

# HOUSE BILL 199

Q3

5lr1235

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By: **Charles County Delegation**

Introduced and read first time: January 30, 2015

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Income Tax – Subtraction Modification – Unreimbursed Expenses of Foster**  
3 **Parents – Child Placement Agency**

4 FOR the purpose of altering the definition of a “foster parent” to include individuals  
5 approved by certain child placement agencies and certain treatment foster parents  
6 for purposes of a subtraction modification under the Maryland income tax for certain  
7 unreimbursed expenses of foster parents; requiring the Department of Human  
8 Resources to approve the expenses that qualify for the subtraction modification;  
9 requiring a child placement agency to notify the Department of certain information;  
10 requiring the Department to submit a certain list to the Comptroller; defining a  
11 certain term; providing for the application of this Act; and generally relating to a  
12 subtraction modification for certain unreimbursed expenses of foster parents.

13 BY repealing and reenacting, without amendments,  
14 Article – Tax – General  
15 Section 10–208(a)  
16 Annotated Code of Maryland  
17 (2010 Replacement Volume and 2014 Supplement)

18 BY repealing and reenacting, with amendments,  
19 Article – Tax – General  
20 Section 10–208(u)  
21 Annotated Code of Maryland  
22 (2010 Replacement Volume and 2014 Supplement)

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

25 **Article – Tax – General**

26 10–208.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) In addition to the modification under § 10–207 of this subtitle, the amounts  
2 under this section are subtracted from the federal adjusted gross income of a resident to  
3 determine Maryland adjusted gross income.

4 (u) (1) (i) In this subsection the following words have the meanings  
5 indicated.

6 (ii) **“CHILD PLACEMENT AGENCY” MEANS:**

7 **1. A LOCAL DEPARTMENT; OR**

8 **2. A PRIVATE AGENCY THAT IS LICENSED BY THE SOCIAL**  
9 **SERVICES ADMINISTRATION OF THE DEPARTMENT OF HUMAN RESOURCES UNDER**  
10 **§ 5–507 OF THE FAMILY LAW ARTICLE, OR BY A COMPARABLE GOVERNMENTAL UNIT**  
11 **OF ANOTHER STATE, TO PLACE CHILDREN.**

12 (iii) 1. “Foster parent” means an individual approved by a [local  
13 department] **CHILD PLACEMENT AGENCY** to provide 24–hour care for a foster child in the  
14 home where the individual resides.

15 2. “Foster parent” includes:

16 **A. a kinship parent; OR**

17 **B. A TREATMENT FOSTER PARENT LICENSED BY A CHILD**  
18 **PLACEMENT AGENCY.**

19 [3. “Foster parent” does not include a treatment foster parent  
20 licensed by a child placement agency.]

21 [(iii)] (iv) “Kinship parent” has the meaning stated in § 5–534 of the  
22 Family Law Article.

23 [(iv)] (v) “Local department” means a department of social services  
24 in a county or the Montgomery County Department of Health and Human Services.

25 (2) Subject to the requirements of this subsection, the subtraction under  
26 subsection (a) of this section includes 100% of the unreimbursed expenses that a foster  
27 parent incurs on behalf of a foster child.

28 (3) (i) The subtraction allowed under paragraph (2) of this subsection  
29 includes only an expense that the [local department] **DEPARTMENT OF HUMAN**  
30 **RESOURCES** approves as necessary.

1                   (ii) The subtraction under paragraph (2) of this subsection may not  
2 include an expense for which the foster parent receives an allowance or a reimbursement  
3 from any public or private agency.

4                   (4) **A CHILD PLACEMENT AGENCY SHALL NOTIFY THE DEPARTMENT**  
5 **OF HUMAN RESOURCES OF AN INDIVIDUAL THAT THE AGENCY APPROVES TO**  
6 **PROVIDE 24-HOUR CARE FOR A FOSTER CHILD IN THE HOME WHERE THE**  
7 **INDIVIDUAL RESIDES.**

8                   (5) On or before October 1 of each year, the Department of Human  
9 Resources shall submit to the Comptroller a list of approved:

10                   (I) foster parents; AND

11                   (II) NECESSARY EXPENSES.

12                   [(5)] (6) The subtraction allowed under paragraph (2) of this subsection  
13 may not exceed \$1,500.

14                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
15 1, 2015, and shall be applicable to all taxable years beginning after December 31, 2014.