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FAVORABLE

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House Appropriations Committee

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

The Public Justice Center (PJC) is a not-for-profit civil rights and anti-poverty legal services organization which pursues systemic change for social justice, economic and race equity, and fundamental human rights in Maryland. Our Health and Benefits Equity Project advocates to protect and expand access to healthcare and safety net services for Marylanders struggling to make ends meet. We support policies and practices that are designed to eliminate economic and racial inequities and enable every Marylander to attain their highest level of health. PJC represents individuals and families in administrative appeals and advocacy to accessing critical anti-poverty programs, including Temporary Cash Assistance (TCA), Temporary Disability Assistance Program (TDAP), and Supplemental Nutrition Assistance Program (SNAP). PJC strongly supports HB1490 because it will help families that are eligible for TCA receive the benefit when they are unable to apply for child support due to valid reasons.

MD Rarely Grants Families “Good Cause” from TCA Child Support Requirements Causing High Rate of Application Denials for Eligible Families.

Although the Maryland Department of Human Services (DHS) can grant a family applying for TCA “good cause” from the federal *child support requirement*,¹ it rarely does in practice. According to federal data, MD only **granted 7 good cause exceptions in 2024** - and only 27 good cause exceptions in the past 5 years.² Noncooperation with child support has consistently been a **top reason for denial** of TCA applications since 2024.³

¹ 45 C.F.R. § 264.30. The federal Temporary Assistance for Needy Families (TANF) regulations require one-parent households applying for TANF to apply for child support against any of the children’s parents who are not part of the household and to assign the state any right to receive the child support funds collected. State TANF agencies have flexibility to create “good cause” or other exceptions from the child support cooperation requirement. 45 C.F.R. § 264.30(b). Maryland’s current good cause criteria are in COMAR 07.03.03.10F.

² See Office of Child Support Services, Preliminary Report FY 2024, Table P-91 “Cases Open with Good Cause Determinations for Five Consecutive Fiscal Years,” available at https://acf.gov/sites/default/files/documents/ocse/fy_2024_preliminary_report.pdf

³ See Department of Legislative Services, N00100 Family Investment Administration, Department of Human Services, Analysis of the FY 2027 Maryland Executive Budget, 2026, page 13, available at <https://mgaleg.maryland.gov/pubs/budgetfiscal/2027fy-budget-docs-operating-N00100-DHS-Family-Investment.pdf> Exhibit 5 of the DLS Analysis shows that between October 2021 to September 2023, noncooperation with child support represented less than 5% of application denials. Beginning in calendar year 2024,

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The current Department of Human Services COMAR regulations allow for “good cause” when in the child’s best interest, including when: cooperation with child support is expected to result in physical or emotional harm, the child is the result of rape or incest, and when adoption proceedings for the child are under discussion or pending.⁴ PJC has worked with many families who are not granted or ever told about good cause. When a family applies for TCA, they are typically sent a standard letter which requests they return proof they have applied for child support with the child support enforcement agency: “Please provide child support verification...If you do not give us the information we requested, we may have to deny your application or close your case.”⁵ PJC recently worked with a single mom who was fleeing domestic violence with her newborn and repeatedly informed DSS that she was unable to apply for child support due to safety concerns. PJC requested good cause on her behalf and DSS responded: “[t]o establish Good Cause, Child support application must be filed.”⁶ The DSS practice of first referring applicants for TCA to child support *before* screening for or granting good cause defeats the purpose of the good cause exception and is causing families who are eligible for TCA to be denied.

HB1490 will impact low-income families with children all over the state, especially Black women with children – 66% of families that receive TCA are headed by a Black parent or caregiver and 84% identify as female.⁷ Survivors of domestic violence are overrepresented in the TANF population: about 50 to 60% of women participating in TANF have histories of domestic violence, compared to 30% of women in the U.S.⁸ Maryland needs to improve its current process of identifying families that receive TCA and who are experiencing domestic violence,⁹ as evidenced by the fact that **Maryland granted zero families a good cause domestic violence waiver** work exemption in FY23.¹⁰ HB1490 will help connect survivors of domestic violence who are escaping abusive relationships with the temporary financial support that TCA is designed to provide families with children who are living in poverty.

HB1490 codifies existing good cause policy in Maryland’s TCA statute, creates notification requirements so families are aware that good cause exists and standardizes the process of obtaining it.

Under HB1490, Department of Social Services (DSS) offices would be required to notify families about the good cause criteria in the TCA application, during the interview, and in written and oral communication about child support compliance. HB1490 also addresses the disconnect between policy and practice that was found in a two-year study of MD’s TCA program by the Family Research Welfare Department of the University of

noncooperation with child support has consistently been a top denial reason, and denials due to this reason ranged from 5% (in October 2025) to 21% (in August 2024).

⁴ COMAR 07.03.03.10F.

⁵ See redacted DSS notice from January 2026, page 3.

⁶ See redacted email dated February 4, 2026 from Baltimore City DSS employee.

⁷ Haley Smith & Lauren A. Schuyler, “Temporary Cash Assistance: 2024 Jurisdictional Snapshots,” (March 2025) at page 4 *available at* <https://www.ssw.umaryland.edu/media/ssw/fwrtg/child-support-research/cs-caseload/TCA-Jurisdictional-Snapshots,-2024.pdf>.

⁸ Center on Budget and Policy Priorities, “States Should Use New Requirement to Improve TANF for Domestic Violence Survivors,” (April 27, 2023), *available at* <https://www.cbpp.org/blog/states-should-use-new-requirement-to-improve-tanf-for-domestic-violence-survivors#:~:text=Although%20research%20challenges%20such%20as,percent%20of%20all%20U.S.%20women>

⁹ See Schuyler, L.A., Garcia, K., Smith, H., & Passarella, L.L. (2024). Maryland’s TANF program: A comprehensive review. University of Maryland School of Social Work. <https://www.ssw.umaryland.edu/media/ssw/fwrtg/welfare-research/comprehensive-tcareview/ComprehensiveTCAReview2024.pdf> at page 126.

¹⁰ ACF Table 9 Families with a Domestic Violence Exemption, Monthly Average, Fiscal Year 2023, *available at* <https://acf.gov/sites/default/files/documents/ofa/wpr2023table09.pdf>. Similarly, in Fiscal Year 2022, MD granted less than 1% of families the domestic violence exemption per month on average.

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Maryland School of Social Work.¹¹ The Report found “...the good cause process for child support deviates considerably from policy” and “varies across jurisdictions...”.¹² The report found that in some jurisdictions DSS case managers make “good cause” determinations while in others it is the child support agency. DSS “[s]taff perceive this as confusing and distressing for customers because they have to go back and forth between agencies that may have differing opinions on whether they need to comply with requirements.” HB1490 codifies current DHS policy that designates DHS as the agency that grants “good cause,” child support office as the agency to grant “adequate reason”¹³ and standardizes the process for obtaining good cause to reduce inconsistent practices and inequities.

MD Should Exercise the Flexibility it has to Create “Good Cause” Exemptions from the Federal Child Support Requirement.

Recent federal guidance issued January 16, 2025, issued jointly by the Administration for Children and Families Office of Family Assistance and the Office of Child Support Services, encouraged states to review their policies “through a lens centered on the child’s safety and well-being” and to exercise this federal flexibility with good cause policies to remove barriers to accessing TANF. The joint letter encourages states to “reexamine policies and practices related to child support program referrals of families participating in the TANF program. **We believe that efforts to review and use flexibilities can help reduce child poverty and barriers to accessing help, as well as improve overall well-being for families.**”¹⁴ Examples of other states exercising this flexibility include MA and WY, which allow caretaker relatives (e.g. grandparents) a good cause exception from child support cooperation when it is not in the best interest of the child.¹⁵ PA and WY have updated their domestic violence protocols to ensure the safety of their families, including using a trauma-informed screening tool, not requiring parents seeking good cause to provide written documentation or evidence, and training TANF and child support agency staff to better support families impacted by domestic violence, with emphasis on training caseworkers to believe applicants requesting good cause and to err on the side of safety.¹⁶ MA does not require child support cooperation when parents are missing due to political unrest or violence in their home country. HB1490 will exercise allowed federal flexibility to give parents and care providers more autonomy and choice in determining when pursuing child support is in their child’s best interest.

We request that this Committee issue a favorable report on HB1490. If you have any questions, please contact Michelle Madaio (she/her) at (410) 625-9409, ext. 245 or madaiom@publicjustice.org.

¹¹ See Schuyler, L.A., Garcia, K., Smith, H., & Passarella, L.L. (2024). Maryland’s TANF program: A comprehensive review. University of Maryland School of Social Work. <https://www.ssw.umaryland.edu/media/ssw/fwrtg/welfare-research/comprehensive-tcareview/ComprehensiveTCAReview2024.pdf> at page 128.

¹² Id.

¹³ Current DHS COMAR regulations define “adequate reason” to not comply with child support as circumstances beyond an individual’s control, such as agency mail going to an incorrect address. HB1490 codifies the existing “adequate reason” definition and criteria in COMAR 07.03.03.10E.

¹⁴ See Office of Family Assistance (OFA) and Office of Child Support Services (OCSS) in the Administration for Children and Families (ACF), Joint Letter, ACF “Dear Colleague” Letter on State TANF and Child Support Cooperation Flexibilities, dated January 16, 2025, available at <https://acf.gov/ofa/policy-guidance/acf-dear-colleague-letter-state-tanf-and-child-support-cooperation>

¹⁵ See Eastern Regional Interstate Child Support Association, July 2025 Policy & Legislation Webinar at page 12, available at <https://ericsa.org/2025/06/13/july-2025-policy-legislation-webinar/>. No verification is necessary for this good cause reason. See also Wyoming Child Support Program Policy Manual, Chapter 20.4 “Family Violence, available at <https://sites.google.com/a/wyo.gov/child-support-program-policy-manual/20-family-violence>.

¹⁶ Id. Wyoming Child Support Program Policy Manual, Chapter 20.