

SENATE BILL 787

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By: **Senator Klausmeier**

Introduced and read first time: February 3, 2020

Assigned to: Finance and Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Family Investment Program – Temporary Cash Assistance – Eligibility**

3 FOR the purpose of prohibiting reducing or terminating certain temporary cash assistance
4 for certain individuals who qualify for a certain exemption under certain
5 circumstances; prohibiting reducing or terminating certain temporary cash
6 assistance for certain individuals for noncompliance with certain work activities for
7 good cause based on certain criteria as established by the Secretary of Human
8 Services; specifying additional considerations for a certain evaluation of certain work
9 activities; providing that a certain agreement include certain accommodations
10 provided by certain local departments of social services for certain purposes;
11 requiring certain local departments to provide a certain conciliatory period of a
12 certain number of days for certain recipients who are not in compliance with the
13 Family Investment Program; requiring certain case managers to provide certain
14 assistance to certain Program recipients; requiring the full amount of temporary
15 cash assistance to resume upon compliance with a certain Program; repealing a
16 certain procedure for resuming certain temporary cash assistance; and generally
17 relating to temporary cash assistance and the Family Investment Program.

18 BY repealing and reenacting, with amendments,
19 Article – Human Services
20 Section 5–308(b) and (c), 5–309, 5–310, and 5–312
21 Annotated Code of Maryland
22 (2019 Replacement Volume and 2019 Supplement)

23 BY adding to
24 Article – Human Services
25 Section 5–308(c)
26 Annotated Code of Maryland
27 (2019 Replacement Volume and 2019 Supplement)

28 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 That the Laws of Maryland read as follows:

2 **Article – Human Services**

3 5–308.

4 (b) (1) An individual may not be required to meet the work activity
5 requirement under subsection (a)(2)(iv) of this section if the individual is exempt under
6 criteria the Secretary establishes.

7 (2) The criteria shall include exemptions for:

8 (i) adults who are required to care for a child who is a recipient
9 under the age of 1 year; and

10 (ii) subject to paragraph (3) of this subsection, adults and children
11 who are recipients and who are severely disabled.

12 (3) An individual's exemption because of severe disability is limited to 12
13 months unless:

14 (i) the individual applies for Supplemental Security Income; and

15 (ii) the application is approved, pending, or on appeal.

16 **(4) ASSISTANCE FOR AN INDIVIDUAL WHO QUALIFIES FOR AN**
17 **EXEMPTION UNDER THIS SUBSECTION BUT WHO VOLUNTARILY PARTICIPATES IN A**
18 **WORK ACTIVITY MAY NOT BE REDUCED OR TERMINATED AS A RESULT OF THE**
19 **PARTICIPATION IN THE WORK ACTIVITY.**

20 **(c) (1) ASSISTANCE FOR AN INDIVIDUAL MAY NOT BE REDUCED OR**
21 **TERMINATED FOR NONCOMPLIANCE WITH THE WORK ACTIVITY REQUIREMENT IF**
22 **THE INDIVIDUAL HAS GOOD CAUSE UNDER THE CRITERIA ESTABLISHED BY THE**
23 **SECRETARY.**

24 **(2) THE CRITERIA SHALL PROVIDE THAT ANY OF THE FOLLOWING**
25 **ARE SUFFICIENT TO SHOW GOOD CAUSE:**

26 **(I) TEMPORARY ILLNESS OR INCAPACITY;**

27 **(II) COURT-REQUIRED APPEARANCES OR TEMPORARY**
28 **INCARCERATION;**

29 **(III) DOMESTIC VIOLENCE;**

1 (IV) A FAMILY CRISIS THAT THREATENS NORMAL FAMILY
2 FUNCTIONING, INCLUDING:

3 1. EXPERIENCING HOMELESSNESS WHEREBY A FAMILY
4 LACKS A FIXED, REGULAR, AND ADEQUATE NIGHTTIME RESIDENCE DUE TO THE
5 LOSS OF THE FAMILY'S HOUSING, ECONOMIC HARDSHIP, OR SIMILAR REASONS THAT
6 LEAD THE FAMILY TO:

7 A. SHARE THE HOUSING OF OTHER PERSONS;

8 B. LIVE IN A MOTEL, HOTEL, TRAILER PARK, CAR, PARK,
9 PUBLIC SPACE, A VACANT BUILDING, SUBSTANDARD HOUSING, TRANSIT STATION,
10 CAMPING GROUND, OR SIMILAR SETTING; OR

11 C. LIVE IN AN EMERGENCY OR TRANSITIONAL SHELTER;

12 2. EVICTION, FORECLOSURE, OR OTHER LOSS OF
13 HOUSING; OR

14 3. RECEIVING A UTILITY DISCONNECTION NOTICE OR
15 HAVING A UTILITY DISCONNECTED;

16 (V) A BREAKDOWN IN TRANSPORTATION ARRANGEMENTS;

17 (VI) A BREAKDOWN IN CHILD CARE ARRANGEMENTS OR LACK OF
18 CHILD CARE FOR A CHILD OR CHILDREN WHO ARE 12 YEARS OLD OR YOUNGER;

19 (VII) FOR A SINGLE PARENT CARING FOR A CHILD YOUNGER
20 THAN 6 YEARS OLD WHO IS UNABLE TO OBTAIN CHILD CARE, THE UNAVAILABILITY
21 OF:

22 1. APPROPRIATE CHILD CARE WITHIN A REASONABLE
23 DISTANCE FROM THE PARENT'S HOME OR WORK SITE;

24 2. INFORMAL CHILD CARE BY A RELATIVE OR OTHERS;
25 OR

26 3. APPROPRIATE AND AFFORDABLE CHILD CARE
27 ARRANGEMENTS;

28 (VIII) A LACK OF SUPPORTIVE SERVICES IDENTIFIED AND AGREED
29 ON BY AN INDIVIDUAL AND A LOCAL DEPARTMENT; OR

1 **(IX) THE FAILURE OF A LOCAL DEPARTMENT TO OFFER OR**
 2 **PROVIDE A REASONABLE ACCOMMODATION TO AN INDIVIDUAL WITH A DISABILITY.**

3 **[(c)] (D)** Subject to the State budget, a legal immigrant is entitled to assistance
 4 under this subtitle if the immigrant:

5 (1) meets FIP eligibility requirements under this subtitle and any other
 6 requirements imposed by the State; and

7 (2) (i) arrived in the United States before August 22, 1996; or

8 (ii) arrived in the United States on or after August 22, 1996 and is
 9 not eligible for federally funded cash assistance.

10 5-309.

11 (a) Except for an applicant or recipient who is a single child, the FIP shall include:

12 (1) an assessment of each applicant or recipient that considers:

13 (i) the reasons for applying for or continuing to rely on assistance;

14 (ii) an evaluation of appropriate work activities based on educational
 15 level, **LITERACY, HEALTH, MENTAL OR PHYSICAL IMPAIRMENTS, HOUSING**
 16 **STABILITY, CHILD CARE NEEDS, TRANSPORTATION NEEDS, HISTORY OF DOMESTIC**
 17 **OR FAMILY VIOLENCE,** job skills and readiness, and interests; **[and]**

18 (iii) personal and family resources available to facilitate
 19 independence; and

20 **(IV) WHETHER THE APPLICANT OR RECIPIENT QUALIFIES FOR**
 21 **AN EXEMPTION OR HAS GOOD CAUSE NOT TO PARTICIPATE IN A WORK ACTIVITY; AND**

22 (2) welfare avoidance grants that:

23 (i) meet immediate needs so that an applicant or recipient can avoid
 24 temporary cash assistance;

25 (ii) may be granted as the Department considers appropriate;

26 (iii) may not cover the same type of immediate need met by a previous
 27 welfare avoidance grant unless the Department determines that the current immediate
 28 need is a new and verified emergency;

29 (iv) do not exceed an amount of 3 months of temporary cash
 30 assistance, unless the Department determines there is a compelling need for an amount

1 not exceeding 12 months; and

2 (v) may not duplicate periods of temporary cash assistance.

3 (b) Except for a recipient who is a single child, the FIP for a recipient shall
4 include:

5 (1) an agreement between the Department and the recipient that:

6 (i) requires the recipient to cooperate with the child support
7 enforcement agency to obtain support from a noncustodial parent;

8 (ii) requires the recipient to comply with reasonable requests for
9 cooperation by case management workers in seeking and using programs and community
10 and family resources that may be available to the recipient;

11 (iii) specifies the work activities in which the recipient will
12 participate; [and]

13 (iv) specifies the supportive services that the local department will
14 assist in providing and that are necessary for the recipient to meet the recipient's
15 obligations under the FIP; AND

16 **(V) SPECIFIES THE REASONABLE ACCOMMODATIONS THAT A**
17 **LOCAL DEPARTMENT WILL PROVIDE TO A RECIPIENT WITH A DISABILITY THAT ARE**
18 **NECESSARY FOR THE RECIPIENT TO MEET THE RECIPIENT'S OBLIGATIONS UNDER**
19 **THE FIP;**

20 (2) supportive services activities, including child care, to the extent
21 resources allow;

22 (3) referral, as appropriate, to family planning counseling and services
23 that:

24 (i) are not offered or conducted in a manner that:

25 1. is coercive;

26 2. violates the recipient's confidentiality; or

27 3. violates the recipient's bona fide religious beliefs and
28 practices; and

29 (ii) give preference to eligible teen parents; and

30 (4) temporary cash assistance, as a last resort.

1 (c) Except for an applicant who is a single child, the FIP for an applicant shall
2 include a child care voucher:

3 (1) to the extent resources allow, if the applicant is required to participate
4 in a work activity as a condition of eligibility; or

5 (2) if providing child care eliminates the applicant's need for cash
6 assistance under the FIP.

7 (d) For an applicant or recipient who is a single child, the FIP shall include:

8 (1) referral to appropriate services; and

9 (2) temporary cash assistance for the recipient, as a last resort.

10 (e) To the extent resources allow, the FIP shall serve noncustodial parents who
11 need employment services to pay child support obligations.

12 5-310.

13 (a) **(1) FOR A RECIPIENT THAT IS A FAMILY THAT INCLUDES ADULTS AND**
14 **CHILDREN OR MINOR PARENTS AND CHILDREN, THE AMOUNT OF ASSISTANCE SHALL**
15 **BE DESIGNATED AS FOLLOWS:**

16 **(I) 75% FOR THE CHILD OR CHILDREN IN THE ASSISTANCE**
17 **UNIT; AND**

18 **(II) 25% FOR THE ADULT MEMBER OR MEMBERS, OR MINOR**
19 **PARENT OR PARENTS OF THE ASSISTANCE UNIT.**

20 **(2) FOR A RECIPIENT THAT IS A FAMILY THAT INCLUDES ONLY**
21 **ADULTS OR A RECIPIENT WHO IS A PREGNANT INDIVIDUAL, 100% OF THE AMOUNT**
22 **OF ASSISTANCE SHALL BE DESIGNATED FOR THE ADULT MEMBER OR MEMBERS OR**
23 **THE PREGNANT INDIVIDUAL.**

24 **[(1)] (3)** For applicants to the FIP, the amount of assistance shall be
25 computed by counting no more than 4 weeks of earned income in any month and
26 disregarding 20% of that earned income.

27 **[(2)] (4)** The first \$100 of child support collected in a month for one child
28 and the first \$200 of child support collected in a month for two or more children shall pass
29 through to the family and shall be disregarded in computing the amount of assistance.

30 **[(3)] (5)** For eligible recipients who obtain unsubsidized employment, the
31 amount of assistance shall be computed by counting no more than 4 weeks of earned income

1 in any month and disregarding 35% of that earned income.

2 (b) A recipient who has established eligibility may not lose eligibility solely
3 because one or more wage earners in the family unit works more than 100 hours per month.

4 (c) Two-parent families shall be exempt from any requirement that the principal
5 wage earner must have worked for a specified time before applying to the FIP.

6 (d) (1) A child who is living with the child's parent and a stepparent in a
7 household in which the household income exceeds the State eligibility standard for
8 assistance may receive assistance if:

9 (i) the requirements of § 5-308 of this subtitle are met; and

10 (ii) the parent and the child would be eligible for assistance, based
11 on the income of the parent and that parent's children.

12 (2) The amount of assistance to be paid under paragraph (1) of this
13 subsection shall be computed with regard to the income of the stepparent if the total income
14 of the stepparent equals or exceeds 50% of the official poverty level, adjusted for family size,
15 established under the federal Community Services Block Grant Act.

16 (e) A dependent child over the age of 17 years is eligible for inclusion in the FIP
17 grant if:

18 (1) the child is a full-time student in secondary school or the equivalent;
19 and

20 (2) the education program is expected to be completed in the calendar year
21 that the child attains the age of 19 years.

22 5-312.

23 (a) This section is not intended to create an incentive for individuals to seek
24 temporary cash assistance benefits instead of employment.

25 (b) A local department shall provide temporary cash assistance to an applicant or
26 recipient only if:

27 (1) the applicant or recipient meets the requirements for participation in
28 the FIP set forth in § 5-308 of this subtitle;

29 (2) the applicant or recipient assigns to the State all right, title, and
30 interest in support, for the period that the family receives temporary cash assistance, from
31 any other person that the applicant or recipient has on behalf of any intended or potential
32 recipient for whom the applicant or recipient is applying for or receiving assistance; and

1 (3) in the case of an applicant or recipient who is a minor parent, the
2 applicant or recipient lives:

3 (i) with a parent, legal guardian, custodian, or other adult relative
4 who will be the payee of the minor parent;

5 (ii) in an adult-supervised group living arrangement that provides
6 a protective payee and:

7 1. there is no available parent, legal guardian, custodian, or
8 other adult relative with whom the minor parent can live;

9 2. the minor parent or child would be subject to physical or
10 emotional harm, sexual abuse, or neglect in the home of any available adult relative; or

11 3. a social service worker finds that living with any available
12 adult relative would not be in the best interest of the minor parent or child; or

13 (iii) independently, if a social service worker confirms that the
14 physical safety or emotional health of the minor parent or child would otherwise be in
15 jeopardy.

16 (c) A recipient who meets the requirements of the FIP is entitled to temporary
17 cash assistance benefits.

18 (d) In determining the eligibility for and the amount of temporary cash assistance
19 to be provided to an applicant or recipient who is a legal immigrant, the income and
20 resources of the applicant or recipient shall include, for the period of time established by
21 federal law, the income and resources of any sponsor who executed an affidavit of support
22 in accordance with 8 U.S.C. § 1183a on behalf of the legal immigrant.

23 (e) (1) **(I)** The [Secretary shall adopt regulations that establish a schedule
24 of reductions and terminations of temporary cash assistance for noncompliance] **LOCAL**
25 **DEPARTMENT SHALL IMPOSE A 30% REDUCTION OF THE PORTION OF A RECIPIENT'S**
26 **GRANT AMOUNT DESIGNATED FOR THE ADULT MEMBER OR MEMBERS, MINOR**
27 **PARENT OR PARENTS, OR PREGNANT INDIVIDUAL IF AN ADULT MEMBER, MINOR**
28 **PARENT, OR PREGNANT INDIVIDUAL IS FOUND TO BE IN NONCOMPLIANCE, WITHOUT**
29 **GOOD CAUSE, with FIP requirements.**

30 **(II) THE PORTION OF THE GRANT AMOUNT DESIGNATED FOR**
31 **THE CHILD OR CHILDREN OF THE ASSISTANCE UNIT MAY NOT BE REDUCED OR**
32 **TERMINATED BASED ON NONCOMPLIANCE BY AN ADULT MEMBER'S OR MINOR**
33 **PARENT'S NONCOMPLIANCE WITH FIP REQUIREMENTS.**

34 **(2) THE LOCAL DEPARTMENT SHALL IMPOSE A 25% REDUCTION OF**
35 **THE ENTIRE GRANT AMOUNT IF AN ADULT MEMBER OR MINOR PARENT IS FOUND TO**

1 BE IN NONCOMPLIANCE WITHOUT ADEQUATE REASON OR GOOD CAUSE WITH CHILD
2 SUPPORT REQUIREMENTS.

3 **[(2)] (3)** (i) If a recipient is found to be in noncompliance with FIP
4 requirements, [a caseworker] **THE LOCAL DEPARTMENT** shall [investigate the reasons
5 for noncompliance] **PROVIDE A 30-DAY CONCILIATION PERIOD FOR EACH INSTANCE**
6 **OF NONCOMPLIANCE.**

7 (ii) [The investigation, to the extent resources allow, shall include
8 personal contact with the family of the recipient] **DURING THE 30-DAY CONCILIATION**
9 **PERIOD, THE CASE MANAGER SHALL ADVISE THE RECIPIENT OF THE**
10 **NONCOMPLIANCE, AND HELP THE RECIPIENT TO COMPLY BY:**

11 **1. INVESTIGATING THE REASONS FOR NONCOMPLIANCE,**
12 **INCLUDING BY PERSONALLY CONTACTING THE FAMILY OF THE RECIPIENT;**

13 **2. EVALUATING AND PREPARING A WRITTEN**
14 **DETERMINATION OF WHETHER THE RECIPIENT QUALIFIES FOR AN EXEMPTION OR**
15 **GOOD CAUSE UNDER § 5-308(B) OR (C) OF THIS SUBTITLE;**

16 **3. SENDING THE RECIPIENT A LETTER OFFERING A**
17 **CONCILIATION CONFERENCE; AND**

18 **4. ASSISTING THE RECIPIENT IN IDENTIFYING AND**
19 **RESOLVING ANY BARRIERS TO COMPLIANCE.**

20 **[(3)] (4)** The Secretary may not reduce or terminate temporary cash
21 assistance to a family until 30 days after the day on which the first written notice of
22 noncompliance was sent to the recipient.

23 **[(4)] (5)** For noncompliance with a FIP requirement [other than a work
24 activity], **THE FULL AMOUNT OF** temporary cash assistance shall resume on compliance
25 with the FIP requirement.

26 **[(5)** For noncompliance with a work activity, temporary cash assistance
27 shall resume in the following manner:

28 (i) for the first instance of noncompliance, temporary cash
29 assistance shall resume immediately on compliance;

30 (ii) for the second instance of noncompliance, temporary cash
31 assistance shall resume after 10 days of compliance with the work activity; and

32 (iii) for each subsequent instance of noncompliance, temporary cash
33 assistance shall resume after 30 days of compliance with a work activity.]

1 (6) If temporary cash assistance is reduced or terminated under this
2 subsection, a recipient shall retain eligibility for medical assistance and food stamps, as
3 long as the recipient meets the medical assistance and food stamp program requirements.

4 (f) (1) After termination of temporary cash assistance under this section, a
5 recipient may receive transitional assistance.

6 (2) If a caseworker determines that transitional assistance is appropriate,
7 the FIP benefit that would have been paid to the recipient shall be paid instead to a third
8 party payee on behalf of the recipient for a period of up to 3 months.

9 (3) The caseworker of a recipient, in conjunction with the recipient and
10 subject to the approval of the Secretary, shall select a third party payee described in
11 paragraph (2) of this subsection.

12 (4) The third party payee shall provide transitional assistance to the
13 recipient in one or more of the following forms:

14 (i) counseling;

15 (ii) housing;

16 (iii) child care;

17 (iv) household supplies and equipment;

18 (v) direct assistance other than a cash payment; and

19 (vi) any other noncash assistance that may be necessary to assist the
20 recipient to make the transition from welfare.

21 (5) A local department may pay an administrative fee to a third party
22 payee to cover the administrative costs of the third party payee for providing the services
23 described in paragraph (4) of this subsection.

24 (6) The funds provided through transitional assistance may not be used to
25 further sectarian religious instruction.

26 (7) The Secretary shall adopt regulations specifying the selection criteria
27 for third party payees under this subsection.

28 (8) A recipient who has received transitional assistance may reapply for
29 the FIP benefit and the benefit shall be furnished with reasonable promptness to all eligible
30 individuals.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect

1 October 1, 2020.