

# SENATE BILL 1047

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CF HB 894

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By: **Senator Klausmeier**

Introduced and read first time: March 9, 2009

Assigned to: Rules

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## A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of requiring the asset limit established by the Secretary of Human  
4 Resources for a temporary cash assistance case to be adjusted annually for  
5 inflation; requiring a local department to exclude certain retirement accounts  
6 and education savings accounts from income in determining eligibility for the  
7 Family Investment Program; and generally relating to eligibility for temporary  
8 cash assistance under the Family Investment Program.

9 BY repealing and reenacting, without amendments,  
10 Article – Human Services  
11 Section 5–312(a), (b), and (c)  
12 Annotated Code of Maryland  
13 (2007 Volume and 2008 Supplement)

14 BY adding to  
15 Article – Human Services  
16 Section 5–312(b–1)  
17 Annotated Code of Maryland  
18 (2007 Volume and 2008 Supplement)

19 BY repealing and reenacting, with amendments,  
20 Article – Human Services  
21 Section 5–315  
22 Annotated Code of Maryland  
23 (2007 Volume and 2008 Supplement)

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

26 **Article – Human Services**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 5-312.

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

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

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

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

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

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

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

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

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

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

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

30 **(B-1) THE ASSET LIMIT ESTABLISHED BY THE SECRETARY BY**  
31 **REGULATION FOR A TEMPORARY CASH ASSISTANCE CASE SHALL BE ADJUSTED**  
32 **ANNUALLY FOR INFLATION, IN ACCORDANCE WITH THE CONSUMER PRICE**  
33 **INDEX.**

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

3 5-315.

4 (a) Subsections (b) and (c) of this section are not intended to create an  
5 incentive for individuals to seek temporary cash assistance benefits instead of  
6 employment.

7 (b) In determining a family's eligibility for the FIP, the local department  
8 shall exclude:

9 (1) Supplemental Security Income (SSI) benefits provided to an adult  
10 or child family member;

11 (2) **THE PRINCIPAL AND INTEREST OF A DEFINED CONTRIBUTION**  
12 **RETIREMENT PLAN ACCOUNT, INCLUDING:**

13 (I) **A PLAN QUALIFIED UNDER § 401(A), § 403, OR § 457(B)**  
14 **OF THE INTERNAL REVENUE CODE; AND**

15 (II) **AN INDIVIDUAL RETIREMENT ACCOUNT OR ANNUITY OR**  
16 **A ROTH INDIVIDUAL RETIREMENT ACCOUNT UNDER § 408 OF THE INTERNAL**  
17 **REVENUE CODE; AND**

18 (3) **EDUCATION SAVINGS ACCOUNTS OR PLANS, INCLUDING:**

19 (I) **A COVERDELL EDUCATION SAVINGS ACCOUNT UNDER §**  
20 **530 OF THE INTERNAL REVENUE CODE; AND**

21 (II) **A QUALIFIED TUITION PROGRAM UNDER § 529 OF THE**  
22 **INTERNAL REVENUE CODE.**

23 (c) Except as limited by federal requirements, the level of temporary cash  
24 assistance, as determined by a local department, shall:

25 (1) be determined with due regard to the available resources,  
26 necessary expenditures, and specific conditions of a family; and

27 (2) be sufficient, when added to all other income and support available  
28 to the child, to provide a child with a reasonable subsistence compatible with decency  
29 and health.

30 (d) A recipient who obtains employment remains eligible for medical  
31 assistance for up to 12 months after the date of employment.

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2   October 1, 2009.