

SENATE BILL 305

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SB 385/00 - FIN

2001 Regular Session
11r1542
CF 11r1935

By: **Senators Mitchell, Conway, Hughes, and McFadden**
Introduced and read first time: January 29, 2001
Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Temporary Cash Assistance - Right to Child Support**

3 FOR the purpose of providing that child support payments be excluded from the right,
4 title, and interest that temporary cash assistance recipients must assign to the
5 State; requiring that recipients who are ineligible for an increment in cash
6 assistance receive the total value of all child support payments due and
7 collected; requiring the Department of Human Resources to consider child
8 support payments in determining any child-specific benefits to assign to
9 recipients ineligible for a cash assistance increment; and generally relating to
10 the right of certain recipients of temporary cash assistance to receive and retain
11 child support payments.

12 BY repealing and reenacting, with amendments,
13 Article 88A - Department of Human Resources
14 Section 50(b) and (e)
15 Annotated Code of Maryland
16 (1998 Replacement Volume and 2000 Supplement)

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

19 **Article 88A - Department of Human Resources**

20 50.

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

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

24 (2) [The] EXCEPT FOR CHILD SUPPORT ACCRUED ON BEHALF OF THE
25 CHILD FOR WHOM A CHILD-SPECIFIC BENEFIT IS SOUGHT, THE applicant or
26 recipient assigns to the State all right, title, and interest in support from any other
27 person that the applicant or recipient has on behalf of any intended or potential

1 recipient for whom the applicant or recipient is applying for or receiving assistance,
2 including any right accrued when the assignment is executed;

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

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

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

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

17 (4) In the case of an applicant or recipient who is an immigrant, for a
18 period of 3 years from the date of the immigrant's entry into the United States, unless
19 a different period of time is set by the federal government, the applicant or recipient
20 is a legal immigrant, whose income and resources shall be deemed to include the
21 income and resources of any sponsor who executed an affidavit of support pursuant to
22 § 213A of the Immigration and Naturalization Act in behalf of the legal immigrant.

23 (e) (1) This subsection does not apply to a birth resulting from rape or
24 incest.

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

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

33 (4) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A SINGLE
34 CUSTODIAL PARENT WHO IS INELIGIBLE FOR AN INCREMENT IN CASH BENEFITS AS
35 PROVIDED BY THIS SUBSECTION SHALL RECEIVE THE TOTAL VALUE OF ALL CHILD
36 SUPPORT PAYMENTS DUE AND COLLECTED FOR THAT CHILD.

37 [(4)] (5) The Department shall provide for a recipient ineligible for an
38 increment in cash benefits under this subsection a child-specific benefit not to
39 exceed, WHEN COMBINED WITH ANY CHILD SUPPORT PAYMENTS MADE UNDER
40 PARAGRAPH (4) OF THIS SUBSECTION, the value of the increment eliminated by this

1 subsection for the purchase of goods specified by the Department as suitable for the
2 care of a minor.

3 [(5)] (6) A local department may pay an administrative fee to a third
4 party payee to cover the administrative costs of the third party payee for managing
5 the child-specific benefit.

6 [(6)] (7) The Secretary shall adopt regulations specifying the selection
7 criteria for third party payees under this subsection.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2001.