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By: **Senators Mitchell, Conway, Sfikas, and Roesser**  
Introduced and read first time: January 31, 2000  
Assigned to: Budget and Taxation and Economic and Environmental Affairs

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A BILL ENTITLED

1 AN ACT concerning

2 **Maryland College Investment Plan - Foster Care Youth**

3 FOR the purpose of requiring the State to contribute an annual grant of a certain  
4 amount into investment accounts in the Maryland College Investment Plan  
5 established for the purpose of providing higher education to certain individuals  
6 who are in foster care or who were in foster care; providing for the termination  
7 of those grant payments under certain circumstances; requiring the State to  
8 maintain a separate investment account for each of the beneficiaries of the Plan  
9 until certain events take place; providing that money received or derived from  
10 investment accounts may not be used to reduce or offset moneys received from  
11 other scholarships or grants and may not be used to prevent beneficiaries from  
12 receiving other scholarships or grants; requiring that the Plan report certain  
13 statistics to the Department of Juvenile Justice; requiring the Department of  
14 Juvenile Justice to compile certain statistics; defining certain terms; providing  
15 for the administration of grant moneys paid by the State until those moneys can  
16 be transferred into Plan accounts; providing a deadline for the transfer of the  
17 moneys; providing for a termination date and the continuation of the Plan for  
18 certain purposes beyond the termination date; making this Act contingent on  
19 the taking effect of another Act; and generally relating to State grants to certain  
20 individuals in foster care for the purpose of participation in the Maryland  
21 College Investment Plan.

22 BY adding to  
23 Article - Education  
24 Section 18-2401 through 18-2405, inclusive, to be under the new subtitle  
25 "Subtitle 24. Maryland College Investment Plan - Foster Care Youth"  
26 Annotated Code of Maryland  
27 (1999 Replacement Volume)

28 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
29 MARYLAND, That the Laws of Maryland read as follows:

1 **Article - Education**

2 SUBTITLE 24. MARYLAND COLLEGE INVESTMENT PLAN - FOSTER CARE YOUTH.

3 18-2401.

4 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
5 INDICATED.6 (B) "CHILD PLACEMENT AGENCY" HAS THE MEANING PROVIDED IN § 5-301(B)  
7 OF THE FAMILY LAW ARTICLE.8 (C) "CONTRIBUTOR" MEANS THE STATE, ACTING AS A CONTRIBUTOR UNDER §  
9 18-19A-01 OF THIS TITLE.10 (D) "FOSTER CARE" MEANS CONTINUOUS 24-HOUR CARE AND SUPPORTIVE  
11 SERVICES PROVIDED FOR A MINOR CHILD IN A PRIVATE FAMILY HOME THAT IS  
12 APPROVED AND SELECTED FOR PLACEMENT OF THE MINOR CHILD BY A CHILD  
13 PLACEMENT AGENCY.14 (E) "INVESTMENT ACCOUNT" MEANS AN ACCOUNT ESTABLISHED BY A  
15 CONTRIBUTOR ON BEHALF OF A QUALIFIED BENEFICIARY UNDER SUBTITLE 19A OF  
16 THIS TITLE.

17 (F) "PLAN" MEANS THE MARYLAND COLLEGE INVESTMENT PLAN.

18 (G) (1) "QUALIFIED BENEFICIARY" MEANS AN INDIVIDUAL WHO RESIDED IN  
19 A FOSTER CARE HOME IN THE STATE WHILE UNDER THE AGE OF 18 YEARS.20 (2) "QUALIFIED BENEFICIARY" INCLUDES AN INDIVIDUAL WHO WAS  
21 ADOPTED OUT OF THE FOSTER CARE HOME ON OR AFTER THE INDIVIDUAL'S 14TH  
22 BIRTHDAY.

23 18-2402.

24 IT IS THE INTENT OF THE GENERAL ASSEMBLY TO ENHANCE ACCESSIBILITY TO  
25 HIGHER EDUCATION FOR RESIDENTS OF FOSTER CARE IN THE STATE BY PROVIDING  
26 FUNDS TO PAY FOR INVESTMENT ACCOUNTS WITH THE MARYLAND COLLEGE  
27 INVESTMENT PLAN.

28 18-2403.

29 (A) (1) THE STATE SHALL MAKE AN ANNUAL GRANT OF \$2,000 TO AN  
30 INVESTMENT ACCOUNT WITH THE MARYLAND COLLEGE INVESTMENT PLAN ON  
31 BEHALF OF EACH QUALIFIED BENEFICIARY WHO REMAINS IN FOSTER CARE UNTIL  
32 THE AGE OF 18 YEARS.33 (2) THE STATE SHALL BE THE CONTRIBUTOR TO THE INVESTMENT  
34 ACCOUNT, AS DEFINED UNDER SUBTITLE 19A OF THIS TITLE.

1           (3)     THE STATE SHALL PRORATE THE GRANT FOR ANY YEAR IN WHICH  
2 THE QUALIFIED BENEFICIARY IS IN FOSTER CARE FOR LESS THAN THE FULL FISCAL  
3 YEAR.

4           (4)     (I)     THE STATE SHALL CEASE TO PAY AN ANNUAL GRANT ON  
5 BEHALF OF A QUALIFIED BENEFICIARY WHO IS ADOPTED OUT OF FOSTER CARE OR  
6 WHO RETURNS TO THE HOME OF THE BENEFICIARY'S NATURAL PARENT BEFORE  
7 THE AGE OF 14 YEARS.

8                   (II)     THE STATE SHALL CONTINUE TO PAY AN ANNUAL GRANT ON  
9 BEHALF OF A QUALIFIED BENEFICIARY WHO IS ADOPTED OUT OF FOSTER CARE OR  
10 WHO RETURNS TO THE HOME OF THE BENEFICIARY'S NATURAL PARENT AFTER THE  
11 QUALIFIED BENEFICIARY'S 14TH BIRTHDAY.

12                   (III)     THE MONEY PAID TO A QUALIFIED BENEFICIARY BEFORE THE  
13 QUALIFIED BENEFICIARY IS ADOPTED OUT OF FOSTER CARE OR RETURNS TO THE  
14 HOME OF A NATURAL PARENT SHALL REMAIN IN THE INVESTMENT ACCOUNT OF  
15 THE QUALIFIED BENEFICIARY TO BE ADMINISTERED AND USED AS PROVIDED  
16 UNDER THIS SUBTITLE AND UNDER SUBTITLES 19 AND 19A OF THIS TITLE.

17     (B)     (1)     THE STATE SHALL MAINTAIN A SEPARATE INVESTMENT ACCOUNT  
18 FOR EACH QUALIFIED BENEFICIARY PARTICIPATING IN THE PLAN UNTIL:

19                   (I)     THE QUALIFIED BENEFICIARY'S 30TH BIRTHDAY;

20                   (II)     THE DEATH OF THE QUALIFIED BENEFICIARY; OR

21                   (III)     THE QUALIFIED BENEFICIARY EXHAUSTS ALL MONEYS IN THE  
22 FUND ATTRIBUTABLE TO THE QUALIFIED BENEFICIARY.

23           (2)     UNTIL THE EVENTS LISTED IN PARAGRAPH (1) OF THIS SUBSECTION  
24 OCCUR, THE PLAN SHALL CONTINUE TO MAINTAIN A SEPARATE ACCOUNTING FOR A  
25 QUALIFIED BENEFICIARY WHO IS ADOPTED OUT OF FOSTER CARE BEFORE THE  
26 QUALIFIED BENEFICIARY'S 14TH BIRTHDAY.

27 18-2404.

28     MONEYS RECEIVED OR DERIVED FROM EXISTING INVESTMENT ACCOUNTS IN  
29 THE MARYLAND COLLEGE INVESTMENT PLAN ON BEHALF OF QUALIFIED  
30 BENEFICIARIES UNDER THIS SUBTITLE MAY NOT BE USED TO:

31           (1)     REDUCE OR OFFSET THE AMOUNTS OF SCHOLARSHIPS OR GRANTS  
32 RECEIVED BY QUALIFIED BENEFICIARIES UNDER OTHER STATE SCHOLARSHIP OR  
33 GRANT PROGRAMS; OR

34           (2)     PREVENT QUALIFIED BENEFICIARIES FROM RECEIVING  
35 SCHOLARSHIPS OR GRANTS UNDER OTHER STATE SCHOLARSHIP OR GRANT  
36 PROGRAMS.

1 18-2405.

2 (A) THE MARYLAND COLLEGE INVESTMENT PLAN SHALL REPORT THE  
3 FOLLOWING STATISTICS REGARDING QUALIFIED BENEFICIARIES UNDER THIS  
4 SUBTITLE TO THE DEPARTMENT OF JUVENILE JUSTICE:

5 (1) THE NUMBER OF QUALIFIED BENEFICIARIES ENROLLED IN  
6 ELIGIBLE INSTITUTIONS OF HIGHER EDUCATION;

7 (2) THE AGE OF QUALIFIED BENEFICIARIES ENROLLED IN ELIGIBLE  
8 INSTITUTIONS OF HIGHER EDUCATION;

9 (3) THE NUMBER AND AGE OF QUALIFIED BENEFICIARIES ENROLLED IN  
10 HIGH SCHOOL;

11 (4) THE NUMBER AND AGE OF QUALIFIED BENEFICIARIES NOT  
12 ENROLLED IN HIGH SCHOOL;

13 (5) THE NUMBER OF INVESTMENT ACCOUNTS CLOSED AND THE  
14 REASONS WHY THEY WERE CLOSED;

15 (6) THE AMOUNT OF QUALIFIED HIGHER EDUCATION EXPENSES PAID  
16 TO ELIGIBLE INSTITUTIONS OF HIGHER EDUCATION; AND

17 (7) THE AMOUNT OF MONEYS REFUNDED TO THE STATE AND THE  
18 REASONS FOR THOSE REFUNDS.

19 (B) THE DEPARTMENT OF JUVENILE JUSTICE SHALL COMPILE THE  
20 FOLLOWING STATISTICS AS THEY RELATE TO QUALIFIED BENEFICIARIES AND  
21 COMPARE THOSE STATISTICS TO STATISTICS FOR OTHER DEMOGRAPHIC GROUPS:

22 (1) HIGH SCHOOL GRADUATION RATES;

23 (2) COLLEGE GRADUATION RATES;

24 (3) ARRESTS;

25 (4) CONVICTIONS;

26 (5) LENGTH OF FOSTER CARE PLACEMENT;

27 (6) RATE OF PREGNANCY;

28 (7) RATE OF HOMELESSNESS; AND

29 (8) EARNINGS AFTER THE AGE OF 30 YEARS.

30 (C) IN MAKING THE REPORT REQUIRED UNDER THIS SECTION, THE PLAN MAY  
31 NOT IDENTIFY ANY INDIVIDUAL QUALIFIED BENEFICIARY IN ANY MANNER.

1 SECTION 2. AND BE IT FURTHER ENACTED, That the Maryland Higher  
2 Education Investment Board shall administer the grant moneys paid by the State  
3 under this Act until those grant moneys can be transferred into Maryland College  
4 Investment Plan accounts. The grant moneys shall be transferred to Maryland  
5 College Investment Plan accounts not later than December 31, 2001.

6 SECTION 3. AND BE IT FURTHER ENACTED, That the provisions of this Act  
7 shall remain effective for a period of 10 years and, at the end of June 30, 2010, with  
8 no further action required by the General Assembly, this Act shall be abrogated and  
9 the State shall cease to make contributions to the Plan under this Act, except that a  
10 qualified beneficiary participating in the Plan on June 30, 2010 shall continue to  
11 participate in the Plan and the Plan shall continue to administer moneys in the Plan  
12 on behalf of the qualified beneficiary until the qualified beneficiary:

13 (1) ceases to be a qualified beneficiary;

14 (2) reaches the age of 30 years;

15 (3) exhausts the moneys in the Fund that are attributable to the  
16 qualified beneficiary; or

17 (4) dies.

18 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect  
19 July 1, 2000, contingent on the taking effect of Chapter \_\_\_\_ (S.B.\_\_\_\_/H.B.\_\_\_\_)(01r0821)  
20 of the Acts of the General Assembly of 2000, and if Chapter \_\_\_\_ does not become  
21 effective, this Act shall be null and void without the necessity of further action by the  
22 General Assembly.