

SENATE BILL 38

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2004 Regular Session
(4lr0049)

ENROLLED BILL
-- Judicial Proceedings/Judiciary --

Introduced by **Chairman, Judicial Proceedings Committee (By Request -
Departmental - Human Resources)**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER 435

1 AN ACT concerning

2 **Family Law - Child Support Enforcement - Earnings Withholding and**
3 **Medical Support Notices**

4 FOR the purpose of repealing the requirement that the Child Support Enforcement
5 Administration send certain documents to an obligor by certified mail under
6 certain circumstances; requiring the Administration to send certain documents
7 to an obligor at the obligor's place of employment; altering the contents of a
8 certain statement of the obligor's right to contest the accuracy of information
9 provided in a certain earnings withholding notice; repealing the requirement
10 that a certain parent or support enforcement agency send a copy of an order to
11 provide health insurance coverage or a medical support notice to the parent's
12 employer by certified mail under certain circumstances; requiring a certain
13 parent or support enforcement agency to send a copy of an order to provide
14 health insurance coverage or a medical support notice to the parent's employer
15 in a certain manner under certain circumstances; and generally relating to child
16 support enforcement.

1 BY repealing and reenacting, with amendments,
2 Article - Family Law
3 Section 10-124 and 12-102(d)
4 Annotated Code of Maryland
5 (1999 Replacement Volume and 2003 Supplement)

6 BY repealing and reenacting, without amendments,
7 Article - Family Law
8 Section 12-102(a), (b), and (c)
9 Annotated Code of Maryland
10 (1999 Replacement Volume and 2003 Supplement)

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

13 **Article - Family Law**

14 10-124.

15 (a) Except as otherwise provided in this Part III, the Administration may
16 serve an earnings withholding notice on an employer of an obligor without the need
17 for any modification of the support order or any further action by a tribunal if:

18 (1) (i) a tribunal has issued a support order; and

19 (ii) the Administration is providing child support services under
20 Title IV, Part D, of the Social Security Act; or

21 (2) an obligor requests the service of an earnings withholding notice.

22 (b) The Administration may serve an employer with an earnings withholding
23 notice using an electronic format if the employer has entered into an agreement with
24 the Administration to accept service of an earnings withholding notice in this manner.

25 (c) When the Administration serves an employer with an earnings
26 withholding notice under this section, the Administration shall send to the obligor, by
27 [certified mail, return receipt requested, and] first-class mail, at the obligor's last
28 known home address ~~or, if the home address is unknown, the and place of~~
29 employment ~~last reported to the court:~~

30 (1) a copy of the earnings withholding notice;

31 (2) a statement of the procedures under § 10-134 of this subtitle that the
32 obligor must follow to terminate earnings withholding;

33 (3) a statement of the obligor's right to contest the accuracy of the
34 information provided in the earnings withholding notice by filing a motion for a stay
35 of the earnings withholding notice in circuit court or requesting an investigation no

1 later than ~~45~~ 30 days after a copy of the withholding notice is mailed to the obligor
2 under this section; and

3 (4) a statement of the amount of arrears apportioned to each payment
4 that is to be included in the amount of earnings withheld under § 10-122 of this
5 subtitle.

6 (d) The only issues that may be adjudicated at a hearing or contested in an
7 investigation under subsection (c)(3) of this section are:

8 (1) whether an arrearage existed;

9 (2) the amount of the withholding or the amount of any arrearage;

10 (3) the identity of the obligor; or

11 (4) that the amount of the withholding notice exceeds the limits of the
12 federal Consumer Credit Protection Act.

13 (e) (1) If an obligor requests an investigation, the Administration shall:

14 (i) conduct an investigation within 15 days after the obligor's
15 request; and

16 (ii) on completion of the investigation, notify the obligor of the
17 results of the investigation and the obligor's right to appeal the decision of the
18 Administration to the Office of Administrative Hearings.

19 (2) An appeal under paragraph (1)(ii) of this subsection shall be
20 conducted in accordance with Title 10, Subtitle 2 of the State Government Article.

21 12-102.

22 (a) (1) In this section the following words have the meanings indicated.

23 (2) "Health insurance coverage" means any type of health care coverage
24 under which medical care services can be provided to the child through an insurer.

25 (3) "Insurer" means:

26 (i) an insurer, a nonprofit health service organization, or a health
27 maintenance organization operating in this State under a certificate of authority
28 issued by the Maryland Insurance Commissioner;

29 (ii) an entity that provides a group health plan, as defined in §
30 607(1) of the Employee Retirement Income Security Act of 1974; or

31 (iii) an entity offering a service benefit plan as defined by federal
32 law.

33 (4) "Medical support notice" means a notice that is:

1 (i) in a format prescribed by federal law; and

2 (ii) issued by a child support agency to enforce the health insurance
3 coverage provisions of a child support order.

4 (5) "Tribunal" has the meaning stated in § 10-301 of this article.

5 (b) The court may include in any support order a provision requiring either
6 parent to include the child in the parent's health insurance coverage if:

7 (1) the parent can obtain health insurance coverage through an
8 employer or any form of group health insurance coverage; and

9 (2) the child can be included at a reasonable cost to the parent in that
10 health insurance coverage.

11 (c) An order of a court requiring the provision of health insurance coverage for
12 a child may be issued separate from or in conjunction with an earnings withholding
13 order.

14 (d) (1) If a court orders a parent to provide health insurance coverage under
15 this section, the parent under the order or the support enforcement agency shall send
16 a copy of the order or medical support notice to the parent's employer by [certified
17 mail, return receipt requested] FIRST-CLASS MAIL, separate from or in conjunction
18 with an earnings withholding order, as provided in § 10-123 of this article.

19 (2) Within 20 business days after the receipt of the order or medical
20 support notice, the employer shall:

21 (i) send the appropriate part of the medical support notice to the
22 employer's insurer;

23 (ii) if the employer determines that, based on reasons related to the
24 employee's employment status, the employee's child is ineligible for health insurance
25 coverage, complete the appropriate part of the medical support notice and return it to
26 the issuing child support agency;

27 (iii) permit the parent, a child support enforcement agency, or the
28 Department of Health and Mental Hygiene to enroll the child in any health insurance
29 coverage available to the parent without regard to any enrollment season restrictions;

30 (iv) provide a statement to the support enforcement agency and to
31 both parents that the child:

32 1. has been enrolled in health insurance coverage;

33 2. will be enrolled in health insurance coverage and that the
34 expected date of enrollment will be provided; or

35 3. cannot be enrolled in health insurance coverage; and

1 (v) provide information to both parents and to the support
2 enforcement agency concerning the available health insurance coverage, including:

- 3 1. the employee's Social Security number;
- 4 2. the name, address, and telephone number of the insurer;
- 5 3. the policy number;
- 6 4. the group number;
- 7 5. the effective date of coverage; and
- 8 6. any schedule of benefits.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
10 effect ~~October~~ June 1, 2004.