

SENATE BILL 1105

O1

4lr3348

By: **Senators Manno and Robey**

Constitutional Requirements Complied with for Introduction in the last 35 Days of
Session

Introduced and read first time: March 7, 2014

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Temporary Cash Assistance – Termination of Benefits and Case Closure –**
3 **Timing**

4 FOR the purpose of authorizing the Secretary of Human Resources, during a certain
5 period of time, to suspend payment of temporary cash assistance to a recipient
6 who is found to be in noncompliance with certain income eligibility standards
7 due to a certain child support payment; prohibiting the Secretary from
8 terminating the temporary cash assistance or closing the case of the recipient
9 during a certain period of time; authorizing the Secretary to terminate the
10 temporary cash assistance and close the case of a recipient at the end of a
11 certain time period if the recipient's household income continues to exceed
12 certain eligibility standards; and generally relating to child support and the
13 termination of temporary cash assistance benefits.

14 BY repealing and reenacting, without amendments,
15 Article – Human Services
16 Section 5–301(a), (b), (d), and (e)
17 Annotated Code of Maryland
18 (2007 Volume and 2013 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article – Human Services
21 Section 5–312
22 Annotated Code of Maryland
23 (2007 Volume and 2013 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – Human Services**

2 5–301.

3 (a) In this subtitle the following words have the meanings indicated.

4 (b) “FIP” means the Family Investment Program.

5 (d) “Recipient” means each individual in a FIP case.

6 (e) “Temporary cash assistance” means the cash assistance component of the
7 FIP that is funded wholly or partly through Title IV, Part A, of the Social Security Act.

8 5–312.

9 (a) This section is not intended to create an incentive for individuals to seek
10 temporary cash assistance benefits instead of employment.11 (b) A local department shall provide temporary cash assistance to an
12 applicant or recipient only if:13 (1) the applicant or recipient meets the requirements for participation
14 in the FIP set forth in § 5–308 of this subtitle;15 (2) the applicant or recipient assigns to the State all right, title, and
16 interest in support, for the period that the family receives temporary cash assistance,
17 from any other person that the applicant or recipient has on behalf of any intended or
18 potential recipient for whom the applicant or recipient is applying for or receiving
19 assistance; and20 (3) in the case of an applicant or recipient who is a minor parent, the
21 applicant or recipient lives:22 (i) with a parent, legal guardian, custodian, or other adult
23 relative who will be the payee of the minor parent;24 (ii) in an adult-supervised group living arrangement that
25 provides a protective payee and:26 1. there is no available parent, legal guardian,
27 custodian, or other adult relative with whom the minor parent can live;28 2. the minor parent or child would be subject to physical
29 or emotional harm, sexual abuse, or neglect in the home of any available adult
30 relative; or

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

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

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

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

15 (e) (1) The Secretary shall adopt regulations that establish a schedule of
16 reductions and terminations of temporary cash assistance for noncompliance with FIP
17 requirements.

18 (2) (i) If a recipient is found to be in noncompliance with FIP
19 requirements, a caseworker shall investigate the reasons for noncompliance.

20 (ii) The investigation, to the extent resources allow, shall
21 include personal contact with the family of the recipient.

22 (3) **[The] SUBJECT TO THE PROVISIONS OF PARAGRAPH (7) OF**
23 **THIS SUBSECTION, THE** Secretary may not reduce or terminate temporary cash
24 assistance to a family until 30 days after the day on which the first written notice of
25 noncompliance was sent to the recipient.

26 (4) For noncompliance with a FIP requirement other than a work
27 activity, temporary cash assistance shall resume on compliance with the FIP
28 requirement.

29 (5) For noncompliance with a work activity, temporary cash assistance
30 shall resume in the following manner:

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

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

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

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

7 (7) (I) IF A RECIPIENT IS FOUND TO BE IN NONCOMPLIANCE
8 WITH FIP REQUIREMENTS BASED ON HOUSEHOLD INCOME THAT EXCEEDS
9 ELIGIBILITY STANDARDS FOR ASSISTANCE DUE TO AN INCREASE IN THE
10 AMOUNT OF A CHILD SUPPORT PAYMENT, THE SECRETARY MAY SUSPEND
11 PAYMENT OF TEMPORARY CASH ASSISTANCE TO THE RECIPIENT, BUT MAY NOT
12 TERMINATE THE TEMPORARY CASH ASSISTANCE OR CLOSE THE RECIPIENT'S
13 CASE DURING THE 3 MONTHS AFTER THE END OF THE MONTH IN WHICH THE
14 INCREASED SUPPORT PAYMENT IS RECEIVED.

15 (II) IF, AT THE END OF THE 3-MONTH WAITING PERIOD
16 REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE RECIPIENT'S
17 HOUSEHOLD INCOME CONTINUES TO EXCEED THE ELIGIBILITY STANDARDS,
18 THE SECRETARY MAY TERMINATE THE RECIPIENT'S TEMPORARY CASH
19 ASSISTANCE AND CLOSE THE RECIPIENT'S CASE.

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

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

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

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

30 (i) counseling;

31 (ii) housing;

32 (iii) child care;

33 (iv) household supplies and equipment;

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

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

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

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

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

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

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2014.