
By: **Delegate Rosenberg**

Introduced and read first time: February 11, 2005

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law - Child Support - Suspension of Enforcement**

3 FOR the purpose of authorizing a child support obligor to apply to the Child Support
4 Enforcement Administration to suspend, for a certain period of time, the
5 collection of an arrearage in child support payments under certain
6 circumstances; requiring the Administration to suspend, for a certain period of
7 time, the collection of an arrearage in child support payments under certain
8 circumstances; authorizing the Administration to refuse to suspend the
9 collection of an arrearage in child support payments under certain
10 circumstances; prohibiting the Administration from suspending the collection of
11 an arrearage in child support payments except under certain circumstances;
12 authorizing an obligor to reapply to the Administration to suspend the collection
13 of an arrearage in child support payments under certain circumstances;
14 requiring the Administration to conduct a certain study and submit a certain
15 report on or before a certain date; and generally relating to child support.

16 BY repealing and reenacting, with amendments,
17 Article - Family Law
18 Section 10-112
19 Annotated Code of Maryland
20 (2004 Replacement Volume)

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

23 **Article - Family Law**

24 10-112.

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

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

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

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

11 (I) THE OBLIGOR AND THE CHILD WHO IS THE SUBJECT OF THE
12 SUPPORT ORDER RESIDE TOGETHER; AND

13 (II) THE OBLIGOR IS SUPPORTING THE CHILD.

14 (3) THE ADMINISTRATION MAY REFUSE TO SUSPEND THE COLLECTION
15 OF AN ARREARAGE IN CHILD SUPPORT PAYMENTS UNDER THIS SUBSECTION IF THE
16 ADMINISTRATION ISSUES, WITHIN 30 DAYS AFTER AN OBLIGOR APPLIES FOR A
17 SUSPENSION UNDER PARAGRAPH (1) OF THIS SUBSECTION, A WRITTEN DECISION
18 EXPLAINING THE REASONS FOR THE REFUSAL.

19 (4) THE ADMINISTRATION MAY NOT SUSPEND THE COLLECTION OF AN
20 ARREARAGE IN CHILD SUPPORT PAYMENTS UNDER THIS SUBSECTION UNLESS THE
21 GROSS INCOME OF THE OBLIGOR AND THE OBLIGEE TOGETHER EQUALS LESS THAN
22 225 PERCENT OF THE FEDERAL POVERTY LEVEL, AS DEFINED BY THE UNITED
23 STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES.

24 (5) SUBJECT TO THE PROVISIONS OF THIS SUBSECTION, AFTER THE
25 EXPIRATION OF ANY 3-YEAR PERIOD OF SUSPENSION, AN OBLIGOR MAY REAPPLY TO
26 THE ADMINISTRATION TO SUSPEND THE COLLECTION OF AN ARREARAGE IN CHILD
27 SUPPORT PAYMENTS FOR ANOTHER 3-YEAR PERIOD.

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

29 (a) The Child Support Enforcement Administration shall conduct or
30 commission a study on Child Support Trust Accounts that would allow welfare
31 recipients to accumulate child support payments in trust during the period of time
32 that the recipients are on welfare.

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

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