

# GUIDE TO WELFARE IN MARYLAND



DECEMBER 2013

# HISTORY OF WELFARE ADVOCATES

Founded almost 35 years ago, Welfare Advocates is a statewide coalition of community-based organizations, advocacy groups, faith communities, and consumers, whose mission it is to educate ourselves and the wider community and to advocate for an adequate safety net and public policies that support families moving to self-sufficiency. In 1979, faith-based and community organizations testified before the Governor's Commission on Welfare Grants regarding the income needs of households to lead a minimally decent life in Maryland. The organizations felt it was critical to remain united and formed Welfare Advocates.

The next 34 years were marked by significant accomplishments in advocating for comprehensive and effective public policy. The first major effort of the coalition was the successful enactment of a Joint Resolution in 1980 which mandates annually updating Maryland's Standard of Need (*known today as the Minimum Living Level*) to incorporate changes in cost of living over time.

When Maryland's statewide welfare reform legislation was enacted in 1996, Welfare Advocates successfully advocated for several components, including: assuring a minimal level of benefits, minimizing sanctions, and continuing various benefits such as Medicaid, childcare, and a work income disregard once employed.

Jumping forward, our successes have continued in recent years as we successfully championed in the 2013 Maryland General Assembly SB 686/HB 884, an Earned Income Disregard Pilot program for TCA recipients in selected counties starting in FY 2015. The pilot program will allow TCA recipients to continue to receive TCA in the first few months after they gain employment, so they can become financially stable.

Through public education and advocacy, we continue to identify needs and recommend solutions for people who are moving from welfare towards self-sufficiency. We meet monthly, produce educational materials, initiate surveys regarding public thought on welfare, and sponsor numerous forums. Our annual Welfare Advocates Conference which attracts hundreds of people from across the state includes informational workshops and panels on various topics such as renters' rights, workforce development, and re-entry programs for returning citizens. Government workers and public policy makers, as well as front-line workers and clients participate in the conference. We also advocate for just public policies before the Maryland General Assembly and other government entities.

These accomplishments, along with many others over the past 34 years, have brought vulnerable Marylanders closer to reaching the ultimate goal of self-sufficiency and economic independence.

# TABLE OF CONTENTS

INTRODUCTION .....	1
TCA APPLICATION PROCESS .....	3
Where to Apply .....	3
What to Provide .....	3
What to Expect.....	4
Changes in Circumstances.....	5
WELFARE TO WORK RULES .....	7
Core Activities .....	7
Exemptions from Work Activities.....	8
Education-Related Rules .....	8
LIFETIME LIMIT .....	9
Process for Obtaining Hardship Exemption .....	9
TRANSITIONING TO WORK.....	11
The Earned Income Disregard .....	11
Medical Assistance .....	11
Maryland’s Children’s Health Insurance Program (M-CHIP).....	11
Food Supplement Program (FSP) .....	12
Child Care .....	12
SANCTIONS.....	13
Work Activity.....	13
Child Support.....	13
School.....	14
Substance Abuse .....	14
APPEALS PROCESS.....	15
What Can Be Appealed?.....	15
Appeal Process .....	15
APPENDIX I: MINIMUM LIVING LEVEL .....	17
APPENDIX II: TCA ELIGIBILITY SPECIFICATIONS.....	19
APPENDIX III: ACRONYMS AND VOCABULARY.....	21



# INTRODUCTION

WA successfully advocated for the passage of the Earned Income Tax Credit Information Act. (2011)

WA was helpful in acquiring a budget exception for DHR/FIA to hire frontline staff despite a State hiring freeze. (2009)

The guide to Welfare in Maryland is published annually by Welfare Advocates. It is designed to be a tool for service providers, legislators and residents to educate and assist them in navigating the Temporary Cash Assistance (TCA) program.

TCA is administered by the local Departments of Social Services (DSS) in partnership with the Family Investment Administration (FIA) at the Department of Human Resources (DHR). TCA is federally funded through a Temporary Assistance for Needy Families (TANF) block grant - a program which replaced Aid to Families with Dependent Children (AFDC) 17 years ago as part of welfare reform in 1996. TCA provides short-term cash assistance to children and their guardians when their needs are not met through other resources and services. An integral component of the TCA program is that adult recipients must be engaged in work activities and trainings to enhance their ability to secure sustainable employment and transition off TCA. Local DSS offices have the autonomy to determine how their allocations of TCA funds are distributed in order to best meet the needs of their communities. Each local department submits an annual plan to the Maryland DHR for approval, which incorporates strategies to meet pre-established outcomes related to caseload reduction and consumer satisfaction.

Welfare Advocates pushed for legislation that would restructure the Earned Income Disregard policy for TCA recipients. Currently, TCA recipients lose 60 cents per one dollar earned when they join the workforce. Child care subsidies are also reduced when parents enter the workforce. Losing these benefits can create an even greater strain on families working towards self-sufficiency. Thanks to Welfare Advocates' advocacy, beginning in October 2014, Maryland will be piloting an Earned Income Disregard program. This program will allow TCA recipients to continue to receive benefits while they work. The program will feature a graduated disregard so that recipients entering the workforce will gain stability before they lose their cash assistance. Studies have shown that this form of graduated disregard reduces the likelihood of TCA recipients reentering the program. The pilot program is intended to ease the transition from TCA to self-sufficiency by disregarding 100 percent of earned income for the first three months of employment, disregarding 60 percent of their earned income for the following six months, and disregarding 40 percent (the current standard) afterwards.<sup>i</sup> After three years, DHR must submit a report to the General Assembly detailing the results of the pilot program. We are hopeful the report will show that the Earned Income Disregard helps families reach financial stability and avoid a return to TCA.

Unfortunately, the recent sunset of the American Reinvestment and Recovery Act (ARRA) of 2009 may set us back a few paces. Maryland will experience an 82 million dollar cut to its Supplemental Nutrition Assistance Program (SNAP) for FY 2014 as a result of the ARRA premium ending in October 2013. Federal cuts are harshly felt on the local level and families are experiencing an even greater struggle to keep food on the table. As a result of the cut, the average monthly benefit went from \$264.05 to \$256.39.<sup>ii</sup> On November 1, 2013 SNAP recipients saw an average loss of \$10 per person per month.<sup>iii</sup> Fortunately, the state of Maryland increased the TCA benefit to compensate for the SNAP reduction. However, families who only receive SNAP will not be compensated for the lost benefit.

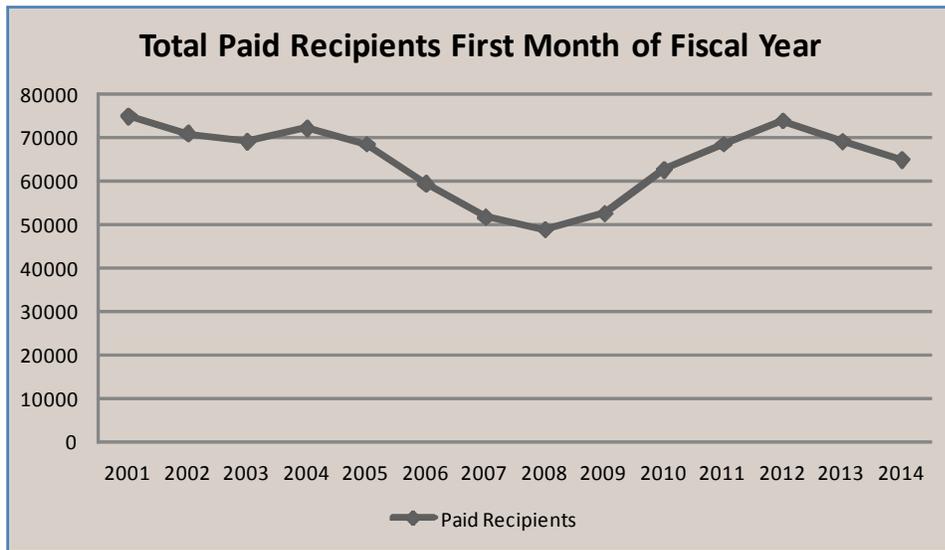
<sup>i</sup>. [http://mgaleg.maryland.gov/2013RS/Chapters\\_noln/CH\\_526\\_sb0686e.pdf](http://mgaleg.maryland.gov/2013RS/Chapters_noln/CH_526_sb0686e.pdf)

<sup>ii</sup>. <http://mgaleg.maryland.gov/pubs/budgetfiscal/2014fy-budget-docs-operating-n00i00-dhr-family-investment.pdf>

<sup>iii</sup>. <http://www.cbpp.org/cms/?fa=view&id=3899>

Even though Maryland's social safety net is vulnerable to federal cuts, welfare recipients are proving to be resilient despite the setbacks. For instance, TCA leavers earn higher and higher incomes each year after leaving TCA. In fact, average annual earnings increase about 40% from the first year through fifth year after exit (from \$12,079 to \$16,895).<sup>iv</sup> We can all agree that this income amount is too low but the post-TCA earnings increase shows progress for TCA leavers.

The TCA caseload is steadily declining. In the beginning of FY 2014 the TCA caseload dropped by 6 percent compared to the beginning of FY 2013. We are very optimistic about the trending decline.



Welfare Advocates will continue to support policies and programs that deliver adequate benefits to low-income families to help them achieve financial independence.

<sup>iv</sup>. <http://familywelfare.umaryland.edu/reports1/life18.pdf>

# TCA APPLICATION PROCESS

WA supported eliminating the 14-day delay in initial cash benefit. (2000)

Every individual has a right to file an application for the benefit(s) of their choice. All applications are screened by local department staff. Case managers will make the eligibility decision no later than 30 calendar days from the date the signed application is received in the local department. The applicant must comply with all requirements, including searching for work, in order to qualify for benefits. DHR encourages the use of mail in applications or interviews can be conducted by phone or applications filed through MarylandSAIL.org.

## WHERE TO APPLY

There are several ways for Marylanders to apply for TCA:

**MarylandSAIL.org:** The Department of Human Resources (DHR) hosts a website which allows individuals to apply for several social service benefits at one time and in one place. TCA is one of the benefits this website allows individuals to apply for, along with many other programs from the Food Supplement Program (FSP) to energy and medical assistance.

**Local Department of Social Services (DSS):** Individuals can also apply for TCA in person at their local DSS office. DSS offers individuals access to services including child support collection and distribution, and investigations into allegations of abuse and neglect. Each county has a DSS office equipped with staff and resources targeted to meet the needs of that county's client base.

**Seedco's EarnBenefits program:** Seedco is a national nonprofit organization that helps low-income people and communities move toward economic prosperity. By visiting [www.baltimore.earnbenefits.org](http://www.baltimore.earnbenefits.org), individuals can complete an assessment which will identify both public and private benefits for which the individual may be eligible.

**Local churches, libraries, and non-profit organizations:** Churches, libraries, and non-profit organizations are also places where individuals can find assistance to apply for TCA in person.

## WHAT TO PROVIDE

When individuals apply, they will need the following:

1. Identification for themselves and the people for whom they are applying
2. Pay stubs from employers (*for one month, or four weeks of income for weekly pay periods*)
3. Proof of all other sources of income
4. Social Security Number (SSN) for the people in the household
5. Proof of residency
6. Proof of citizenship or immigration status for the people in the household
7. Proof of household's expenses
8. Proof of child or dependent care expenses
9. Proof of resources

## WHAT TO EXPECT

**Assessment:** Each client meets with a DSS professional for a multifaceted assessment that explores possible alternatives to TCA, identifies skills which customers already possess to propel them towards independence and potential barriers to the client obtaining employment. The assessment result is used to connect individuals and families with complementary services. The assessment addresses the reasons an applicant is applying for, or a recipient continues to rely on, assistance. Skills, needs, and job readiness are emphasized. The assessment includes possible alternatives to cash assistance, such as a welfare avoidance grant, child care, or medical assistance.

**Car and Other Assets:** All vehicles are excluded from the asset test for cash assistance, FSP benefits, and Medical Assistance. For FSP, TCA, and SSI families there is no asset test. Seniors who do not fall into these categories are subject to a \$3,000 asset limit.

**Child Care and/or Medical Assistance Only:** A customer can file an application for Medical Assistance or a Child Care Subsidy (CCS) voucher if such assistance meets the family's needs.

**Child Support First:** When applying for TCA, customers must apply for child support services and assign child support rights to Maryland to reimburse the State for any cash assistance paid to a family. TCA recipients must comply with Child Support enforcement requirements, unless there is Good Cause for not doing so, e.g. previous spousal abuse.

**Welfare Avoidance Grants (WAG):** A cash grant, typically equal to three months of TCA, can be given to avoid cash assistance. WAG is not an entitlement benefit and customers may not apply for a WAG. An application for TCA must be filed first and then the individual and the case manager discuss whether the individual is a good candidate for to receive a WAG.

**Family Independence Plan:** A plan is completed for each customer setting goals and outlining action steps the customer must take towards reaching independence. The Plan establishes what the customer and the local department must do to overcome barriers and get the customer ready to go to work; which may include a requirement to attend work and training activities, keep school-aged children in school, immunize children, parenting and money management classes, file for potential benefits, as well as other requirements. The Plan describes the services the State will provide to assist the individual to achieve independence. TCA may be closed if the customer does not follow the Plan.

---

WA supported eliminating the asset test. (2010)

---

---

WA supported modification to TCA eligibility requiring that recipients assign right to support *only* for the period the family receives cash assistance. (2009)

---

---

WA supported instituting Welfare Avoidance Grants (WAGs) to help families remain free from welfare. (1995)

---

WA successfully opposed punitive drug-testing requirements for Temporary Cash Assistance (TCA) applicants and recipients. (2008, 2011, 2012)

**Substance Abuse Screening:** When individuals apply for and receive TCA, as well as certain Food Supplement Program (FSP) applicants and recipients, they will be screened for substance abuse in their local Department of Social Services (DSS) by an Addictions Specialist.

If a client has a substance abuse problem, the client must sign a release form that allows the DSS case manager to receive the results of testing and screening, results of treatment referrals, and ongoing treatment status from the provider.

Applicants who are convicted of a drug-related felony must participate in the screening and assessment at the time of their initial application. As appropriate, the client must enroll and remain active in appropriate substance abuse treatment when there is a referral from the addiction specialist or substance abuse treatment provider. An individual convicted of a drug-related felony committed after August 22, 1996 must comply with all eligibility requirements and participate in drug testing. If an appropriate substance abuse treatment program is not available, the customer is not sanctioned.

When the addictions specialist notifies the DSS that a TCA applicant failed to comply, the local DSS case manager denies the application, notifies the applicant of the reason and separately determines eligibility for Medical Assistance and FSP. If the applicant is only applying for the FSP, the applicant's needs are removed and eligibility is determined for any other household members.

## CHANGES IN CIRCUMSTANCES

Any changes must be reported for TCA and childcare programs within ten days. However for the FSP program, most households are certified for a twelve-month period and do not need to report a change for the FSP unless income exceeds 130% of the FPL (\$2,115 per month/family of three). Of course if there is a change that will increase the household's benefits – like a new baby in the household, it is advantageous to report the change.



# WELFARE TO WORK RULES

WA provided key support for the Welfare to Work — Green Jobs legislation which enhances the welfare to work program for current and former welfare recipients, youth aging out of foster care, and non-custodial parents obligated to pay child support. (2009)

WA was helpful in enacting a pilot program for education and job training opportunities (STEP). (2001)

WA participated in DHR's Planning Committee for the MD RISE program.

Federal rules require adult household members to participate in work activities for a minimum of 30 hours per week, with a lower minimum if the client is a single parent with a child under age six. Maryland's requirement for work activities is 30 hours per week, 20 of which must be "core" activities as defined by the federal government. Maryland implements "Universal Engagement," which requires applicants, upon the date of their first application interview for TCA who are not exempt, to participate in a federal or state-defined work activity. All TCA work-eligible customers must be engaged in work or a work activity. Child care is provided for both work and education activities. An adult cannot voluntarily quit a job without "Good Cause." If a recipient quits without Good Cause, a full family work sanction is imposed (*See page 13 for more information on sanctions*).

A non-core activity includes secondary school leading to a GED, education directly related to employment and job skills training for a specific occupation. A client may participate in one of these activities after at least 20 hours of participation in a "core" activity. Federal law requires states to meet certain participation rates that only count participation in "core" activities. These requirements were significantly modified and restricted in 2005 with the passing of the Deficit Reduction Act. States must continue to meet the 50% participation rate requirement.

## CORE ACTIVITIES

- **Job Search and Job Readiness:** Federal rules limit this activity to four consecutive weeks and to a total of 120 hours per fiscal year for a single parent with a child under age six and 180 hours per fiscal year for all others. Due to the increase in Food Supplement cases, Maryland is considered a "Needy State," which increases time limits to 240 and 360 hours per fiscal year. This activity now includes substance abuse treatment, mental health treatment, and rehabilitation services. As little as one hour for this activity counts as a full week against the time limit.
- **Unsubsidized Employment:** A full- or part-time job that is not subsidized by TCA or other public programs.
- **Paid Internships and Apprenticeships (formerly-Subsidized Public or Private Employment):** A job in the private or public sector for which the employer receives a subsidy from TCA or other public funds to offset some or all of the wages and cost of employing a recipient.
- **Work Experience:** A work activity where a client can acquire general skills, training, knowledge, and work habits necessary to gain employment.
- **On-the-Job-Training:** Training in the public or private sector given to a paid employee, while engaged in work that provides knowledge and skills essential to performing the job.
- **Community Service:** TCA recipients work in structured programs operated by public agencies or non-profit organizations for a direct benefit to the community.

- **Vocational Educational Training:** Organized educational programs, limited to 12 months in a lifetime, which help prepare customers for employment. Training must be provided by an educational organization (*e.g. community college, vocational schools*) and may now include two and four year college degree programs.
- **Providing Child Care:** A client may only provide childcare for another TCA recipient who is in a community service work activity.

## EXEMPTIONS FROM WORK ACTIVITIES

- A parent caring for a child under one year of age for a maximum of 12 months in parent's lifetime.
- A teen mother without a high school diploma who has a child less than 12 weeks of age.
- Adults and children who are severely disabled and have applied for SSI.
- A child under 16 years of age.
- Needy caretaker relatives with no children of their own in the assistance unit.

## EDUCATION-RELATED RULES

- Minor parents, under the age of 18, must be registered and attending school 80% of the time.
- Teen parents and teenagers without a high school diploma must participate in an educational activity leading to a high school diploma or GED. This is a countable activity for them.
- Teenagers (*16 and older*) with no child must participate in a work activity if they do not attend school.
- Children under the age of 16 must be registered in school and attend 80% of the time.
- All others will be restricted to a lifetime maximum of 12 months of vocational educational pursuits.
- Post secondary education may be counted under the Core Activities as Vocational Education with a lifetime limit of 12 months. If the customer is still in the educational program after 12 months their school activity must be reevaluated. (*Ex: a nursing student may attend nursing school for 12 months as a Vocational Education program, which will count as her core activity. After 12 months, if she has not completed the program but is doing an internship at a hospital as part of their program, their activity could be reevaluated as a Work Experience placement.*)

***These multifaceted components of Maryland's TCA program are conceptualized using Maryland's Universal Engagement approach. This engages the client in a meaningful work activity beginning when they apply for assistance with the ultimate focus being to move the client away from dependence on public assistance and to achieve self-sufficiency through meaningful work activity.***

WA advocated for the passage of Maryland's Earned Income Tax Credit (EITC); the expansion of the program to more families and the passage of the rebateable portion of the EITC.

WA supported legislation to create a state tax credit for child care and dependent care.

# LIFETIME LIMITS

WA successfully opposed reducing the lifetime limit. (2010)

WA was helpful in creating a state-only program for families reaching the five-year federal lifetime limit. (2001)

WA supported provisions providing children in families reaching the five-year lifetime limit with cash assistance. (1995)

A customer may only receive TCA benefits for a five year or 60 month, cumulative lifetime limit. The federal government allows for 20% of the TCA caseload to be exempt from the 60 month limit.

## **Exemptions from Time Limits:**

- A minor child who is not head of household or married to head of household
- A victim of domestic violence who is receiving counseling
- A person severely disabled who applied for SSI and agrees to repay the State when SSI benefits are paid
- A person receiving cash assistance under the Earned Income Disregard provision
- A determination of hardship: The local DSS office will make a determination of hardship and may provide a hardship exemption to any family reaching the five-year lifetime limit. This determination will allow the continuation of full cash benefits as long as they continue to meet requirements.

## **PROCESS FOR OBTAINING HARDSHIP EXEMPTION**

If a customer has reached their lifetime limit of 60 months the Local Department will not automatically deny them benefits when barriers to self sufficiency continue to exist. The customer may qualify for a hardship exemption.

Designated local department staff will review the signed Family Independence Plan that outlines the requirements that the client is to meet and the support services to be provided by the local DSS, as well as documented case records. If the local DSS has not been able to provide all agreed-upon support services or the services did not remove the identified barriers and the family has demonstrated "good faith efforts," a hardship exemption can be provided. A new Family Independence Plan must be established between the local DSS and the family within 60 days. The plan must include the goals and intent of the family, a list of problems and barriers to be overcome to achieve the goal, a list of services to be provided by the local DSS and the responsibilities of the family. Time frames must also be included. The designated local department staff will make a recommendation whether a hardship exemption should be granted. The recommendation must be reviewed and approved by the FIP supervisor and the local DSS director or designee.

Any family receiving an exemption will continue to receive full cash benefits, but must continue to comply with all rules and requirements. A family not complying with the rules and requirements may lose their hardship status and their TCA case may be closed.



# TRANSITIONING TO WORK

When an individual becomes employed, eligibility is recalculated to determine if the customer still qualifies for cash assistance.

WA championed the passage of an Earned Income Disregard Pilot Program for TCA recipients. (2013)

## THE EARNED INCOME DISREGARD

Maryland allows individuals moving from welfare to work to keep 40% of their earnings, using a four-week month when calculating eligibility for continued benefits. This means an individual with two children could earn about \$900 per month and still be eligible for some cash assistance.

WA supported enactment of Income Disregard legislation (1997); advocated for increasing the Income Disregard in 1999 and again in 2002.

## ALLOWABLE DEDUCTIONS

- An individual can deduct up to \$200 per month per child, for out-of-pocket childcare expenses (*\$100 per month if working less than 100 hours*).
- Working individuals can elect to receive the Earned Income Tax Credit (EITC), in their paychecks or receive it in a lump sum at tax time. The EITC is not counted when determining TCA.
- The Child Tax Credit can also increase their income.

WA supported providing one year of Transitional Medical Assistance to families moving from welfare to work (1995).

## MEDICAL ASSISTANCE

Families who have received three months of TCA benefits over the preceding six months and are no longer eligible for cash assistance because of wages from employment, are eligible for a 12 month extension of medical assistance benefits, contingent upon reporting to their DSS worker that they are employed. The extension should be automatic when earnings or going to work is reported. If not, the recipient should inform the DSS worker: "I have a job," and report what they earn. Families who become ineligible for cash assistance solely because of increased child support collections are also eligible for four additional months of Medical Assistance.

WA advocated for creation of a rental housing program for families moving from welfare to work. (1999)

## MARYLAND'S CHILDREN'S HEALTH INSURANCE PROGRAM (M-CHIP)

M-CHIP is available at the end of the one year extension of Medical Assistance. Eligibility for M-CHIP is available to all children under the age of 19 and pregnant women of any age with a household income that is below 250% of the poverty index (\$48,825 for a family of three). M-CHIP Premium provides children in families with income between 200% and 300% of poverty with health coverage through HealthChoice. Families pay a premium of either \$48 or \$60 per month, depending on income, regardless of the number of children covered.

## FOOD SUPPLEMENT PROGRAM (FSP)

Families who leave TCA for reasons other than non-compliance with a program requirement will receive transitional FSP benefits for five months. The TCA and any new earnings of the family are not used to determine the amount of FSP benefits the family will receive for these five months.

## CHILD CARE

Child care may be provided after leaving welfare for work, depending on the parent's earnings. The need for child care assistance should be discussed with the local DSS worker.

WA successfully advocated for raising the income eligibility threshold for child care Purchase of Care program (POC). POC is now called Child Care Subsidy (CCS).

# SANCTIONS

WA advocated for provisions protecting families sanctioned for non-compliance with Child Support or work activities requiring a 30-day conciliation period and continued benefits through a 3rd party. (1995)

There is a different sanction policy for non-compliance with a work activity or child support than with the substance abuse requirements. Non-compliance with a substance abuse requirement reduces the grant while non-compliance with a work activity and child support results in a full family sanction (*loss of all cash assistance*) or case closing. However, the client sanctioned for non-compliance with the substance abuse requirement must participate in required work activities, if appropriate.

## WORK ACTIVITY

When a customer is non-compliant for the first time, the client will receive a notice of non-compliance and have a 30-day opportunity to comply with the requirement. This 30 day period is called a conciliation period and is given only once for non-compliance with the work requirement. If the customer complies during the 30 day period benefits continue uninterrupted. If the customer's case closes because he or she refuses to cooperate, the sanction penalties are not lifted or "cured" until the day after:

- One day of compliance for the 1<sup>st</sup> instance
- 10 days of compliance for the 2<sup>nd</sup> instance
- 30 days of compliance for the 3<sup>rd</sup> instance

TCA benefits are prorated from the day after the customer meets compliance. (*Ex: a customer complies with all the activity days in the 10-day sanction period. The client's benefits are prorated for the month from the day after the 10<sup>th</sup> day.*)

If an applicant who voluntarily quits a job without Good Cause applies for TCA, he or she may not receive benefits for 30 days from the date they quit the job. If a TCA recipient voluntarily quits a job without Good Cause, the case manager implements the conciliation and sanction process, as stated above.

A sanctioned family retains eligibility for Food Supplement benefits and Medical Assistance, if otherwise eligible. However, Food Supplement benefits will not increase, and may decrease, when there is a sanction due to FSP work requirements.

## CHILD SUPPORT

When an applicant applies for TCA, he or she is required to assign child support rights to the State of Maryland. Once the customer receives benefits they must continue to cooperate with Child Support effort to locate the absent parent and collect child support payments. If a recipient does not cooperate with the child support agency, and it is the first time the customer did not cooperate, the family is entitled to one 30 conciliation period to do what Child Support has asked. If the family continues to refuse to cooperate without Good Cause, the family is subject to a full family sanction and no benefits are issued. The case will be re-opened as soon as cooperation is demonstrated.

## SCHOOL AND HEALTH

Family grants are reduced if school-age children do not meet school attendance standards and if pre-school age children do not receive preventive health care. The grant is reduced \$25 per month per child for non-compliance.

## SUBSTANCE ABUSE

If a TCA recipient fails to comply with screening, testing and/or treatment requirements, the local DSS follows conciliation procedures, removes the individual's portion of the grant and pays the remainder of the cash benefit to a 3<sup>rd</sup> party payee. The reduced grant remains in effect until the individual complies with the substance abuse portion of the requirement.

When a Food Supplement Program recipient fails to comply, the client's needs are removed. Conciliation procedures do not apply to Food Supplement recipients.

A recipient convicted of a drug-related felony while receiving TCA or Food Supplement Program benefits is ineligible for TCA or FSP benefits for one year from the date of conviction. After one year of ineligibility, the ineligible individual who complies with substance abuse regulations and other eligibility rules (*child support, work requirements, etc.*) may be eligible for TCA or FSP benefits. Compliance, including drug testing, is required for two years starting from either the date the client is released from incarceration, completes the term of probation or completes parole or mandatory supervision, whichever comes later.

# APPEALS PROCESS

## WHAT CAN BE APPEALED?

Customers may appeal any action taken by the DSS.

- Application denial.
- Reduction or suspension of benefits, particularly due to a work or child support sanction.
- DSS exceeding the time it takes to process the application (*30 days is usually the limit*).
- DSS refers to a work program and the client disagrees.
- DSS notifies the client that benefits have been overpaid and that payment is owed.

## APPEALS PROCESS

All appeals must be completed within 90 days after DSS has taken action or notified the client of pending action. If the appeal is made within 10 days, the client is eligible for “benefits pending the outcome of the appeal,” but if the client loses the appeal then DSS may require repayment of what was received during the appeals process.

## STEPS FOR THE CLIENT

1. Inform your case manager that you want to file an appeal. If you need assistance with the appeal process, the DSS is required to help you.
2. Fill out an appeal form that can be found at your local DSS office. You can call the DSS and ask for a form to be mailed to you or that the DSS fill out a form and submit it for you. Ensure that you are given a receipt when you submit it to your DSS office. You may also file an appeal over the phone by calling 1.800.332.6347
3. Within 10 days of receiving your appeal, the Office of Administrative Hearings (OAH) will send you a notice regarding the date and time of your appeal hearing.
4. The DSS will send you a summary of why the action you are appealing was taken and what information they used to verify the action they took. If you do not receive the summary within six days of your hearing, you may request a postponement of the hearing from the OAH. Save the postmarked envelope if this is the case.
5. The DSS is required to try to resolve your case prior to the hearing. Ensure that you completely understand the resolution that they present – if not, ask questions and request additional time to seek legal advice if necessary. Also ensure you are given the resolution in writing. If the case manager cannot answer your questions ask to speak to a supervisor.
6. The hearing usually takes place 20-35 days of OAH receiving your appeal request.
7. Hearings are very informal but their decisions are still legally binding.

8. At the hearing, the DSS will be represented by someone who is familiar with your case (*most likely not your caseworker*). You are able to call witnesses and present documentation that supports your appeal. You may represent yourself or have anyone you want represent you. You can obtain a lawyer to represent you, or someone who is not a lawyer may represent you. In the case of the latter, a social worker or a family member is often a good selection.

9. Within 60 days of receiving your appeal in food supplement cases, a written decision on your appeal is due from the Administrative Law Judge.

10. Within 90 days of receiving your appeal in all other cases, a written decision on your appeal is due, unless there has been a postponement of your hearing date.

The Administrative Law Judge must rule based on the facts and verification presented according to the Code of Maryland Regulations (COMAR) or federal law.

## TIPS FOR PROVING YOUR CASE

- Keep good records!
- Bring all related receipts and paperwork related to the issues you're appealing. It's better to have too much than too little!
- Bring witnesses that can help your case.
- Pay attention to the timeline!
- Ask for help every step of the way!

# APPENDIX I: MINIMUM LIVING LEVEL

With mixed success, WA advocated annually to increase TCA grants to meet the 61% of MLL standard.

Maryland’s 1996 major welfare reform legislation included the provision that the total of the TCA grant and FSP benefit shall — at a minimum — equal 61% of the state’s Minimum Living Level (MLL). If the Governor does not include sufficient funds in the budget, the Governor must report to the General Assembly on the reasons. TCA has increased for FY 2014 in order to satisfy the requirement.

**FY 2014 Grant Amounts as Percentage of Minimum Living Level**

Family Size	Maximum TCA Grant	Maximum Monthly FSP	Monthly Total Benefit	Minimum Living Level	Total Benefit as Percent of MLL
2	\$559	\$347	\$906	\$1,400	63.50%
3	\$624	\$497	\$1,121	\$1,837	61.02%
4	\$755	\$632	\$1,387	\$2,187	62.83%

Effective: 11/01/13

WA supported Joint Resolution requiring that the Standard of Need (now MLL) be updated annually. (1980).

The Maryland MLL is based upon nine components of a family budget, as recommended by the Governor's Commission on Welfare Grants. These nine components are: food, contract rent, utilities, household furnishings, clothing and cleaning, personal care, transportation, other family consumption, and medical care for one adult. The estimated MLL has been updated annually since FY 1980 with the exception of FY 1981.



# APPENDIX II: TCA ELIGIBILITY SPECIFICATIONS

## ELIGIBILITY

Income Limits for Temporary Cash Assistance

Family Size	Monthly Income	Annual Income
1	\$282	\$3,384
2	\$559	\$6,708
3	\$624	\$7,488
4	\$755	\$9,060
5	\$875	\$10,500
6	\$962	\$11,544
7	\$1,081	\$12,972
8	\$1,191	\$14,292

**Please Note:** Housing Subsidies count as income; if a family lives in Public Housing, Section 8, or FMHA Section 15 housing, \$60 per month of the subsidy is counted as income.

## SPECIAL CIRCUMSTANCES

Family means the parent/s or other caretaker relative acting as a parent, a minor child (ren) or a pregnant woman. They must be residents of Maryland.

**STEPPARENT FAMILIES:** Stepparents with income under 50% of the Federal Poverty Level (FPL) will not have the income counted against the grant. Those with incomes exceeding 50% of the FPL will count, after allowable deductions.

**NON-PARENT CARETAKER RELATIVES:** Caretaker relatives with no children of their own included in the TCA grant are NOT included in the TCA grant — thus exempting them from required work activities. Instead, the related children receive a “Room and Board” payment equal to one person higher than the number of children. *(Ex: If there were two children and a non-parent caretaker relative, the TCA payment issued for the children would equal the grant for a family of three.)*

WA supported easing restrictions on assisting two-parent families. (1995)

**MEDICAL ASSISTANCE FOR CHILDREN LOSING SSI ELIGIBILITY:** The State provides Medical Assistance (MA) benefits to minors who qualified for Supplemental Security Income (SSI) as a disabled minor before August 22, 1996 and subsequently lose their benefits. The State takes the steps necessary to obtain federal reimbursement for these health services. The Federal Balanced Budget Act of 1997 requires that Medical Assistance coverage is provided for minors who lose SSI as a result of the federal welfare reform legislation of 1996.

**LEGAL IMMIGRANT:** If a legal immigrant arrived in the United States before 8/22/96 then family may apply and be eligible for federally-funded TCA, FSP, and MA. If a legal immigrant arrived in the United States after 8/22/96 and they have been in the country for more than five year they may also apply for federally funded TCA, FSP, and MA. If a legal immigrant has arrived in the US and has lived in the country for less than five years and they are not considered a qualified alien for federal benefits, they may apply for and receive state funded TCA.

WA supported extended cash assistance to legal immigrant households, food stamps, and Medical Assistance for legal immigrant children. (1995)

# APPENDIX III: ACRONYMS

**DHR:** Department of Human Resources, the provider of the state's social services including foster care, adoption, child protective services, food assistance, energy assistance, child support, medical assistance and child care.

**DSS:** Department of Social Services; County-based offices under the oversight of Maryland Department of Human Resources whose purpose is to administer public assistance programs and investigate allegations of child/adult abuse and neglect.

**EITC:** Earned Income Tax Credit; a refundable tax credit for low- and middle-income individuals and families, with particular incentives given to families with children, enacted in 1975.

**FIA:** Family Investment Administration; The FIA was known as the Income Maintenance Administration (IMA) until 1996 when its name and function changed under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA). The duties of the FIA include: oversight and coordination of all federal and state assistance programs; determining eligibility of means tested programs for low-income families for programs which include Temporary Cash Assistance, the Food Supplement program, Medical Assistance Program (Medicaid), Maryland's Children Health Insurance Program, and the Maryland Pharmacy Assistance Program; and sets policy for local departments of social services to follow in determining eligibility for public assistance.

**FIP:** Family Investment Program; Maryland's program of public welfare and includes all services and benefits under the federal TANF block grant. Job search, child support activities, and substance abuse screening may be required before any cash benefits will be paid. All work mandatory families will be required to participate in work activities.

**FPL:** Federal Poverty Level; the measure used by the federal government to determine how many Americans live in poverty every year for the purpose of determining eligibility for public assistance on the state and federal level. Currently, an individual would earn no more than \$11,490 and a family of four would earn no more than \$23,550 to be considered living at the federal poverty level.

**FSP:** Food Supplement Program; provides a monthly allotment to low-income families to help them buy healthy foods at grocery stores and farmers markets across the state. For every \$1 spent in FSP benefits, \$1.85 of local economic activity is generated. The 2008 farm bill increased access to the FSP. FSP is funded by the federal Supplemental Nutrition Assistance Program (SNAP).

**FY:** Fiscal Year; also referred to as a budget year as it is a period of 12 consecutive months ending on the last day of any month except for December 31 that is used for calculating yearly financial statements. The 2014 FY for Maryland is July 1, 2013 – June 30, 2014.

**FYTD:** Fiscal Year to Date; the portion of the current fiscal year that is reflected in a set of statistics

**M-CHIP:** Maryland Children’s Health Insurance Program; A federal and state-funded program that utilizes a variety of managed Care Organizations to provide full health benefits to children up to the age of 19 not eligible for Medicaid or pregnant women of any age with income that is equal to or below 200% of the FPL.

**MLL:** Minimum Living Level; The minimal standard of living (*based on the nine components of food, contract rent, utility, household furnishing, clothing and cleaning, personal care, transportation, other family consumption, and medical care*) for a family whose sole source of income is public assistance calculated using the Consumer Price Index.

**SNAP:** Supplemental Nutrition Assistance Program; A federal program that provides low-income households with electronic benefits (*formerly known as food stamps*) they can use like cash at most grocery store. It is referred to as the Food Supplement Program (FSP) in Maryland.

**SSI:** Supplemental Security Income; A federal income supplement program funded by general tax revenues (not Social Security taxes). It is designed to help aged, blind, and disabled people who have little or no income and it provides cash to meet basic needs for food, clothing, and shelter.

**TANF:** Temporary Assistance for Needy Families; The federal government abolished Aid to Families with Dependent Children (AFDC) and replaced it with TANF – a non-entitlement program. It is referred to as TCA in Maryland.

**TCA:** Temporary Cash Assistance; Maryland’s monthly cash benefit (TANF) program. The maximum monthly benefit for a family of three is \$624, effective November 1, 2013.

**WAG:** Welfare Avoidance Grant; Local jurisdictions in Maryland may offer some families an amount of money (typically equal to three months worth of cash assistance benefits, but no more than 12 months worth) to help the household avoid coming onto TCA. Families do not apply for a WAG; rather a DSS worker may recommend a WAG after completing an assessment of the applicant.

WELFARE ADVOCATES WOULD LIKE TO THANK THOSE WHO HELPED  
MAKE THIS YEAR'S **GUIDE TO WELFARE IN MD** POSSIBLE, INCLUDING:

Marilyn Lorenzo — Family Investment Administration, DHR

Carol Palmer — Catholic Charities

Lelia Parker — Catholic Charities

