

HOUSE BILL 1453

O4, F5

4lr1895

By: **Delegate Guyton**

Introduced and read first time: February 9, 2024

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Foster Care Families Child Care Assistance Program and Fund – Establishment**

3 FOR the purpose of establishing the Foster Care Families Child Care Assistance Program
4 in the State Department of Education to provide child care assistance through
5 subsidies and scholarships to eligible foster care families; requiring the Department
6 to administer the Program in accordance with federal law and to establish a process
7 that meets certain requirements for granting subsidies and scholarships to foster
8 care families under the Program; establishing the Foster Care Families Child Care
9 Assistance Fund as a special, nonlapsing fund to award certain subsidies under the
10 Program; and generally relating to the Foster Care Families Child Care Assistance
11 Program and Fund.

12 BY adding to
13 Article – Education
14 Section 9.5–117
15 Annotated Code of Maryland
16 (2022 Replacement Volume and 2023 Supplement)

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

19 **Article – Education**

20 **9.5–117.**

21 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
22 **INDICATED.**

23 **(2) “FOSTER CARE FAMILIES” INCLUDES:**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(I) FOSTER PARENTS OF A CHILD UNDER THE AGE OF 18 YEARS;

(II) RELATIVES OF A CHILD UNDER THE AGE OF 18 YEARS WHO IS IN INFORMAL KINSHIP CARE, AS DEFINED UNDER § 4-122.1 OF THIS ARTICLE; AND

(III) INDIVIDUALS WHO ARE IN FOSTER CARE OR INFORMAL KINSHIP CARE WHO ARE CARING FOR A BIOLOGICAL CHILD UNDER THE AGE OF 18 YEARS.

(3) "FUND" MEANS THE FOSTER CARE FAMILIES CHILD CARE ASSISTANCE FUND.

(4) "PROGRAM" MEANS THE FOSTER CARE FAMILIES CHILD CARE ASSISTANCE PROGRAM.

(B) THERE IS A FOSTER CARE FAMILIES CHILD CARE ASSISTANCE PROGRAM IN THE DEPARTMENT.

(C) THE PURPOSE OF THE PROGRAM IS TO PROVIDE CHILD CARE ASSISTANCE THROUGH SUBSIDIES AND SCHOLARSHIPS TO ELIGIBLE FOSTER CARE FAMILIES.

(D) THE DEPARTMENT SHALL:

(1) ADMINISTER THE PROGRAM IN ACCORDANCE WITH FEDERAL LAW; AND

(2) ESTABLISH A PROCESS THAT MEETS THE REQUIREMENTS OF § 9.5-113 OF THIS SUBTITLE FOR:

(I) GRANTING PRESUMPTIVE ELIGIBILITY FOR FOSTER CARE FAMILIES FOR A SUBSIDY UNDER THE PROGRAM;

(II) DETERMINING WHETHER FOSTER CARE FAMILIES QUALIFY TO CONTINUE TO RECEIVE A SUBSIDY UNDER THE PROGRAM AFTER SUBMISSION OF AN APPLICATION TO THE DEPARTMENT;

(III) DETERMINING THE CONDITIONS UNDER WHICH THE DEPARTMENT MAY SEEK REIMBURSEMENT OF A SUBSIDY PROVIDED TO A FOSTER CARE FAMILY UNDER THE PROGRAM; AND

1 (IV) DETERMINING INITIAL AND CONTINUING ELIGIBILITY FOR
2 FOSTER CARE FAMILIES TO RECEIVE A SCHOLARSHIP UNDER THE PROGRAM IN AN
3 AMOUNT SUFFICIENT TO COVER THE CO-PAY FOR CHILD CARE.

4 (E) (1) THERE IS A FOSTER CARE FAMILIES CHILD CARE ASSISTANCE
5 FUND.

6 (2) THE DEPARTMENT SHALL ADMINISTER THE FUND.

7 (3) (I) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT
8 SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

9 (II) THE STATE TREASURER SHALL HOLD THE FUND
10 SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

11 (4) THE FUND CONSISTS OF:

12 (I) MONEY APPROPRIATED IN THE STATE BUDGET TO THE
13 FUND;

14 (II) ANY REIMBURSEMENTS OF SUBSIDIES PROVIDED TO A
15 FOSTER CARE FAMILY UNDER THE PROGRAM; AND

16 (III) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED
17 FOR THE BENEFIT OF THE FUND.

18 (5) THE FUND MAY BE USED ONLY TO AWARD A SUBSIDY UNDER THE
19 PROGRAM IN AN AMOUNT SUFFICIENT TO PROVIDE CHILD CARE ASSISTANCE TO A
20 FOSTER CARE FAMILY WHO IS GRANTED PRESUMPTIVE ELIGIBILITY UNTIL THE
21 FOSTER CARE FAMILY:

22 (I) 1. FAILS TO COMPLETE AN APPLICATION WITHIN THE
23 TIME PERIOD DETERMINED BY THE DEPARTMENT; OR

24 2. IS FOUND TO BE INELIGIBLE FOR A SUBSIDY UNDER
25 THE PROGRAM; OR

26 (II) IS FOUND TO BE ELIGIBLE TO PARTICIPATE IN THE
27 PROGRAM.

28 (6) IF A FOSTER CARE FAMILY IS FOUND TO BE ELIGIBLE TO
29 PARTICIPATE IN THE PROGRAM, FEDERAL AND MATCHING STATE FUNDS
30 AVAILABLE UNDER THE FEDERAL CHILD CARE DEVELOPMENT FUND SHALL BE

1 USED TO REIMBURSE THE FUND FOR ANY EXPENDITURES MADE IN ACCORDANCE
2 WITH PARAGRAPH (5) OF THIS SUBSECTION.

3 (7) FOR FISCAL YEAR 2026 AND EACH FISCAL YEAR THEREAFTER,
4 THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION
5 TO THE FUND AT LEAST EQUAL TO THE AMOUNT RECOMMENDED BY THE
6 DEPARTMENT IN THE STUDY CONDUCTED IN ACCORDANCE WITH SECTION 3 OF
7 CHAPTERS 525 AND 526 OF THE ACTS OF THE GENERAL ASSEMBLY OF 2022 THAT
8 IS NECESSARY TO PROVIDE PAYMENT OF THE SUBSIDY AMOUNT FOR WHICH A
9 FOSTER CARE FAMILY WHO IS PRESUMPTIVELY ELIGIBLE QUALIFIES.

10 (8) (I) THE STATE TREASURER SHALL INVEST THE MONEY OF THE
11 FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

12 (II) ANY INTEREST EARNINGS OF THE FUND SHALL BE
13 CREDITED TO THE GENERAL FUND OF THE STATE.

14 (F) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THE
15 PROVISIONS OF THIS SECTION.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2024.