

Chapter 670

(House Bill 651)

AN ACT concerning

Child Support – Incarcerated Obligor – Suspension of Payments and Accrual of Arrearages

FOR the purpose of establishing that child support payments are not past due and arrearages may not accrue during any period when the obligor is incarcerated and for a certain period after the obligor's release from confinement under certain circumstances; authorizing the Child Support Enforcement Administration to adjust an incarcerated obligor's payment account in certain cases to reflect the suspension of the accrual of arrearages under this Act; requiring the Administration to send a certain notice to the obligee before making an adjustment; defining certain terms; and generally relating to the child support obligations of incarcerated obligors.

BY adding to

Article – Family Law

Section 12–104.1

Annotated Code of Maryland

(2006 Replacement Volume and 2011 Supplement)

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

Article – Family Law

12–104.1.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “ADMINISTRATION” HAS THE MEANING STATED IN § 10–101 OF THIS ARTICLE.

(3) “OBLIGEE” HAS THE MEANING STATED IN § 10–101 OF THIS ARTICLE.

(4) “OBLIGOR” HAS THE MEANING STATED IN § 10–101 OF THIS ARTICLE.

(B) A CHILD SUPPORT PAYMENT IS NOT PAST DUE AND ARREARAGES MAY NOT ACCRUE DURING ANY PERIOD WHEN THE OBLIGOR IS INCARCERATED, AND CONTINUING FOR 60 DAYS AFTER THE OBLIGOR'S RELEASE FROM CONFINEMENT, IF:

(1) THE OBLIGOR WAS SENTENCED TO A TERM OF IMPRISONMENT OF 18 CONSECUTIVE MONTHS OR MORE;

(2) THE OBLIGOR IS NOT ON WORK RELEASE AND HAS INSUFFICIENT RESOURCES WITH WHICH TO MAKE PAYMENT; AND

(3) THE OBLIGOR DID NOT COMMIT THE CRIME WITH THE INTENT OF BEING INCARCERATED OR OTHERWISE BECOMING IMPOVERISHED.

(C) (1) IN ANY CASE IN WHICH THE ADMINISTRATION IS PROVIDING CHILD SUPPORT SERVICES UNDER TITLE IV, PART D OF THE SOCIAL SECURITY ACT, THE ADMINISTRATION MAY, WITHOUT THE NECESSITY OF ANY MOTION BEING FILED WITH THE COURT, ADJUST AN INCARCERATED OBLIGOR'S PAYMENT ACCOUNT TO REFLECT THE SUSPENSION OF THE ACCRUAL OF ARREARAGES UNDER SUBSECTION (B) OF THIS SECTION.

(2) BEFORE MAKING AN ADJUSTMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE ADMINISTRATION SHALL SEND WRITTEN NOTICE OF THE PROPOSED ACTION TO THE OBLIGEE, INCLUDING THE OBLIGEE'S RIGHT TO OBJECT TO THE PROPOSED ACTION AND AN EXPLANATION OF THE PROCEDURES FOR FILING AN OBJECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2012.

Approved by the Governor, May 22, 2012.