

SENATE No. 2190

Text of amendment (1) (offered by Senator deMacedo and Tarr) to the Ways and Means amendment (Senate, No. 2186) to the House Bill to lift the cap on kids (House, No. 3594).

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

1 SECTION XX. Section 110 of chapter 5 of the acts of 1995, as most recently amended by
2 sections 53 and 55 of chapter 154 of the acts of 2018, is hereby further amended by striking out
3 subsections (a) through (e) and inserting in place thereof the following subsections:-

4 (a) For purposes of this act the following words shall, unless the context clearly requires
5 otherwise, have the following meanings:-

6 "Assistance", cash grants, special needs assistance, and other benefits funded jointly by
7 the commonwealth and the federal government which are available from the program.

8 "Commissioner", the commissioner of the department.

9 "Department", the department of transitional assistance known previously as the
10 department of public welfare established by chapter 18 of the General Laws.

11 "Dependent child", "dependent children", "child" or "children", the children of recipients
12 eligible to receive assistance from the program.

13 "Family", the household unit consisting of dependent children and a recipient or
14 recipients determined eligible for assistance from said program.

15 "Program", the program of aid to families with dependent children established by chapter
16 118 of the General Laws and as modified by this act.

17 "Recipient", parents receiving or otherwise eligible to receive assistance from said
18 program who are responsible for the care of dependent children.

19 (b) A family shall be eligible for assistance provided its maximum allowable countable
20 resources do not exceed \$5,000 and upon meeting all other eligibility criteria; provided,
21 however, that the value of 1 vehicle will not count toward the family's countable resources; and
22 provided further, that an assistance unit shall be allowed the value and balance of a college
23 savings plan established and maintained pursuant to, or consistent with, section 529 of the
24 Internal Revenue Code.

25 The department shall exclude from a family's countable resources any earned income of
26 dependent children of the family who are working part-time while attending school full time.
27 The department shall promulgate regulations in accordance with this section, including, but not
28 limited to, updated 106 CMR 204.210(D)(2).

29 (c) The department shall treat adult social security income as countable income for
30 purposes of determining eligibility and benefit levels for the program.

31 (d) An earnings disregard of earned income shall be provided to both exempt and
32 nonexempt families, such that a recipient shall be eligible to have 100 per cent of the remaining
33 gross earned income, before dependent care deductions, disregarded for 6 consecutive months
34 immediately following the start of initial employment or the date on which the recipient began
35 receiving transitional aid to families with dependent children, whichever is later; provided,
36 however, that total income shall not exceed 200 per cent of the federal poverty level for the

37 household size. Such recipient shall also be eligible to have 50 per cent of the remaining gross
38 income, after work-related expenses but before dependent care deductions, disregarded following
39 the initial 6-month period of earnings disregard.

40 (e) Recipients meeting the following eligibility criteria shall be exempt from the
41 provisions of subsections (d), (f), (h) and (j) until such time as their eligibility status has been
42 determined by the department to have changed and they no longer conform to the criteria that
43 define the following exempt categories of assistance:

44 (1) recipients who are disabled, as defined by the federal Social Security Act, 42
45 U.S.C.A. §423(d) or, in the commissioner's discretion, a recipient who has been determined by
46 the commonwealth's disability evaluation service to have a disability that meets or equals
47 medical standards established by the department or substantially reduces the recipient's ability to
48 support the recipient's children taking into account the individual's age, education and work
49 experience; provided that in families with 2 parents, both parents are disabled; provided further,
50 that to the extent permitted by federal law, the word "disabled" shall not include recipients who
51 are dependent on alcohol or drugs or whose disability is based in whole or in part on previous
52 dependency. A recipient who requests an exemption under this clause shall, as a condition of
53 continued eligibility for transitional aid to families with dependent children, apply for
54 supplemental security income (SSI) and, if requested by the department, appeal a denial of SSI
55 benefits. Recipients who do not comply with the department's request to apply for SSI or appeal
56 a decision shall not be granted a work exemption under this clause;

57 (2) recipients who must care for a disabled child or spouse. A recipient who requests an
58 exemption under this clause shall apply for SSI benefits on behalf of the disabled child or
59 spouse;

60 (3) recipients in their thirty-third week or later of pregnancy, recipients in their third
61 trimester of pregnancy who have submitted documentation signed by a primary care provider, as
62 defined in section 1 of chapter 111 of the General Laws, or an obstetrician, gynecologist, nurse-
63 midwife or family practitioner registered and certified under chapter 112 of the General Laws,
64 that the recipient has a medical condition that prevents the recipient from working, or recipients
65 with a child under the age of 2 years;

66 (4) recipients under the age of 20 years attending high school full time subject to the
67 provisions of subsection (i); or

68 (5) caretakers of children in their care to whom they have no legal obligation; provided,
69 however, that the department shall provide a cash payment for only the children.

70 SECTION XX. Subsection (j) of said section 110 of said chapter 5 of the acts of 1995, as
71 most recently amended by section 27 of chapter 158 of the acts of 2014, is hereby further
72 amended by striking out the words "of record" each time they appear.