

**ACT 160**

**S.B. NO. 2478-86**

**A Bill for an Act Relating to Emergency Assistance.**

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

SECTION 1. Chapter 346, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§346- Child abuse and neglect discretionary emergency assistance. (a)** The department may grant funds to a family for child abuse and neglect discretionary emergency assistance in accordance with this section. The purpose of these grants is to assist families when an emergency situation arises or is imminent which may cause child abuse or neglect, and the financial assistance may prevent the abuse or neglect or prevent the removal of a child from a family.

(b) Emergency assistance shall be authorized when:

- (1) A situation arises or is imminent which presents an immediate or imminent threat of child abuse or neglect;
- (2) The family is eligible for public assistance or has no available financial resources;
- (3) Financial assistance may eliminate or alleviate the situation and remove the immediate or imminent threat of child abuse or neglect; and
- (4) No other financial resources are available from within the family or from other public or private source which could be used to eliminate or alleviate the situation.

(c) Emergency assistance may be used for shelter, utilities, food, repairs, essential equipment, and other goods or services which in the discretion of the department are necessary to eliminate or alleviate the emergency situation.

(d) A family shall not be granted more than \$250 in emergency assistance during one fiscal year; except that under an exceptional situation as determined by the director, a family may be granted not more than \$600 during one fiscal year.

(e) For the purposes of this chapter only, emergency assistance shall not be considered income to the head of household or family nor as part of the family's basic needs allowance.”

SECTION 2. Section 40-85, Hawaii Revised Statutes, is amended to read as follows:

**“[ [ §40-85[ ] Imprest fund for immediate welfare payments[.], emergency assistance funds. (a)** In addition to the petty cash funds authorized by section 40-84[,] **and emergency assistance funds under subsection (b),** and upon approval by the comptroller, the amount necessary and sufficient to enable the department of social services and housing to make immediate welfare money payments to eligible recipients shall be advanced from the general fund of the State to be used by the department of social services and housing on an imprest basis in those cases only which require more immediate payment than that possible under the usual procedure for disbursing state funds provided in section 40-51. In granting approval, the comptroller may impose such conditions as he may deem necessary for the proper administration and accountability of the fund.

The welfare imprest fund shall be replenished at the end of each quarter and may be replenished at other times as required by the usage of the fund. In no case, however, may welfare disbursements, from the welfare imprest fund and under the usual procedure for disbursing state funds, exceed the amounts appropriated and allotted for a fiscal period.

**(b) Amounts necessary and sufficient to enable the department of social services and housing to make immediate emergency assistance grants shall be advanced from the general fund of the State to be used by the department as**

provided under section 346-. The comptroller may impose conditions as deemed necessary for the proper administration and accountability of the funds advanced.

Emergency assistance funds shall be replenished at the end of each quarter and may be replenished at other times as required by the usage of the funds; provided that the amount advanced or expended in a fiscal period shall not exceed the amount appropriated and allotted for that fiscal period."

SECTION 3. Section 346-1, Hawaii Revised Statutes, is amended by amending the definition of "financial assistance" to read as follows:

"Financial assistance" means public assistance, except for payments for medical care, social service payments, [and] transportation assistance, and emergency assistance under section 346-, including funds received from the federal government."

SECTION 4. Section 346-29, Hawaii Revised Statutes, is amended to read as follows:

**§346-29 Applications for public assistance; manner, form, conditions.** Applications for public assistance under this chapter shall be made by the applicant, or by someone acting in the applicant's behalf, in the manner, place, and form prescribed by the department.

No applicant shall be entitled to public assistance under this chapter who has sufficient income or other resources to provide a standard above that provided in this chapter, or who is an inmate of any public institution as long as the Social Security Act precludes the use of federal funds to provide public assistance to an inmate of such an institution, but an inmate of such an institution mentioned in this section may apply for assistance to begin after the inmate's discharge from the institution. In determining the needs of an applicant or recipient for public assistance by the department, the department:

- (1) Shall disregard such amounts of earned or unearned income and resources as required by the Social Security Act or other federal acts, to receive federal matching funds and may disregard such additional amounts as these acts permit, now or in the future, to be disregarded.
- (2) Shall consider as net income in all cases such income as the Social Security Act or other federal acts may require the department to consider for receipt of federal matching funds and may consider such additional income and resources as these acts may permit, now or in the future, to be considered.
- (3) Shall disregard a total in liquid assets equal to the maximum possible financial assistance by family size multiplied by a factor of 1.5 and rounded to the nearest \$5 in determining the needs of persons for financial assistance; provided that the amount to be disregarded, shall not exceed standards under federally funded financial assistance programs. This provision shall apply to the general assistance program but shall not apply to persons eligible for federal supplemental security income benefits. In determining the needs of such persons, the department shall apply the eligibility requirements under the federal supplemental security income program.
- (4) Shall disregard a total of at least \$1,500 in liquid assets in determining the needs of a single person for medical assistance only.

- (5) Shall disregard a total of at least \$2,250 in liquid assets in determining the needs of a family of two persons for medical assistance only and an additional \$250 for each additional person included in an application for medical assistance only.
- (6) Shall disregard amounts of emergency assistance granted under section 346-

In determining eligibility for medical assistance, the department shall require from all applicants and recipients the assignment of any benefits due to a third party liability. Any rights or amounts so assigned shall be applied against the cost of medical care paid under this chapter.

The director shall adopt rules pursuant to chapter 91 defining "liquid assets" and to determine eligibility for medical assistance; provided that the cash surrender value of life insurance policies owned by persons included in an application shall be treated as liquid assets."

SECTION 5. Section 346-34, Hawaii Revised Statutes, is amended to read as follows:

**"§346-34 Frauds, penalties.** Any recipient who buys or disposes of real property or any person who knowingly aids or abets a recipient in the purchase or sale of real property without the consent of the department of social services and housing shall be guilty of fraud.

If, at any time while the recipient of public assistance is receiving such assistance, his living requirements are reduced and he wilfully fails to report the reduction within thirty days from the date of the reduction to the department, or he acquires from any source real property, funds, income, or other resources and wilfully fails to report the amount of same together with the source of the resources to the department within thirty days of receipt of same, or prior to spending or otherwise disposing of all or any portion of the same, he shall be guilty of fraud and be subject to the penalties provided by this section.

No person shall knowingly obtain or attempt to obtain, or aid or abet another person in obtaining or attempting to obtain, any food commodity under a food distribution program or any food stamp or coupon under a food stamp plan, to which he or the other person is not entitled to receive or use under any law, or under any rule [or regulation promulgated] adopted pursuant to section 346-14(9) or chapter 91.

No person shall knowingly give, sell, trade, or otherwise dispose of to another person not entitled to receive or use the same pursuant to any law, or pursuant to any rule [or regulation promulgated] adopted pursuant to section 346-14(9) or chapter 91:

- (1) Any food commodity received under a food distribution program;
- (2) Any food stamp or coupon received under a food stamp plan; or
- (3) Any food commodity received wholly or partially in exchange for a food stamp or coupon received under a food stamp plan.

No person shall knowingly obtain or attempt to obtain emergency assistance under section 346- to which the person is not entitled. No person shall knowingly aid or abet another person in obtaining or attempting to obtain emergency assistance to which that other person is not entitled. No person shall expend emergency assistance granted to the person for other than the purpose approved by the department to eliminate or alleviate the emergency situation.

Any person convicted under this section shall be guilty of a misdemeanor. Any portion of assistance obtained by any fraudulent device, and any assistance paid after receipt of resources which have not been reported to the department as herein required shall be recoverable by the State for the use of the

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department as a debt due the State, or, restitution of the amount may be ordered by the court following conviction.

The term "recipient" includes any person to whom a grant of public assistance is made by direct payment, and any person for whose use and benefit a grant of public assistance is made by payment to a relative or other person. Prosecution under this section shall not be considered an exclusive remedy but shall be in addition to any other criminal, civil, or administrative remedy or sanction authorized by law."

SECTION 6. There is appropriated out of the general revenues of the State of Hawaii the sum of \$20,000, or so much thereof as may be necessary for fiscal year 1986-1987, for the child abuse and neglect discretionary emergency assistance program. The sum appropriated shall be expended by the department of social services and housing for the purposes of this Act.

SECTION 7. Statutory material to be repealed is bracketed. New statutory material is underscored.<sup>1</sup>

SECTION 8. This Act shall take effect on July 1, 1986.

(Approved May 14, 1986.)

### Note

1. Edited pursuant to HRS §23G-16.5.