

Chapter 763

(House Bill 1490)

AN ACT concerning

Family Investment Program – Temporary Cash Assistance – Good Cause and Adequate Reason Exceptions

FOR the purpose of prohibiting the Department of Human Services from denying an application or reducing or terminating temporary cash assistance from an individual if the individual has good cause or an adequate reason for noncooperation with child support under certain criteria; requiring the Secretary of Human Services to establish certain criteria for determining good cause for noncooperation with child support; requiring the Family Investment Program to determine that there is good cause for noncooperation with child support using certain criteria; requiring the Child Support ~~Enforcement Agency~~ Administration to determine that there is adequate reason for noncooperation with child support using certain criteria; and generally relating to temporary cash assistance.

BY repealing and reenacting, without amendments,
Article – Human Services
Section ~~5–101(e)~~ 5–101(c) and (e), 5–301(c), and 5–308(c)
Annotated Code of Maryland
(2019 Replacement Volume and 2025 Supplement)

BY adding to
Article – Human Services
Section 5–308(d) through (g)
Annotated Code of Maryland
(2019 Replacement Volume and 2025 Supplement)

BY repealing and reenacting, with amendments,
Article – Human Services
Section 5–308(d) and 5–312(e)
Annotated Code of Maryland
(2019 Replacement Volume and 2025 Supplement)

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

Article – Human Services

5–101.

(c) “Department” means the Department of Human Services.

(e) “Local department” means:

(1) a local department of social services created or continued in a county under § 3–201 of this article; or

(2) in Montgomery County, the Montgomery County government.

5–301.

(c) “FIP” means the Family Investment Program.

5–308.

(c) (1) Assistance for an individual may not be reduced or terminated for noncompliance with the work activity requirement if the individual has good cause under the criteria established by the Secretary.

(2) The criteria shall provide that any of the following are sufficient to show good cause:

(i) temporary illness or incapacity;

(ii) court–required appearances or temporary incarceration;

(iii) domestic violence;

(iv) a family crisis that threatens normal family functioning, including:

1. experiencing homelessness whereby a family:

A. lacks a fixed, regular, and adequate nighttime residence, or shares the housing of other persons due to the loss of housing, economic hardship, or a similar reason;

B. lives in a motel, hotel, trailer park, or camping ground due to a lack of alternative accommodations;

C. lives in an emergency shelter or transitional housing;

D. resides in a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings; or

E. lives in a car park, public space, vacant or abandoned building, substandard housing, bus station, train station, or similar setting;

- loss of housing; or
2. a housing crisis, including eviction, foreclosure, or other
 3. receiving a utility disconnection notice or having a utility disconnected;
- (v) a breakdown in transportation arrangements;
- (vi) a breakdown in child care arrangements or lack of child care for a child or children who are 12 years old or younger;
- (vii) for a single parent caring for a child younger than 6 years old who is unable to obtain child care:
1. the unavailability of appropriate child care within a reasonable distance from the parent's home or work site;
 2. the unavailability or unsuitability of informal child care by a relative or others; or
 3. the unavailability or unsuitability of appropriate and affordable child care arrangements;
- (viii) a lack of supportive services identified and agreed on by an individual and a local department; or
- (ix) the failure of a local department to offer or provide a reasonable accommodation to an individual with a disability.

(D) (1) IN THIS SUBSECTION, "GOOD CAUSE" MEANS THAT CIRCUMSTANCES EXIST IN WHICH COOPERATION WITH CHILD SUPPORT MAY BE AGAINST THE BEST INTEREST OF THE CHILD.

(2) (I) THE FIP SHALL DETERMINE THAT AN INDIVIDUAL HAS GOOD CAUSE FOR NONCOOPERATION WITH CHILD SUPPORT IF CIRCUMSTANCES EXIST IN WHICH COOPERATION BY THE INDIVIDUAL WITH CHILD SUPPORT MAY BE AGAINST THE BEST INTEREST OF THE CHILD.

(II) THE ~~DEPARTMENT~~ FIP MAY NOT DENY AN APPLICATION OR REDUCE OR TERMINATE ASSISTANCE IF AN INDIVIDUAL HAS GOOD CAUSE FOR NONCOOPERATION WITH CHILD SUPPORT UNDER CRITERIA ESTABLISHED BY THE SECRETARY.

~~(2)~~ **(3)** THE CRITERIA ESTABLISHED BY THE SECRETARY SHALL PROVIDE THAT AN INDIVIDUAL HAS GOOD CAUSE FOR NONCOOPERATION IF THE INDIVIDUAL STATES THAT:

(I) COOPERATION RISKS PHYSICAL OR EMOTIONAL HARM TO OR RETALIATION AGAINST THE CHILD OR THE RELATIVE WITH WHOM THE CHILD RESIDES;

(II) THE CHILD FOR WHOM SUPPORT IS SOUGHT WAS CONCEIVED AS A RESULT OF INCEST OR RAPE;

(III) PROCEEDINGS FOR THE ADOPTION OF THE CHILD ARE PENDING OR UNDER CONSIDERATION; OR

(IV) COOPERATION RISKS DISCOURAGING ~~THE~~ A NONCUSTODIAL PARENT ~~OR OTHER RELATIVES~~ OF THE CHILD FROM MAINTAINING A RELATIONSHIP WITH THE CHILD OR PROVIDING EMOTIONAL OR OTHER SUPPORT; ~~OR~~

~~(V) COOPERATION IS OTHERWISE NOT IN THE CHILD'S BEST INTEREST.~~

~~(3)~~ **(4)** (I) THE ~~DEPARTMENT~~ FIP IS RESPONSIBLE FOR GRANTING GOOD CAUSE TO AN INDIVIDUAL FOR NONCOOPERATION WITH CHILD SUPPORT.

(II) IN THE PROCESS OF GRANTING GOOD CAUSE, ~~THE~~ A FIP WORKER AT A LOCAL ~~DEPARTMENT~~ DEPARTMENT MAY NOT CONTACT THE NONCUSTODIAL PARENT FROM WHOM SUPPORT WOULD BE SOUGHT.

~~(4)~~ **(5)** (I) AN INDIVIDUAL WHO CLAIMS GOOD CAUSE UNDER THIS SUBTITLE IS NOT REQUIRED TO PRODUCE WRITTEN EVIDENCE.

(II) THE DEPARTMENT MAY NOT REQUIRE THIRD-PARTY VERIFICATION TO PROVE GOOD CAUSE.

(III) AN INDIVIDUAL MAY PROVIDE AN ORAL OR WRITTEN STATEMENT ~~BY THE INDIVIDUAL SHALL BE SUFFICIENT~~ TO PROVE GOOD CAUSE.

(IV) IF AN INDIVIDUAL PROVIDES AN ORAL STATEMENT TO PROVE GOOD CAUSE, A FIP WORKER AT A LOCAL DEPARTMENT SHALL DOCUMENT THE ORAL STATEMENT.

(V) IF AN INDIVIDUAL NEEDS ASSISTANCE, ~~THE DEPARTMENT A~~ FIP WORKER AT A LOCAL DEPARTMENT SHALL ASSIST THE INDIVIDUAL IN PREPARING A WRITTEN STATEMENT OR DOCUMENTING AN ORAL STATEMENT ON A STANDARDIZED FORM CREATED BY THE ~~SECRETARY~~ DEPARTMENT.

~~(V)~~ (VI) THE DEPARTMENT FIP MAY NOT REQUIRE A WRITTEN STATEMENT TO BE NOTARIZED OR BE IN ANY OTHER FORMAT THAT IMPOSES A COST ON THE INDIVIDUAL.

~~(5)~~ (6) BEFORE REFERRING AN INDIVIDUAL TO THE CHILD SUPPORT ENFORCEMENT AGENCY DURING THE APPLICATION AND CERTIFICATION PROCESS FOR ASSISTANCE, THE DEPARTMENT FIP SHALL:

(I) ~~ADVISE~~ NOTIFY ALL INDIVIDUALS ON THE AVAILABILITY OF CHILD SUPPORT PASS-THROUGH AND DISREGARD;

(II) ~~ADVISE~~ NOTIFY ALL INDIVIDUALS OF THE RIGHT OF THE INDIVIDUAL TO CLAIM GOOD CAUSE TO NOT COOPERATE WITH CHILD SUPPORT, THE CRITERIA FOR GOOD CAUSE, AND THE TIME FRAME AND PROCESS FOR REQUESTING GOOD CAUSE;

(III) NOTIFY ALL INDIVIDUALS THAT A FIP WORKER CAN PROVIDE THE INDIVIDUAL WITH ASSISTANCE IN REQUESTING GOOD CAUSE;

(IV) AT A MINIMUM, PROVIDE THE ~~ADVICE~~ NOTICE REQUIRED UNDER THIS PARAGRAPH:

1. IN WRITING ON THE APPLICATION FOR ASSISTANCE;

2. ORALLY DURING A PHONE INTERVIEW OR AN IN-PERSON INTERVIEW; AND

3. IN ALL WRITTEN FIP NOTICES ABOUT CHILD SUPPORT COMPLIANCE OR NONCOMPLIANCE; ~~AND~~

~~4. IN ALL ORAL COMMUNICATION ABOUT CHILD SUPPORT COMPLIANCE OR NONCOMPLIANCE;~~

(V) PROVIDE AN INDIVIDUAL WITH ASSISTANCE IN REQUESTING GOOD CAUSE; AND

~~(V)~~ (VI) PROVIDE AN INDIVIDUAL WITH AN OPPORTUNITY TO CLAIM GOOD CAUSE; ~~AND~~

~~(V) ASK IF AN INDIVIDUAL NEEDS ASSISTANCE IN OBTAINING GOOD CAUSE AND PROVIDE ASSISTANCE WHEN REQUESTED.~~

(E) (1) THE ~~DEPARTMENT~~ FIP MAY NOT DENY AN APPLICATION OR TERMINATE ASSISTANCE IF THE CHILD SUPPORT ADMINISTRATION DETERMINES THAT AN INDIVIDUAL HAS ADEQUATE REASON FOR NONCOOPERATION WITH CHILD SUPPORT.

~~(2) THE DEPARTMENT SHALL CONSIDER AS SUFFICIENT JUSTIFICATION FOR NONCOOPERATION WITH CHILD SUPPORT CIRCUMSTANCES BEYOND AN INDIVIDUAL'S CONTROL, INCLUDING CIRCUMSTANCES BEYOND THE CONTROL OF AN INDIVIDUAL THAT ARE ADEQUATE REASONS FOR NONCOOPERATION WITH CHILD SUPPORT INCLUDE:~~

~~(I) DELIVERY OF MAIL FROM THE CHILD SUPPORT ENFORCEMENT AGENCY ADMINISTRATION TO AN INCORRECT ADDRESS;~~

(II) NATURAL DISASTER OR CIVIL DISORDER;

(III) CRITICAL ILLNESS;

(IV) A FAMILY CRISIS REQUIRING AN INDIVIDUAL'S FULL ATTENTION; AND

(V) TRAVEL BY AN INDIVIDUAL AWAY FROM HOME, BOTH IN THE PERIOD DURING WHICH THE DEPARTMENT MAILED NOTICES AND DURING WHICH THE DEPARTMENT SCHEDULED APPOINTMENTS.

(3) THE CHILD SUPPORT ~~ENFORCEMENT AGENCY~~ ADMINISTRATION SHALL DETERMINE THAT THERE IS ADEQUATE REASON FOR AN INDIVIDUAL'S NONCOOPERATION WITH CHILD SUPPORT USING THE CRITERIA UNDER PARAGRAPH (2) OF THIS SUBSECTION.

(F) AN INDIVIDUAL MAY REQUEST AND RECEIVE A DETERMINATION THAT THERE IS GOOD CAUSE OR ADEQUATE REASON FOR NONCOOPERATION WITH CHILD SUPPORT AT ANY TIME DURING THE APPLICATION AND CERTIFICATION PERIOD.

(G) (1) (I) THE DEPARTMENT SHALL INFORM AN INDIVIDUAL WHO DOES NOT PROVIDE THE REQUESTED INFORMATION RELATED TO CHILD SUPPORT THAT THE INDIVIDUAL MAY ATTEST TO THE LACK OF INFORMATION.

(II) THE DEPARTMENT SHALL OFFER ASSISTANCE WITH PREPARING THE ATTESTATION UNDER THIS SUBSECTION.

(2) THE DEPARTMENT SHALL CONSIDER AN INDIVIDUAL WHO ATTESTS TO THE LACK OF INFORMATION TO BE IN COOPERATION WITH CHILD SUPPORT.

[(d)] (H) Subject to the State budget, a legal immigrant is entitled to assistance under this subtitle if the immigrant:

(1) meets FIP eligibility requirements under this subtitle and any other requirements imposed by the State; and

(2) (i) arrived in the United States before August 22, 1996; or

(ii) arrived in the United States on or after August 22, 1996 and is not eligible for federally funded cash assistance.

5-312.

(e) (1) (i) The local department shall impose a 30% reduction of the portion of a recipient's grant amount designated for the adult member or members, minor parent or parents, or pregnant individual if an adult member, minor parent, or pregnant individual is found to be in noncompliance, without good cause, with FIP work activity requirements.

(ii) The portion of the grant amount designated for the child or children of the assistance unit may not be reduced or terminated based on noncompliance by an adult member's or minor parent's noncompliance with FIP work activity requirements.

(2) The local department shall impose a 25% reduction of the entire grant amount if an adult member or minor parent is found to be in noncompliance without adequate reason or good cause with child support requirements.

(3) (i) If a recipient is found to be in noncompliance with FIP requirements, the local department shall provide a 30-day conciliation period for each instance of noncompliance.

(ii) During the 30-day conciliation period, the case manager shall advise the recipient of the noncompliance, and help the recipient to comply by:

1. investigating the reasons for noncompliance, including by personally contacting the family of the recipient;

2. evaluating and preparing a written determination of whether the recipient qualifies for an exemption or good cause under § 5–308(b) [or], (c), **(D), OR (E)** of this subtitle;

3. sending the recipient a letter offering a conciliation conference; and

4. assisting the recipient in identifying and resolving any barriers to compliance.

(4) The Secretary may not reduce or terminate temporary cash assistance to a family until 30 days after the day on which the first written notice of noncompliance was sent to the recipient.

(5) For noncompliance with a FIP requirement, the full amount of temporary cash assistance shall resume on compliance with the FIP requirement.

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

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~July~~ October 1, 2026.

Approved by the Governor, May 26, 2026.