

ENROLLED BILL
-- Judiciary/Judicial Proceedings --

Introduced by **Delegate Rosenberg**

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.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Family Law - Child Support - ~~Suspension of Enforcement~~ Settlement of**
3 **Arrearages**

4 FOR the purpose of ~~authorizing a child support obligor to apply to the Child Support~~
5 ~~Enforcement Administration to suspend, for a certain period of time, the~~
6 ~~collection of an arrearage in child support payments under certain~~
7 ~~circumstances; requiring the Administration to suspend, for a certain period of~~
8 ~~time, the collection of an arrearage in child support payments under certain~~
9 ~~circumstances; authorizing the Administration to refuse to suspend the~~
10 ~~collection of an arrearage in child support payments under certain~~
11 ~~circumstances; prohibiting the Administration from suspending the collection of~~
12 ~~an arrearage in child support payments except under certain circumstances;~~
13 ~~authorizing an obligor to reapply to the Administration to suspend the collection~~
14 ~~of an arrearage in child support payments under certain circumstances;~~
15 establishing a presumption that it is in the best interest of the State for the
16 Child Support Enforcement Administration to accept in full settlement of an
17 arrearage in child support payments an amount that is less than the total

1 arrearage under certain circumstances; requiring the Administration to notify a
 2 child support obligor of a certain decision of the Administration and the obligor's
 3 right to appeal the decision; establishing certain appeal procedures under this
 4 Act; authorizing the Secretary of Human Resources, in cooperation with the
 5 Office of Administrative Hearings, to adopt certain regulations; requiring the
 6 Administration to conduct a certain study and submit a certain report on or
 7 before a certain date; and generally relating to child support.

8 BY repealing and reenacting, with amendments,
 9 Article - Family Law
 10 Section 10-112
 11 Annotated Code of Maryland
 12 (2004 Replacement Volume)

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

15 **Article - Family Law**

16 10-112.

17 (a) (1) If the Administration considers it to be in the best interest of this
 18 State, in a case in which an assignment has been made under Article 88A, § 50(b)(2)
 19 of the Code, the Administration may accept in full settlement of an arrearage in child
 20 support payments an amount that is less than the total arrearage.

21 [(b)] (2) On request of the Administration, a court may approve by order an
 22 amount that is less than the total arrearage as full settlement of the arrearage.

23 ~~(B) (1) IN A CASE IN WHICH AN ASSIGNMENT HAS BEEN MADE UNDER~~
 24 ~~ARTICLE 88A, § 50(B)(2) OF THE CODE, AN OBLIGOR MAY APPLY TO THE~~
 25 ~~ADMINISTRATION TO SUSPEND, FOR A PERIOD OF 3 YEARS, THE COLLECTION OF AN~~
 26 ~~ARREARAGE IN CHILD SUPPORT PAYMENTS.~~

27 ~~(2) EXCEPT AS PROVIDED IN PARAGRAPHS (3) AND (4) OF THIS~~
 28 ~~SUBSECTION, THE ADMINISTRATION SHALL SUSPEND, FOR A PERIOD OF 3 YEARS,~~
 29 ~~THE COLLECTION OF AN ARREARAGE IN CHILD SUPPORT PAYMENTS, IF THE~~
 30 ~~OBLIGOR PROVIDES SATISFACTORY PROOF THAT:~~

31 ~~(I) THE OBLIGOR AND THE CHILD WHO IS THE SUBJECT OF THE~~
 32 ~~SUPPORT ORDER RESIDE TOGETHER; AND~~

33 ~~(II) THE OBLIGOR IS SUPPORTING THE CHILD.~~

34 ~~(3) THE ADMINISTRATION MAY REFUSE TO SUSPEND THE COLLECTION~~
 35 ~~OF AN ARREARAGE IN CHILD SUPPORT PAYMENTS UNDER THIS SUBSECTION IF THE~~
 36 ~~ADMINISTRATION ISSUES, WITHIN 30 DAYS AFTER AN OBLIGOR APPLIES FOR A~~
 37 ~~SUSPENSION UNDER PARAGRAPH (1) OF THIS SUBSECTION, A WRITTEN DECISION~~
 38 ~~EXPLAINING THE REASONS FOR THE REFUSAL.~~

1 (4) ~~THE ADMINISTRATION MAY NOT SUSPEND THE COLLECTION OF AN~~
2 ~~ARREARAGE IN CHILD SUPPORT PAYMENTS UNDER THIS SUBSECTION UNLESS THE~~
3 ~~GROSS INCOME OF THE OBLIGOR AND THE OBLIGEE TOGETHER EQUALS LESS THAN~~
4 ~~225 PERCENT OF THE FEDERAL POVERTY LEVEL, AS DEFINED BY THE UNITED~~
5 ~~STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES.~~

6 (5) ~~SUBJECT TO THE PROVISIONS OF THIS SUBSECTION, AFTER THE~~
7 ~~EXPIRATION OF ANY 3-YEAR PERIOD OF SUSPENSION, AN OBLIGOR MAY REAPPLY TO~~
8 ~~THE ADMINISTRATION TO SUSPEND THE COLLECTION OF AN ARREARAGE IN CHILD~~
9 ~~SUPPORT PAYMENTS FOR ANOTHER 3-YEAR PERIOD.~~

10 (B) (1) IN A CASE IN WHICH AN ASSIGNMENT HAS BEEN MADE UNDER
11 ARTICLE 88A, § 50(B)(2) OF THE CODE, THERE IS A PRESUMPTION THAT IT IS IN THE
12 BEST INTEREST OF THIS STATE FOR THE ADMINISTRATION TO ACCEPT IN FULL
13 SETTLEMENT OF AN ARREARAGE IN CHILD SUPPORT PAYMENTS AN AMOUNT THAT
14 IS LESS THAN THE TOTAL ARREARAGE IF:

15 (I) THE OBLIGOR, THE INDIVIDUAL WHO HAS MADE AN
16 ASSIGNMENT UNDER ARTICLE 88A, § 50(B)(2) OF THE CODE, AND THE CHILD WHO IS
17 THE SUBJECT OF THE SUPPORT ORDER HAVE RESIDED TOGETHER FOR AT LEAST
18 THE 6 1/2 MONTHS IMMEDIATELY PRECEDING A REQUEST FOR SETTLEMENT UNDER
19 THIS SECTION;

20 (II) THE OBLIGOR HAS BEEN SUPPORTING THE CHILD FOR AT
21 LEAST THE 6 1/2 MONTHS IMMEDIATELY PRECEDING A REQUEST FOR SETTLEMENT
22 UNDER THIS SECTION; AND

23 (III) THE GROSS INCOME OF THE OBLIGOR IS LESS THAN 225
24 PERCENT OF THE FEDERAL POVERTY LEVEL, AS DEFINED BY THE UNITED STATES
25 DEPARTMENT OF HEALTH AND HUMAN SERVICES.

26 (2) (I) IF THE ADMINISTRATION DOES NOT ACCEPT IN FULL
27 SETTLEMENT OF AN ARREARAGE IN CHILD SUPPORT PAYMENTS AN AMOUNT THAT
28 IS LESS THAN THE TOTAL ARREARAGE UNDER THIS SUBSECTION, THE
29 ADMINISTRATION SHALL NOTIFY THE OBLIGOR OF THE DECISION AND OF THE
30 OBLIGOR'S RIGHT TO APPEAL THE DECISION TO THE OFFICE OF ADMINISTRATIVE
31 HEARINGS.

32 (II) AN APPEAL UNDER THIS SUBSECTION SHALL BE CONDUCTED
33 IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

34 (C) THE SECRETARY OF HUMAN RESOURCES, IN COOPERATION WITH THE
35 OFFICE OF ADMINISTRATIVE HEARINGS, MAY ADOPT REGULATIONS TO IMPLEMENT
36 THIS SECTION.

37 SECTION 2. AND BE IT FURTHER ENACTED, That:

38 (a) The Child Support Enforcement Administration shall conduct or
39 commission a study on Child Support Trust Accounts that would allow welfare

1 recipients to accumulate child support payments in trust during the period of time
2 that the recipients are on welfare.

3 (b) The Child Support Enforcement Administration shall report to the
4 Governor and the General Assembly on or before November 1, 2005, in accordance
5 with § 2-1246 of the State Government Article, on the findings and recommendations
6 of the study.

7 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take
8 effect October 1, 2005.