

CHAPTER 460

(House Bill 1356)

AN ACT concerning

Family Investment Program Recipients – Child-Specific Benefit – Repeal

FOR the purpose of repealing certain provisions prohibiting the payment of certain temporary cash assistance benefits as a result of the birth of certain children under certain circumstances; ~~requiring the Department of Human Resources to submit a certain report;~~ and generally relating to the receipt of temporary cash assistance benefits by Family Investment Program (FIP) recipients.

~~BY adding to~~

~~Article – Human Services
Section 5–312(g)
Annotated Code of Maryland
(2007 Volume)~~

BY repealing and reenacting, with amendments,

Article – Human Services
Section 5–313
Annotated Code of Maryland
(2007 Volume)

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

Article – Human Services

~~5–312.~~

~~(G) ON OR BEFORE DECEMBER 1 OF EACH YEAR, THE DEPARTMENT SHALL REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, INDICATING THE NUMBER OF TEMPORARY CASH ASSISTANCE RECIPIENTS WHO RECEIVED AN INCREMENT IN CASH BENEFITS UNDER THE FIP IN THE MOST RECENTLY COMPLETED FISCAL YEAR AS THE RESULT OF THE BIRTH OF A CHILD 10 OR MORE MONTHS AFTER THE RECIPIENT’S INITIAL APPLICATION FOR TEMPORARY CASH ASSISTANCE BENEFITS.~~

5–313.

(a) [(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 FIP 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) If a recipient is ineligible for an increment in cash benefits under this subsection, the Department shall provide 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.

(b) (1)] Except as provided in [paragraph (2)] **SUBSECTION (B)** of this [subsection] **SECTION** and in regulations that the Secretary adopts, a local department may not pay temporary cash assistance to:

[(i)] (1) a family that includes an adult who has received more than 60 cumulative months of temporary cash assistance funded wholly or partly by federal funds; or

[(ii)] (2) a family that includes an adult who:

[1.] (I) has received more than 24 cumulative months of temporary cash assistance funded wholly or partly by federal funds; and

[2.] (II) who is not participating in a work activity.

[(2)] (B) The Secretary shall adopt regulations that establish:

[(i)] (1) standards and procedures under which a local department may exempt a family from the limitation under [paragraph (1)(i)] **SUBSECTION (A)(1)** of this [subsection] **SECTION** because of hardship; and

[ii] (2) a separate State program that:

[1.] (I) is funded entirely from State general funds that may be counted toward any federal maintenance of effort requirement;

[2.] (II) pays temporary cash assistance to a family that is exempted under item [(i)] (1) of this [paragraph] **SUBSECTION** but cannot receive federal funds because of federal limitations; and

[3.] (III) is subject to all FIP requirements under this subtitle.

[(3)] (C) The provisions of this [subsection] **SECTION** are subject to federal law and regulation.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2008.

Approved by the Governor, May 13, 2008.