

BY: Conference Committee

AMENDMENTS TO HOUSE BILL NO. 1160  
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "requiring" in line 8 down through "period;" in line 11; and in line 15, after "Resources" insert "and local directors of social services".

On page 2, in line 13, after "dates;" insert "requiring the Secretary of Human Resources to submit certain reports, including recommendations regarding enactment of federal legislation on child support pass through to certain individuals, to a certain committee on certain dates;"; in line 15, before "defining" insert "repealing existing law relating to when the payment of temporary cash assistance begins; requiring a report by the Department of Human Resources on its plan to extend categorical eligibility for food stamps to certain families receiving certain benefits by a certain date; providing for the termination of certain provisions of this Act;".

On page 2, in line 21, after "46" insert ", 48(b) through (e), 50,"; and after line 33, insert:

"BY repealing and reenacting, with amendments,  
Chapter 593 of the Acts of the General Assembly of 1997  
Section 14

BY repealing  
Chapter 593 of the Acts of the General Assembly of 1997  
Section 15".

AMENDMENT NO. 2

On page 3, in line 9, after "RESOURCES" insert "AND LOCAL DIRECTORS OF SOCIAL SERVICES"; and in line 11, strike "WOULD" and substitute "MAY".

(Over)

On page 4, in line 1, strike “AND THE MARYLAND MUNICIPAL LEAGUE<sub>2</sub>”.

AMENDMENT NO. 3

On page 4, after line 7, insert:

“48.

(b) Assistance shall be provided under this subtitle only if the applicant for or recipient of assistance:

(1) Resides in this State at the time of application for the assistance;

[(2) At the time of application for assistance, signs a medical release that, for any applicant determined eligible to be a recipient of continuing temporary cash assistance, would allow the Department or its designee to receive from the managed care organization in which the recipient is enrolled in accordance with the managed care program established under Title 15, Subtitle 1 of the Health - General Article or from a substance abuse provider under § 50A(b)(2) of this subtitle:

(i) Notification that a recipient has not completed the initial health screen required by the recipient's managed care organization;

(ii) The results of any substance abuse screening assessment or other test performed on the recipient by the managed care organization for the purpose of determining the recipient's need for substance abuse treatment; and

(iii) The results of any recipient's referral to substance abuse treatment or change in treatment status as required by § 50A(b)(2) of this subtitle;

(3)] (2) (i) Has applied for child support services with the appropriate local child support enforcement office at the time of application for the assistance; and

(ii) Complies with the requirements of the local child support enforcement office;

[(4)] (3) Has engaged in job search activities as requested by the Department;

[(5)] (4) Participates in work activity under this subtitle, unless exempt under criteria established by the Secretary which shall include the following groups of individuals:

1;  
(i) Adults who are required to care for a child who is a recipient under age

(ii) Subject to subsection (c) of this section, adults and children who are recipients and who are severely disabled; and

(iii) Subject to subsection (c) of this section, children 16 years of age and older who are not in school and who are severely disabled; and

[(6)] (5) Meets all other FIP requirements that the Secretary establishes by regulation.

(c) An individual may not be exempt as severely disabled under subsection [(b)(5)] (B)(4) of this section for more than 12 months unless:

(1) That individual applies for Supplemental Security Income; and

(2) The application is approved, pending, or in the appeal stage.

(d) In addition to the provisions of this section, subject to the limitations of the State budget, assistance shall be provided under this subtitle to legal immigrants:

(1) Who arrived in the United States before August 22, 1996; AND

(2) Who meet FIP eligibility requirements under this subtitle and any other requirements imposed by the State[; and

(3) Who:

(i) Have lived in this State for at least 12 months; or

(ii) Previously lived in a state that provided federally or nonfederally funded cash assistance to such legal immigrants].

(e) In addition to the provisions of this section, subject to the limitations of the State budget, assistance shall be provided under this subtitle to legal immigrants:

(1) Who arrive in the United States on or after August 22, 1996 and are not eligible for federally funded cash assistance;

(2) Who meet FIP eligibility requirements under this subtitle and any other requirements imposed by the State[; and

(3) Who:

(i) Have lived in this State for at least 12 months; or

(ii) Previously lived in a state that provided nonfederally funded cash assistance to such legal immigrants].

50.

(a) The provisions of this section are not intended to create incentives for individuals to seek temporary cash assistance benefits instead of employment.

(b) A local department shall provide temporary cash assistance only if:

(1) The recipient meets the conditions for participation in the FIP set forth in § 48 of this subtitle;

(2) The applicant or recipient assigns to the State all right, title, and interest in support from any other person that the applicant or recipient has on behalf of any intended or potential recipient for whom the applicant or recipient is applying for or receiving assistance, including any right accrued when the assignment is executed;

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

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

(ii) In an adult-supervised group living arrangement that shall provide a protective payee, if there is no available parent, legal guardian, custodian, or other adult relative with whom the minor parent can live or the minor parent or child would be subject to physical or emotional harm, sexual abuse, or neglect in the home of any available adult relative or a social service worker otherwise finds that living with any available adult relative would not be in the minor parent's or child's best interest; or

(iii) Independently, if a social service worker confirms that the minor parent or child's physical safety or emotional health would otherwise be in jeopardy; and

(4) In the case of an applicant or recipient who is an immigrant, for a period of 3 years from the date of the immigrant's entry into the United States, unless a different period of time is set by the federal government, the applicant or recipient is a legal immigrant, whose income and resources shall be deemed to include the income and resources of any sponsor who executed an affidavit of support pursuant to § 213A of the Immigration and Naturalization Act in behalf of the legal immigrant.

(c) All recipients meeting the requirements of the FIP shall be entitled to cash assistance benefits.

[(d) A local department shall pay temporary cash assistance beginning 14 days after the application of a qualified recipient.]

[(e)] (D) The Secretary may not include in regulations adopted under this subtitle a provision that would count as unearned income to a family in calculating the family's eligibility for the FIP Supplemental Security Income (SSI) benefits provided to an adult or child who resides in the family.

[(f)] (E) (1) This subsection does not apply to a birth resulting from rape or incest.

(2) Except as provided in paragraph (3) of this subsection, temporary cash assistance may not include the increment in cash benefits under the program for which a recipient would otherwise be eligible as a result of the birth of a child 10 or more months after the recipient's initial application for temporary cash assistance benefits.

(3) Cash payments for a child may not be made to a family other than the child's family unless the Social Services Administration has placed the child with the other family.

(4) The Department shall provide for a recipient ineligible for an increment in cash benefits under this subsection a child-specific benefit not to exceed the value of the increment eliminated by this subsection for the purchase of goods specified by the Department as suitable for the care of a minor.

(5) A local department may pay an administrative fee to a third party payee to cover the administrative costs of the third party payee for managing the child-specific benefit.

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

[(g)] (F) (1) The Secretary shall establish by regulation a schedule of reductions and terminations of temporary cash assistance for noncompliance with FIP requirements.

(2) Once an individual is found to be not in compliance with FIP requirements, the caseworker shall investigate the reasons for noncompliance.

(3) The investigation, to the extent resources permit, shall include, but not be limited to, personal contact with the family unit.

(4) The Secretary may reduce or terminate temporary cash assistance to a family no earlier than 30 days subsequent to the first written notice sent of noncompliance.

(5) For noncompliance with any FIP requirement other than a work activity, temporary cash assistance shall be resumed upon compliance with the FIP requirement.

(6) For noncompliance with a work activity, temporary cash assistance shall be resumed in the following manner:

(i) For the first instance of noncompliance, temporary cash assistance shall be resumed immediately upon compliance;

(ii) For the second instance of noncompliance, temporary cash assistance shall be resumed after 10 days of compliance with the work activity; or

(iii) For the third and any subsequent instance of noncompliance, temporary cash assistance shall be resumed after 30 days of compliance with a work activity.

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

[(h)] (G) (1) After termination of temporary cash assistance under this section, the recipient may receive transitional assistance.

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

(3) A recipient who has received transitional assistance may apply for the FIP benefit and the benefit shall be furnished with reasonable promptness to all eligible individuals.

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

(i) Counseling;

(ii) Housing;

(Over)

- (iii) Child care;
- (iv) Household supplies and equipment;
- (v) Direct assistance other than a cash payment; and
- (vi) Any other noncash assistance that may be necessary to assist the recipient to make the transition from welfare.

(5) Subject to the approval of the Secretary, the caseworker, in conjunction with the recipient, shall select the third party payee described under paragraph (2) of this subsection.

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

(7) No portion of the funds provided through transitional assistance may be used for the furtherance of sectarian religious instruction.

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

[(i)] (H) Except as limited by federal requirements, temporary cash assistance shall be determined with due regard to the available resources and necessary expenditures of the family and the conditions existing in each case and shall be sufficient, when added to all other income and support available to the child, to provide the child with a reasonable subsistence compatible with decency and health.”.

AMENDMENT NO. 4

On page 5, in line 4, after “CONDUCT” insert “, OR REFER FOR,”.

AMENDMENT NO. 5

On page 9, in lines 3 and 4, strike “UNIT OF THE JURISDICTION” and substitute “DEPARTMENT OF SOCIAL SERVICES”; in line 8, strike “UNIT OF THE JURISDICTION” and



substitute "DEPARTMENT OF SOCIAL SERVICES"; in line 11 strike "UNIT OF THE"; and in line 12, strike "JURISDICTION" and substitute "DEPARTMENT".

AMENDMENT NO. 6

On page 10, strike in their entirety lines 8 through 20, inclusive; and in lines 21 and 24 strike "(G)" and "(H)", respectively, and substitute "(F)" and "(G)", respectively.

AMENDMENT NO. 7

On page 10, in line 27, after "(A)" insert:

"IN THIS SECTION, "CUSTODIAL PARENT" MEANS A RESIDENT APPLYING FOR OR RECEIVING TEMPORARY CASH ASSISTANCE AND FOOD STAMPS WHO HAS PHYSICAL CUSTODY OF A CHILD OR CHILDREN.

(B);

in the same line, strike "SUBSECTION (B) OF THIS SECTION" and substitute "§50A OF THIS ARTICLE"; in line 31 strike "RESIDENT" and substitute "CUSTODIAL PARENT"; and strike in their entirety lines 34 through 37, inclusive.

AMENDMENT NO. 8

On page 11, in line 1, strike "SUBSECTIONS (A) AND (B)" and substitute "SUBSECTION (B)"; in line 2, strike "RESIDENT" and substitute "CUSTODIAL PARENT APPLIES FOR"; in the same line strike "RECIPIENT OR APPLICANT" and substitute "AND"; in line 4, strike "RECIPIENT OR APPLICANT" and substitute "CUSTODIAL PARENT"; in line 5, after "TESTING" insert "FOR SUBSTANCE ABUSE,"; in the same line, after "DEPARTMENT" insert a comma; in line 6, after "ARTICLE," insert "IN ADDITION TO THE PROVISIONS OF §50A OF THIS ARTICLE"; in line 7, strike "AFTER:" and substitute "STARTING FROM THE DATE OF APPLICATION, TO THE EXTENT PERMISSIBLE BY FEDERAL LAW."; strike in their entirety lines 8 through 12, inclusive; after line 12, insert:

"(2) NOTWITHSTANDING SUBSECTION (B) OF THIS SECTION, IF A RESIDENT CUSTODIAL PARENT RECEIVING CASH ASSISTANCE OR FOOD STAMPS IS FOUND TO

(Over)

BE IN VIOLATION OF ARTICLE 27, §286 OF THE CODE, OR 21 U.S.C., § 841, AFTER JULY 1, 2000, THE RECIPIENT:

(I) SHALL BE INELIGIBLE FOR CASH ASSISTANCE OR FOOD STAMPS FOR ONE YEAR FROM THE DATE OF THE CONVICTION; AND

(II) SHALL BE SUBJECT TO TESTING FOR SUBSTANCE ABUSE, AS PROVIDED BY THE DEPARTMENT, AND TO TREATMENT, AS REQUIRED UNDER §50A OF THIS ARTICLE, FOR A PERIOD OF 2 YEARS STARTING FROM THE LATER OF:;

and in lines 19 and 24, strike “(2)” and “(3)”, respectively, and substitute “(3)” and “(4)”, respectively.

AMENDMENT NO. 9

On page 11, in line 24, strike “(I)”; in line 26, after “PROCEDURES” insert “,CONSISTENT WITH §50A OF THIS ARTICLE.”; and strike in their entirety lines 29 through 36, inclusive.

AMENDMENT NO. 10

On page 15, after line 35, insert:

“Chapter 593 of the Acts of 1997

SECTION 14. AND BE IT FURTHER ENACTED, That the Department of Human Resources, [in consultation with participating providers, including managed care organizations,] shall develop for use by ADDICTIONS SPECIALISTS AND appropriate providers a standard substance abuse identification form and a substance abuse treatment form for the reporting of [provider] ADDICTION SPECIALISTS’ identification and PROVIDERS’ treatment of substance abuse by adult and minor parent APPLICANTS AND recipients to the appropriate local department of social services.

[SECTION 15. AND BE IT FURTHER ENACTED, That a participating managed care organization shall provide a copy of the substance abuse identification form and substance abuse treatment form to a participating provider at the outset of the participating provider agreement.]”.

AMENDMENT NO. 11

On page 16, in line 31, after the first comma, insert "in consultation with the Department of Budget and Management,".

AMENDMENT NO. 12

On page 16, in line 17, after "Code." insert "On or before August 1, 2000, the Secretaries shall report to the General Assembly, in accordance with §2-1246 of the State Government Article, on their implementation plan to ensure appropriate treatment for those individuals affected by the provisions provided for in Article 88A, §65 of the Code.".

AMENDMENT NO. 13

On page 16, in line 8, strike "and the Maryland Municipal League".

AMENDMENT NO. 14

On page 16, after line 39, insert:

"SECTION 9. AND BE IT FURTHER ENACTED, That, the Secretary of Human Resources, on or before October 1, 2000, shall report to the Joint Committee on Welfare Reform on the Department's efforts and implementation plan to extend categorical eligibility for food stamps to households that receive or are authorized to receive services that are funded under the federal TANF Block Grant or State Maintenance of Effort Funds.

SECTION 10. AND BE IT FURTHER ENACTED, That, contingent on federal legislation requiring the federal government to share in the cost of implementing a State pass through of child support payments to an individual receiving temporary cash assistance or relinquishing the right of the federal government to a portion of a child support payment subject to the pass through, on or before October 1, 2000, the Secretary of Human Resources shall submit a report to the Joint Committee on Welfare Reform, in accordance with § 2-1246 of the State Government Article, explaining any federal legislation enacted concerning the pass through of child support payments to an individual receiving temporary cash assistance. On or before December 15, 2000, the Secretary shall submit a report to the Joint Committee on Welfare Reform, in accordance with § 2-1246 of the State Government Article, recommending any legislation necessary to implement the provisions of this section relating to the pass through of child support payments.";

(Over)

and in line 40, strike "9." and substitute "11.".