

<b>DEPARTMENT OF HUMAN RESOURCES FAMILY INVESTMENT ADMINISTRATION</b>	<b>TEMPORARY CASH ASSISTANCE MANUAL</b>	
<b>PAYEES 212</b>	<b>COMAR 07.03.03.16</b>	<b>APPLICATION 200</b>

### **212.1 PAYEES**

- A. Generally, the person who makes the request for TCA benefits by signing the application becomes the payee once eligibility is established.
- B. In two-parent households, the adult female is made payee unless there is an agreement between the parents for the adult male to be payee
- C. The payee of the TCA grant is:
  - 1. A caretaker relative:
    - a. Mother or father
    - b. Grandparent
    - c. Sister or brother
    - d. Aunt or uncle
    - e. Cousin (first, second, etc.)
  - 2. The degree of relationship is not important and relationship is not important unless it is questionable

### **212.2 PROTECTIVE PAYEES**

- A. At times, it may be necessary for the local department to seek a protective payee for a caretaker's TCA benefits
- B. A protective payee is approved by the local department when the caretaker is:
  - 1. Physically disabled
  - 2. Mentally disabled
  - 3. Unable to manage funds
  - 4. A minor parent
  - 5. A minor pregnant woman

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6. Receiving benefits from the Social Security Administration through a protective payee

C. A protective payee may be approved if:

1. The caretaker makes a written request for a protective payee
2. A social worker requests a protective payee for a caretaker once there is confirmed evidence of need

D. When possible, the selection of a protective payee should be made by or with the approval of the caretaker

E. Responsibilities of the protective payee include:

1. Management of the TCA benefits
2. Accountability for the TCA benefits
3. Other related obligatory services:
  - Purchase food, clothing, medicine
  - Pay rent or mortgage, water, utilities

F. A protective payee can never be:

1. A staff member of the Family Investment Administration
2. A person with medically diagnosed alcoholism or drug addiction, or
3. Any person who deals with the caretaker for profit, such as a landlord or merchant (this creates a conflict of interest)

G. An annual review is conducted to ensure the protective payee is meeting expectations

H. Timely and adequate notification of adverse action must be sent to the customer advising of the action to provide a protective payee and of appeal rights

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- I. The local department may terminate the protective payee arrangement when the:
  1. Caretaker is no longer disabled
  2. Social services worker recommends that the caretaker resume the payee responsibility
  3. Social Security Administration terminates their protective payee and pays the caretaker's benefits directly to the caretaker
  4. Minor parent or minor pregnant woman becomes of age or is eligible in their own right
  5. Caretaker requests in writing to resume duties as own payee, or
  6. Local department determines the protective payee is not satisfactorily meeting expectations

### **212.3 THIRD PARTY PAYEES**

- A. The following individuals have been approved by the Department as, "third-party payees":
  1. Non-profit organizations
  2. For-profit organizations
  3. Responsible individuals (approved by the local department)
  4. Government entities which include the local departments (but not FIA staff)
- B. Third-party payees are designated under the following circumstances:
  1. The local department authorizes Transitional Assistance due to a program sanction
  2. The needs of the head of household are removed from the assistance unit for failure to follow the substance abuse provisions

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C. Responsibilities of the third-party payee include:

1. The ability to track the family's funds
2. Accountability for the disbursement of the family's funds
3. Providing services relating to the management of the family's funds
4. Providing services to assist the family to comply with program requirements

D. Local departments may pay an administrative fee to the third-party payee to cover the administrative costs of managing the customer's benefits

**Note:** Forms are available to help the third-party payee track and account for disbursement of the customer's benefits.

E. A third-party payee can never be:

1. A staff member of the Family Investment Administration
2. A person with medically diagnosed alcoholism or drug addiction, or
3. A person who deals with the customer for profit such as a landlord or merchant (this creates a conflict of interest)

F. A review should be done annually or semi-annually to ensure the third-party payee is meeting expectations

G. Timely and adequate notification of adverse action, including an appeal form and a return envelope, must be sent to the customer advising of the action to have benefits paid to a third-party

1. Include the name and address of the third-party payee
2. Explain how the third-party payee was selected and why

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H. The local department may terminate the third-party payee arrangement when the:

1. Transitional Assistance period ends
2. Sanction for not complying with a work requirement is removed
3. TCA case is closed, or
4. Local department determines the third-party payee is not satisfactorily meeting expectations