 383 be less than those for which [he] the person would [otherwise] be eligible [hereunder,] under this section, [he] the person shall be eligible for supplementary general assistance; and provided further that this provision of exhaustion shall not apply to those persons not entitled by law to such benefits; or
- (6) [He is] Is employed but without sufficient income or other resources to provide sufficient support to maintain [himself] the person or those dependent upon [him] the person consistent with the standards of this chapter.

“Children” as used in this section [shall mean] means a person who:

- (1) Is ineligible for and is unable to obtain aid under a federal assistance program; and
- (2) Is in need, and has not sufficient income or other resources to provide health care and support to maintain a standard consistent with this chapter; and
- (3) Has not attained the age of eighteen years; provided that a child between the ages of eighteen and [twenty-one] nineteen years shall be eligible for assistance under this section, if [he or she:] the child is a full-time student enrolled in a public or private secondary school, or equivalent level of vocational or technical school; and further provided that the child is expected to complete the program of the secondary school or vocational or technical school before reaching age nineteen; and
 - [(A) Is regularly attending high school to complete requirements leading to a high school diploma or its equivalent; or
 - (B) Is employed part-time and is enrolled at least half-time in an organized program of vocational or technical training designed to fit the child for gainful employment; or
 - (C) Is employed part-time and is enrolled at least half-time in a local college or university; and]
- (4) Is living in a home with his father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, uncle, aunt, first cousin, nephew, niece, or hanai parents in a place of residence maintained by such relative as his own home; or is living in a family home or institution conforming to the standards fixed by the department.

A child for the purposes of this section does not include an unborn child or fetus.”

- (4) By amending subsection (d) to read:

“(d) A person who is at least fifty-five years of age shall be eligible for general assistance if[:] the person:

- (1) [He is] Is unemployed for reasons other than voluntary separation without good cause or for misconduct within twelve months prior to application; and
- (2) [He is] Is actively and diligently seeking gainful employment; and

- (3) [He has] Has not refused to accept employment when offered; and
- (4) [He has] Has registered and is available for work as required by section 383-29; and
- (5) [He has] Has exhausted all of his benefits under chapter 383; provided should the benefits of any person under chapter 383 be less than those for which [he] the person would otherwise be eligible hereunder, [he] the person shall be eligible for supplementary general assistance; and provided further that this provision of exhaustion shall not apply to those persons not entitled by law to such benefits; or
- (6) [He is] Is employed but without sufficient income or other resources to provide sufficient income to maintain [himself or those dependent upon him] the assistance unit consistent with the standards of this chapter.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved May 19, 1982.)