

SENATE BILL 38

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2000 Regular Session
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(PRE-FILED)

By: **Chairman, Judicial Proceedings Committee (Departmental - Human Resources)**

Requested: November 15, 1999
Introduced and read first time: January 12, 2000
Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: February 9, 2000

CHAPTER 23

1 AN ACT concerning

2 **Child Support Enforcement - Conciliation Conferences**

3 FOR the purpose of authorizing the Child Support Enforcement Privatization Pilot
4 Program and any demonstration site to conduct conciliation conferences;
5 authorizing a court to order parties in an action to enforce or modify a duty of
6 support to appear and produce documents at a conciliation conference conducted
7 by the Pilot Program or a demonstration site; authorizing a representative of the
8 Pilot Program or a demonstration site to apply to a court for a body attachment
9 if a party fails to appear or fails to produce documents at a conciliation
10 conference; authorizing a court to issue a body attachment or compel compliance
11 ~~when~~ if a party fails or refuses to appear or produce documents at a conciliation
12 conference; defining certain terms; and generally relating to conciliation
13 conferences conducted by the Pilot Program and demonstration sites.

14 BY repealing and reenacting, with amendments,
15 Article - Family Law
16 Section 10-119.1 and 10-119.2
17 Annotated Code of Maryland
18 (1999 Replacement Volume and 1999 Supplement)

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

1

Article - Family Law

2 10-119.1.

3 (a) IN THIS SECTION, "CONCILIATION CONFERENCE" MEANS A CONFERENCE
4 CONDUCTED AT A SITE DESIGNATED BY THE PILOT PROGRAM ESTABLISHED UNDER
5 SUBSECTION (B) OF THIS SECTION TO PROVIDE AN OPPORTUNITY FOR THE PARTIES
6 TO RESOLVE ISSUES ASSOCIATED WITH AN ACTION TO MODIFY OR ENFORCE A DUTY
7 OF SUPPORT PRIOR TO GOING TO A COURT PROCEEDING.

8 (B) (1) Notwithstanding § 13-405 of the State Personnel and Pensions
9 Article, there is a Child Support Enforcement Privatization Pilot Program within the
10 Department.

11 (2) The Pilot Program shall operate in Baltimore City and Queen Anne's
12 County.

13 [(b)] (C) The purpose of the Pilot Program is to authorize the Secretary of the
14 Department to enter into contracts with private companies to privatize all aspects of
15 child support enforcement functions of the Department, including:

16 (1) locating absent parents;

17 (2) establishing paternities;

18 (3) establishing support orders;

19 (4) collecting and disbursing support payments;

20 (5) reviewing and modifying child support orders; and

21 (6) except for legal representation in accordance with § 10-115 of the
22 Family Law Article and as otherwise provided by law, enforcing support obligations.

23 [(c)] (D) Subject to subsection [(g)] (H) of this section, the Secretary shall:

24 (1) adopt regulations that:

25 (i) require the transfer of all aspects of child support enforcement
26 to one or more private contractors by November 1, 1996;

27 (ii) provide for the reimbursement of any private contractor;

28 (iii) prohibit the cost of transferring child support enforcement to
29 private contractors as defined in item (ii) of this paragraph from exceeding the fiscal
30 year 1995 administrative cost per child support dollar collected by the Child Support
31 Enforcement Administration in the Pilot Program areas;

32 (iv) require any private contractor to offer employment upon terms
33 deemed by the Secretary to be fair and equitable to any former State employees
34 working for an existing contractor who are affected by the transfer of child support

1 enforcement responsibilities under this section and to retain any employees who
2 accept the offer:

3 1. for the duration of the Pilot Program unless there is cause
4 for dismissal; and

5 2. at a salary and benefit level comparable to the salary and
6 benefits to which they were entitled at the time of the transfer;

7 (v) require any private contractor to adopt a grievance procedure
8 for employees who are retained by the private contractor under item (iv) of this item;
9 and

10 (vi) prohibit the reimbursement of any private contractor from child
11 support collections; and

12 (2) assist an employee who declines an offer of employment with a
13 private contractor to identify a comparable position in the State Personnel
14 Management System to which the employee may transfer.

15 [(d)] (E) A request for proposal to transfer child support collection activities
16 issued under this section shall:

17 (1) comply with the provisions of Division II of the State Finance and
18 Procurement Article;

19 (2) set forth the goals of the privatization; and

20 (3) specify the incentives which will be available to the contractor.

21 [(e)] (F) (1) On or before October 1, 1996, and annually thereafter, the
22 Secretary shall report to the Governor and, subject to § 2-1246 of the State
23 Government Article, the General Assembly on the operation and performance of the
24 Pilot Program.

25 (2) The report shall assess the Pilot Program for its effectiveness and
26 success in enhancing child support collection through the privatization of child
27 support enforcement in Baltimore City and Queen Anne's County in the State.

28 (3) The Secretary shall include in the report the plans for improving the
29 effectiveness and success of the Pilot Program in achieving the objective.

30 [(f)] (G) The Secretary shall adopt any other regulations necessary to carry
31 out the provisions of this section.

32 [(g)] (H) A former State employee who declines an offer of employment with a
33 private contractor under this section shall be considered laid off and shall be entitled
34 to all rights specified under Title 11, Subtitle 2 of the State Personnel and Pensions
35 Article.

1 (I) IN ACCORDANCE WITH SUBSECTION (J) OF THIS SECTION, THE PILOT
2 PROGRAM MAY CONDUCT A CONCILIATION CONFERENCE.

3 (J) (1) IF A COMPLAINT IS FILED TO MODIFY OR ENFORCE A DUTY OF
4 SUPPORT IN ~~A~~ THE CIRCUIT COURT OF ~~THE~~ A JURISDICTION IN WHICH THE PILOT
5 PROGRAM IS LOCATED, THE COURT MAY ISSUE A WRIT OF SUMMONS TO ORDER THE
6 PARTIES TO APPEAR AND TO PRODUCE DOCUMENTS AT A CONCILIATION
7 CONFERENCE.

8 (2) IF A PARTY FAILS TO APPEAR OR FAILS TO PRODUCE THE
9 DOCUMENTS REQUIRED UNDER THIS SUBSECTION, A REPRESENTATIVE OF THE
10 PILOT PROGRAM MAY APPLY, UPON AFFIDAVIT, TO THE COURT FOR A BODY
11 ATTACHMENT.

12 (3) IF A PARTY FAILS OR REFUSES TO OBEY A COURT ORDER TO APPEAR
13 OR PRODUCE THE DOCUMENTS REQUIRED UNDER THIS SUBSECTION AT A
14 CONCILIATION CONFERENCE, THE COURT MAY ISSUE A BODY ATTACHMENT OR
15 COMPEL COMPLIANCE IN ANY OTHER MANNER AVAILABLE TO THE COURT TO
16 ENFORCE ITS ORDER.

17 10-119.2.

18 (a) (1) In this section [,] THE FOLLOWING WORDS HAVE THE MEANINGS
19 INDICATED.

20 (2) "CONCILIATION CONFERENCE" MEANS A CONFERENCE CONDUCTED
21 AT ~~ANY~~ A DEMONSTRATION SITE TO PROVIDE AN OPPORTUNITY FOR THE PARTIES TO
22 RESOLVE ISSUES ASSOCIATED WITH AN ACTION TO MODIFY OR ENFORCE A DUTY OF
23 SUPPORT PRIOR TO GOING TO A COURT PROCEEDING.

24 (3) ["demonstration] "DEMONSTRATION site" means [the] ANY
25 jurisdiction selected by the Secretary of Human Resources, in consultation with the
26 director of the local department of social services in the jurisdiction, to compete
27 against privatized jurisdictions in providing child support enforcement services.

28 (b) The Secretary shall establish a child support enforcement demonstration
29 site in at least one but not more than six jurisdictions for the purpose of competing
30 against a privatized jurisdiction as established in § 10-119.1 of this subtitle.

31 (c) Notwithstanding any other provision of law, the Secretary shall appoint a
32 director of child support services in a demonstration site who shall report directly to
33 the Executive Director of the Child Support Enforcement Administration of the
34 Department.

35 (d) Notwithstanding any other provision of law, the Secretary shall have sole
36 authority over the child support enforcement functions in a demonstration site,
37 including but not limited to:

38 (1) location of parents;

- 1 (2) establishing paternities;
- 2 (3) establishing child support orders;
- 3 (4) collecting and disbursing support payments;
- 4 (5) reviewing and modifying child support orders;
- 5 (6) enforcing support obligations;
- 6 (7) providing legal representation to [clients] THE ADMINISTRATION;
- 7 and
- 8 (8) establishing contractual agreements with private or public entities to
- 9 provide child support services.

10 (e) Notwithstanding any other provision of law and for the purpose of carrying

11 out the provisions of this section, the Secretary shall have the authority to sever

12 contractual agreements with a State's Attorney and hire private counsel to provide

13 legal representation for the Child Support Enforcement Administration.

14 (f) (1) Notwithstanding any other provision of law, all employees hired in a

15 demonstration site after its designation as a demonstration site shall be in the

16 management service or special appointments in the State Personnel Management

17 System.

18 (2) If a position in a demonstration site is held by a classified service

19 employee prior to its designation as a demonstration site, the position remains a

20 classified service position or its equivalent in the State Personnel Management

21 System until the position becomes vacant, at which time the position shall become a

22 management service or special appointment position.

23 (g) The Secretary shall establish a performance incentive program to provide

24 pay incentives for employees in a demonstration site.

25 (H) IN ACCORDANCE WITH SUBSECTION (I) OF THIS SECTION, A

26 DEMONSTRATION SITE MAY CONDUCT A CONCILIATION CONFERENCE.

27 (I) (1) IF A COMPLAINT IS FILED TO MODIFY OR ENFORCE A DUTY OF

28 SUPPORT IN ~~A~~ THE CIRCUIT COURT OF ~~THE~~ A JURISDICTION IN WHICH A

29 DEMONSTRATION SITE IS LOCATED, THE COURT MAY ISSUE A WRIT OF SUMMONS TO

30 ORDER THE PARTIES TO APPEAR AND TO PRODUCE DOCUMENTS AT A CONCILIATION

31 CONFERENCE.

32 (2) IF A PARTY FAILS TO APPEAR OR FAILS TO PRODUCE THE

33 DOCUMENTS REQUIRED UNDER THIS SUBSECTION, A REPRESENTATIVE OF THE

34 DEMONSTRATION SITE MAY APPLY, UPON AFFIDAVIT, TO THE COURT FOR A BODY

35 ATTACHMENT.

1 (3) IF A PARTY FAILS OR REFUSES TO OBEY A COURT ORDER TO APPEAR
2 OR PRODUCE THE DOCUMENTS REQUIRED UNDER THIS SUBSECTION AT A
3 CONCILIATION CONFERENCE, THE COURT MAY ISSUE A BODY ATTACHMENT OR
4 COMPEL COMPLIANCE IN ANY OTHER MANNER AVAILABLE TO THE COURT TO
5 ENFORCE ITS ORDER.

6 [(h)] (J) The powers of the Secretary to carry out the provisions of this section
7 shall be construed liberally.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2000.