

## PROGRAM DESCRIPTION

Department: Social Services

HB Section(s): 11.070

Program Name: Division of Legal Services

Program is found in the following core budget(s): Division of Legal Services

### 1a. What strategic priority does this program address?

Providing legal and investigation services

### 1b. What does this program do?

The Division of Legal Services (DLS) provides comprehensive legal support to all program and support divisions in the Department of Social Services (DSS) to division staff with accomplishing the Department's goals and objectives.

DLS is functionally organized into four major sections:

#### General Counsel

The General Counsel and Director of the Division of Legal Services is responsible for supervising the functions of the Division of Legal Services and for providing legal advice to the Directors of the Department and the Divisions within the Department. The General Counsel also directly supervises the Special Counsels for each of the program divisions who provide legal research and advice on the individual programs; work with the Attorney General's office in defending complex litigation involving DSS; prepare fiscal notes and legal analysis on pending legislation; review and draft contracts; review and draft administrative regulations; assist the Communications Director in administering DSS' compliance with the Sunshine law; and ensuring DSS' compliance with privacy laws.

#### Litigation

The Litigation Section provides legal counsel and representation to the Department of Social Services and its divisions. The Chief Counsel for Litigation administers the section and assists the General Counsel in providing legal assistance and advice to the DSS Director to ensure that the programs and policies of the Department are implemented in the manner provided by law. Litigation attorneys are based in offices in Jefferson City, St. Louis, Raytown, and Springfield. The Permanency Attorney Initiative (PAI) unit is managed by the Chief Counsel for Litigation and consists of 12 full time attorneys who are embedded in Children's Division offices in Kansas City, St. Louis, and some rural circuits. The PAI unit was created to address institutional and cultural barriers to swift and safe permanency and the attorneys provide legal advice and representation exclusively to the Children's Division. In addition, contract attorneys assist in providing legal services in permanency work.

Litigation attorneys provide legal representation to DSS in many tribunals including circuit courts, juvenile courts, administrative hearings, and benefits appeals. Duties include, but are not limited to:

- Providing legal advice and representation to Children's Division and the Division of Youth Services in juvenile court;
- Defending hotline cases in circuit courts and providing legal advice to the child abuse and neglect system;
- Providing legal advice and representation to the Division of Youth Services to assist its mission of addressing the needs of delinquent youth;
- Providing legal advice and representation on matters involving compliance with laws governing the confidentiality of records including subpoenas and discovery requests; and
- Serving as a liaison between the Department and its divisions, and the Missouri Attorney General's Office on cases involving routine litigation.

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### Documents Management Unit (DMU)

The DMU is the redaction unit for Children's Division documents. This unit consists of 5 full time employees, including the supervisor. Documents are provided to the DMU by Children's Division workers, DLS attorneys, and direct requests from constituents. DMU employees are highly trained to redact all confidential and privileged information from documents prior to releasing to the requestor or to the court.

### Administrative Hearings

The Administrative Hearings Section is comprised of hearing officers based in Jefferson City, St. Louis and Raytown who conduct hearings related to child support enforcement and public benefits. The attorneys who conduct hearings are qualified and trained to provide fair hearings.

Hearing officers assigned to child support hearings provide full and fair hearings in all aspects of the child support process, including establishment, enforcement, and modification of administrative child support orders.

Hearing officers assigned to public benefits hearings provide full and fair hearings related to over sixty different programs, including hearings for public benefit and service recipients who are challenging a decision of the Family Support Division, Children's Division or the MO HealthNet Division. These due process hearings provide a forum for determining whether the denial, modification or termination of public benefits or services was justified. These hearing officers provide due process to all participants expeditiously and promote the integrity of state programs, including food stamps, cash assistance, and medical assistance programs.

Hearing Officers also hear provider appeals of Children's Divisions' decisions to deny or revoke the registration of child care providers from the state's childcare subsidy program and conduct hearings on adoption and foster home licensure.

Hearing Officers may process hearings for other Departments under particular programs.

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### Investigations

The Investigation Section is divided into three units: Welfare Investigations Unit (WIU), Claims and Restitution Unit (C&R), and the Special Assignment Unit (SAU).

The Welfare Investigations Unit (WIU) conducts welfare fraud and abuse investigations committed by public assistance recipients. These investigations can result in the criminal prosecution of offenders, civil collections of inappropriately paid benefits, deter fraud and increase cost avoidance. Additionally WIU investigators are responsible for:

- Staffing four regional welfare fraud/abuse hotlines;
- Conducting all collections interviews and procuring promissory notes;
- Conducting all DSS employee threat investigations; and
- Preparing for and testifying in administrative hearings and criminal court proceedings.

Claims and Restitution Unit (C&R) is responsible for collection efforts for all claims in the public assistance programs administered by DSS. C&R operates and manages the Claims Accounting Restitution System (CARS) and administers the Treasury Offset Program. The C&R unit also conducts background investigations on prospective DSS employees and research in support of DLS Investigations.

The Special Assignment Unit (SAU) is responsible for conducting criminal, personnel and internal investigations involving DSS, its employees and contracted vendors. This unit also furnishes technical support and investigative assistance to the various DSS divisions in their administration and control of departmental programs. The SAU conducts research in support of DLS data analytic investigations projects.

DLS also coordinates the department's compliance with the federal Health Insurance Portability and Accountability Act (HIPPA) and other state and federal privacy mandates. HIPPA requires that the Department have a privacy officer to oversee the Department's implementation of HIPPA standards within the Department and training of Department employees on HIPPA standards and the continuous compliance with the rules.

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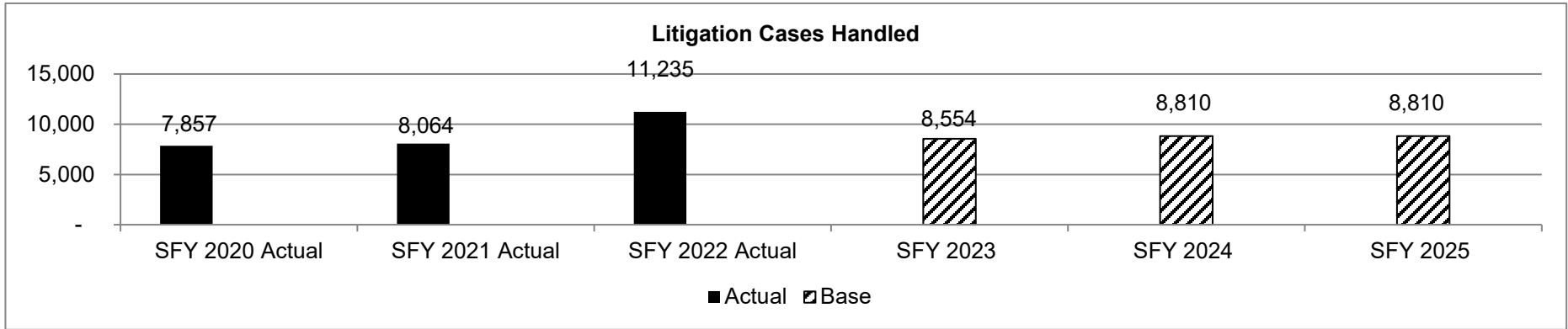
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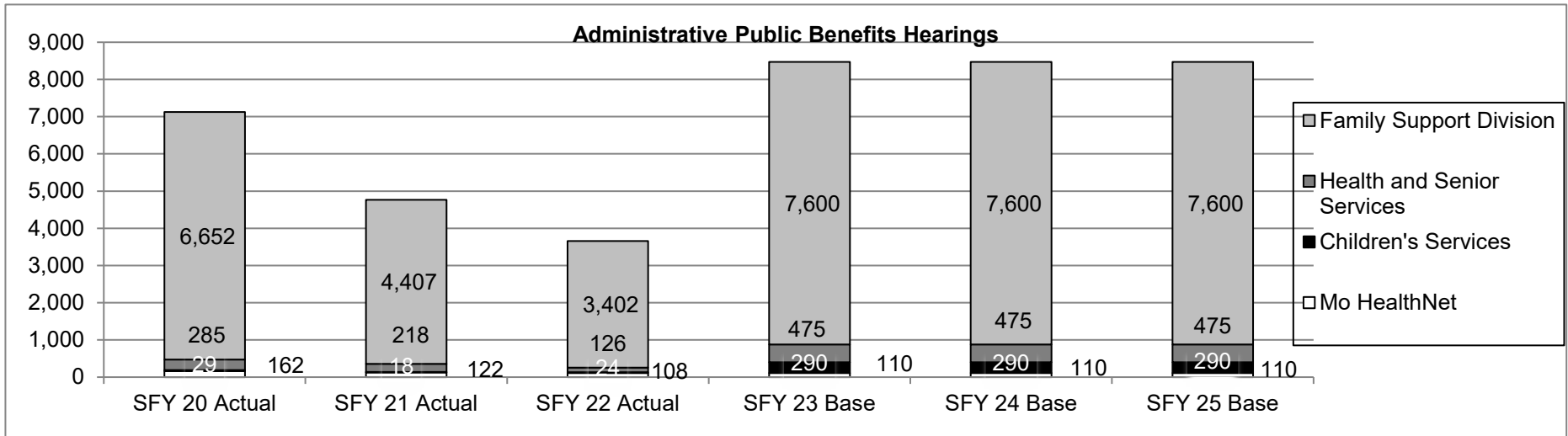
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**2a. Provide an activity measure(s) for the program.**



These numbers may not include cases carried over from the prior fiscal year.



The number of requests were down due to restrictions on closing certain benefits cases as a result of the CARES Act. When those restrictions are removed, we anticipate a significant increase in benefits hearing requests.

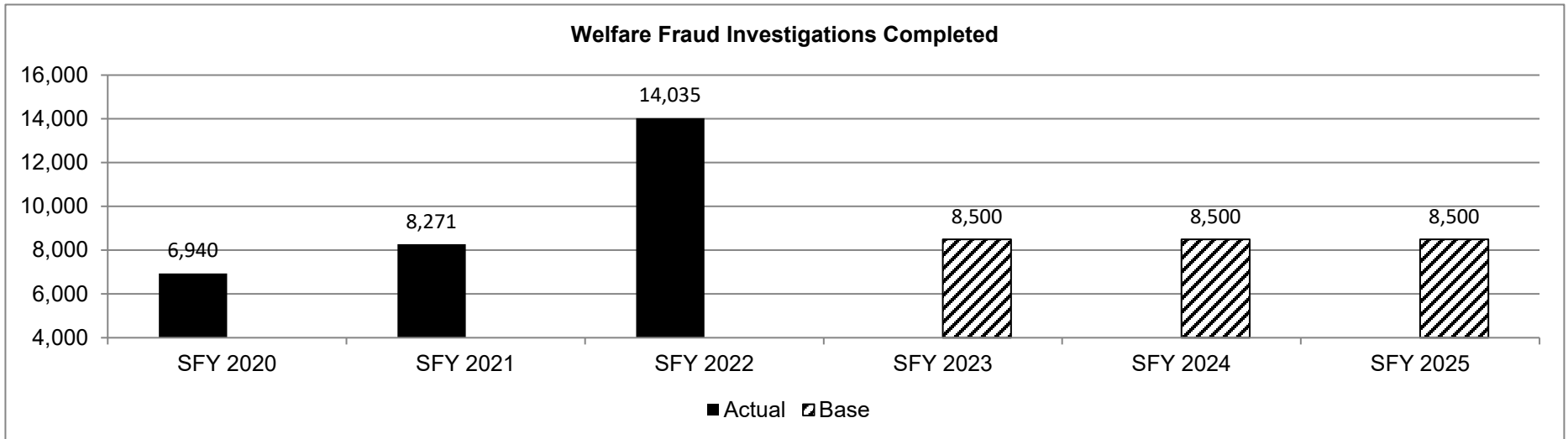
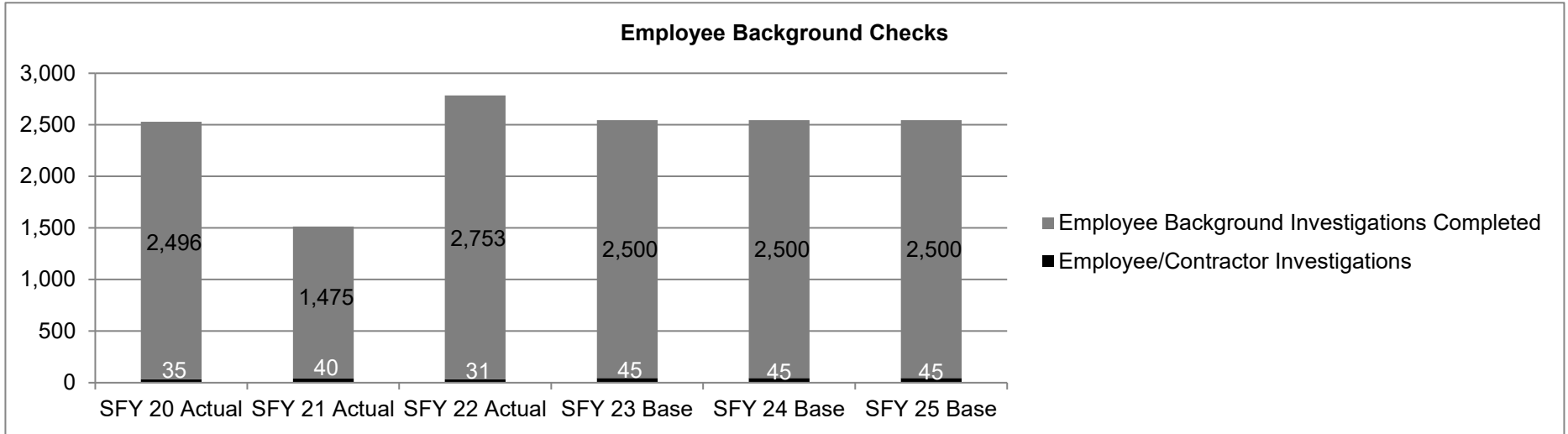
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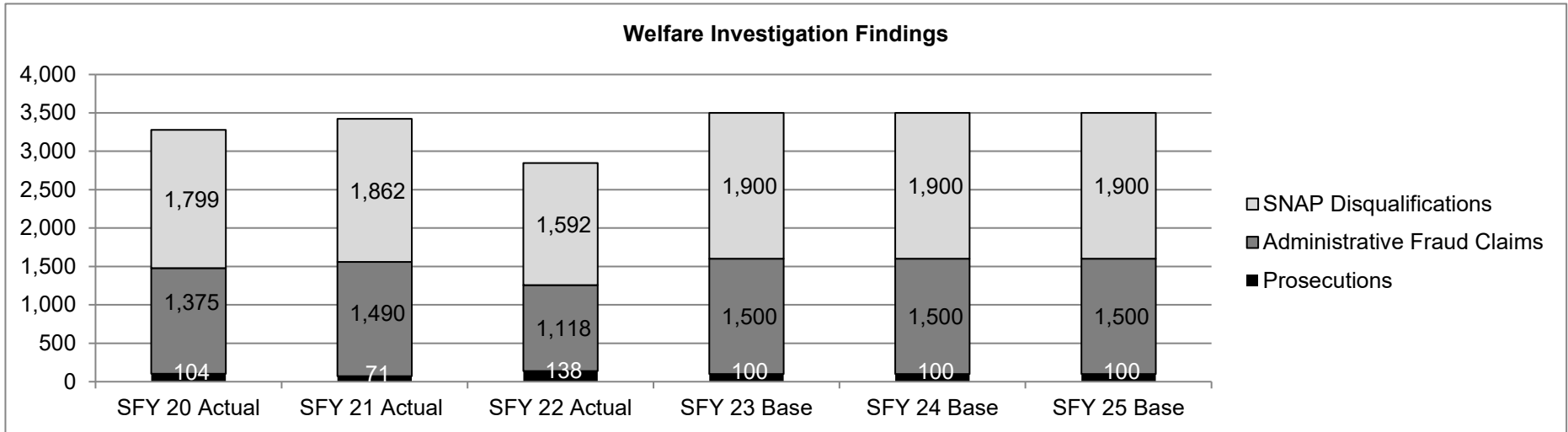
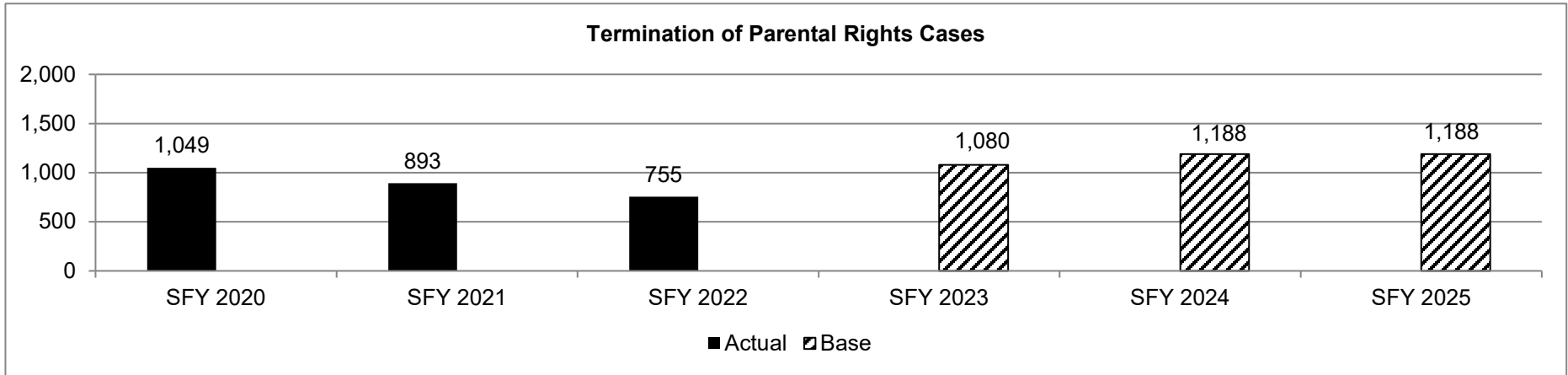
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**2b. Provide a measure(s) of the program's quality.**



WIU Investigators conduct criminal investigations on all cases, with the understanding that welfare fraud and abuse is a crime. The most egregious cases are sent for criminal prosecutions and the remainder for administrative actions. Disqualification from the Food Stamp Program results from an intentional program violation, which includes, fraud and EBT trafficking.

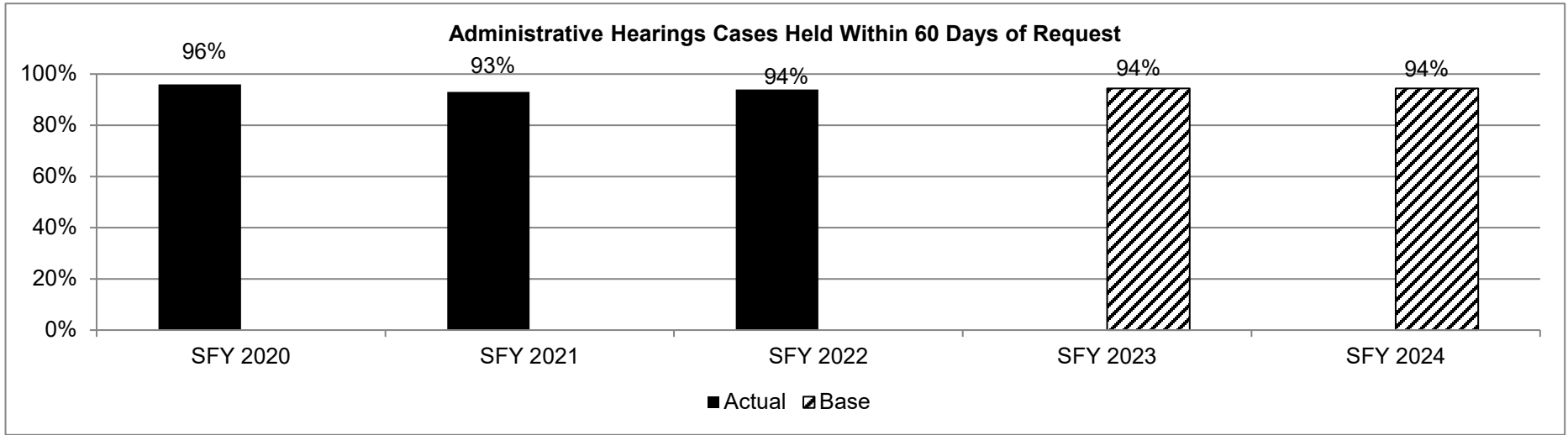
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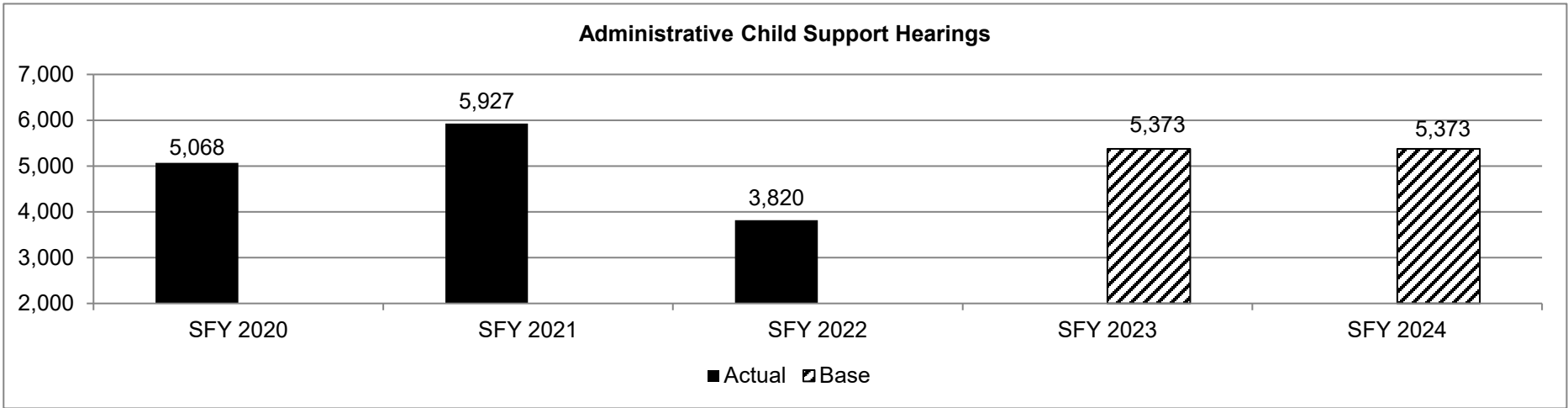
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**2c. Provide a measure(s) of the program's impact.**



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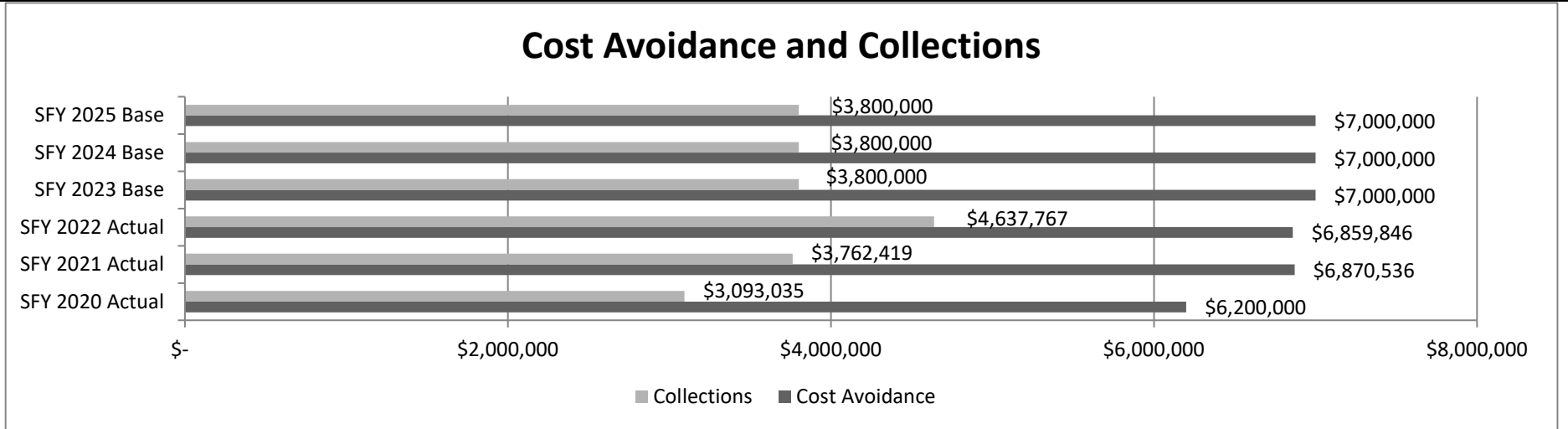
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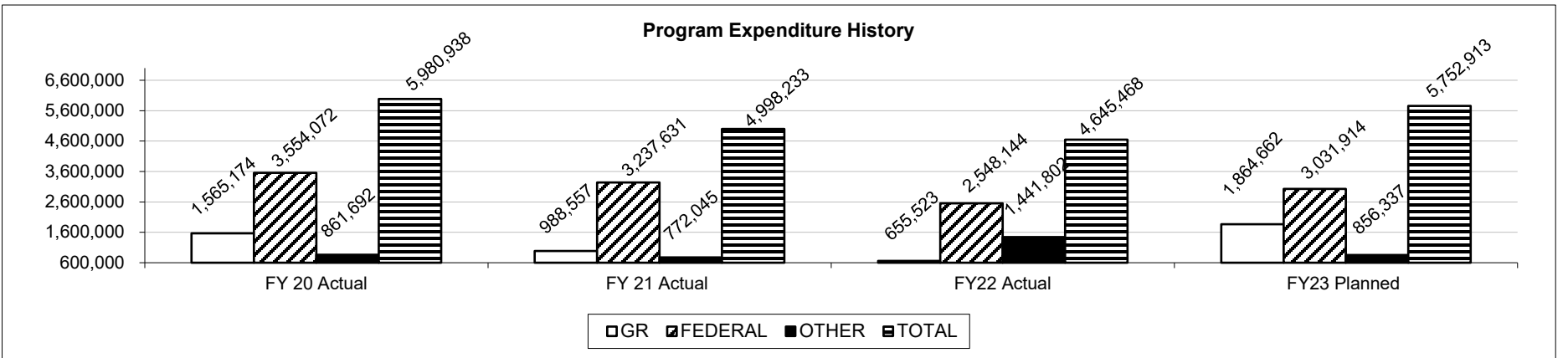
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**2d. Provide a measure(s) of the program's efficiency.**



**3. Provide actual expenditures for the prior three fiscal years and planned expenditures for the current fiscal year. (Note: Amounts do not include fringe benefit costs.)**



Planned FY 2023 expenditures are net of reverted.



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### 4. What are the sources of the "Other " funds?

Third Party Liability Collections Fund (0120) and Child Support Enforcement Fund (0169)

### 5. What is the authorization for this program, i.e., federal or state statute, etc.? (Include the federal program number, if applicable.)

Chapters 205, 207, 208, 209, 210, 211, 219, 452, 453, 454, 455, 473, 536, 621, 660 and Section 570.410, RSMo.; Medicaid 42 USC Chapter 7 subchapter XIX, Section 1396; 20 CFR 404 1001-1096; 1501-1675 subchapter 8(1,2); 42 CFR 440-441,483; 45 CFR 205 and 206; TANF 45 CFR 233, 261, 262; 45 CFR Part 303; 45 CFR 302.50; 45 CFR 302.70 (2); 7 CFR 273.18; 42 CFR 456.3(a); 42 CFR 456.1-456.23; 42 USC Section 5106a; 42 USC Sections 670-680; 42 USC 9858; 45 CFR 98.40 - 98.49; 45 CFR 302.60; 45 CFR 302.65; 42 USC 651-669b, 7 CFR 271-285, 20 CFR 404-416.

### 6. Are there federal matching requirements? If yes, please explain.

Expenditures are allocated in accordance with the methodology outlined in the department's cost allocation plan and charged to corresponding grants or used as maintenance of effort as appropriate.

### 7. Is this a federally mandated program? If yes, please explain.

Yes, some activities are mandated by federal law or regulation. The Division of Legal Services (DLS) performs administrative hearings for the following programs: MO HealthNet, TANF, SNAP (formerly known as Food Stamps) and Child Support. Administrative child support establishment and modification procedures are federally mandated to receive Social Security funding under 42 USC 654, as well as being specified within individual public benefit program statutes. An administrative hearing process is mandated for public benefits programs as follows: TANF 42 USC 602. MO HealthNet ("medical assistance" / title XIX) 42 USC 1396a. SNAP 7 CFR 273.15 and 7 USC 2020. SNAP Disqualification 7 USC 2015. DLS provides investigation services for SNAP fraud, claims and restitution and MO HealthNet fraud. The litigation section manages cases related to MO HealthNet utilization, child protection and permanency planning in the areas of foster care, adoption and reunification. The Investigations section is pursuant to CFR 273.16, which states in part: The State agency shall be responsible for investigating any case of alleged intentional Program violation, and ensuring that appropriate cases are acted upon either through administrative disqualification hearings or referral to a court of appropriate jurisdiction in accordance with the procedures outlines in this section.

A complete list of federal mandates can be found with each program description in the divisions that administer the above listed programs.