

Chapter 312

(House Bill 1502)

AN ACT concerning

Child Support Enforcement – Noncustodial Parent Employment Assistance Pilot Program

FOR the purpose of requiring the Child Support Enforcement Administration of the Department of Human Resources, in cooperation with certain other entities, to develop and implement a Noncustodial Parent Employment Assistance Pilot Program in Baltimore City; establishing the purpose of the Program; establishing eligibility criteria for participation in the Program; requiring the Program to include certain components; specifying employment assistance services that may be provided under the Program; authorizing, in certain cases, a certain agreement between a noncustodial parent and the Child Support Enforcement Administration to provide for a certain reduction in child support arrearages on full completion of Program requirements; authorizing the Secretary of Human Resources to use certain funds for the development and implementation of the Program; requiring the Secretary to conduct evaluations of the Program using certain measures and to report to the General Assembly on or before a certain date each year on the effectiveness of the Program; authorizing the Secretary to adopt certain regulations; requiring the Child Support Enforcement Administration to notify the Motor Vehicle Administration to reinstate a certain license or privilege to drive of a participant in full compliance in the Program under certain circumstances; requiring the Child Support Enforcement Administration to notify a certain licensing authority to reinstate a certain occupational license of a participant in full compliance in the Program under certain circumstances; defining certain terms; providing for the termination of this Act; and generally relating to child support enforcement and the Noncustodial Parent Employment Assistance Pilot Program.

BY repealing and reenacting, without amendments,

Article – Family Law

Section 10–101(a) and (b), 10–119(a), 10–119.3(a)(1) and (2), 10–1A–01(b) and (d),
and 10–301(dd)

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

BY adding to

Article – Family Law

Section 10–112.2

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,

Article – Family Law

Section 10–119(d) and 10–119.3(j)
Annotated Code of Maryland
(2012 Replacement Volume and 2015 Supplement)

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

Article – Family Law

10–101.

(a) In this title the following words have the meanings indicated.

(b) “Administration” means the Child Support Enforcement Administration of the Department of Human Resources.

10–112.2.

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

(2) “CHILD SUPPORT ORDER” HAS THE MEANING STATED IN § 10–1A–01 OF THIS TITLE.

(3) “NONCUSTODIAL PARENT” MEANS AN INDIVIDUAL WHO:

(I) DOES NOT HAVE PRIMARY CARE, CUSTODY, OR CONTROL OF THE INDIVIDUAL’S CHILD; AND

(II) HAS AN OBLIGATION TO PAY CHILD SUPPORT UNDER A PENDING OR ESTABLISHED COURT ORDER.

(4) “PROGRAM” MEANS THE NONCUSTODIAL PARENT EMPLOYMENT ASSISTANCE PILOT PROGRAM.

(5) “SECRETARY” MEANS THE SECRETARY OF HUMAN RESOURCES.

(B) (1) THE ADMINISTRATION SHALL DEVELOP AND IMPLEMENT A NONCUSTODIAL PARENT EMPLOYMENT ASSISTANCE PILOT PROGRAM IN BALTIMORE CITY IN COOPERATION WITH:

(I) THE FAMILY INVESTMENT ADMINISTRATION;

(II) THE BALTIMORE CITY DEPARTMENT OF SOCIAL SERVICES;

**(III) THE ~~GOVERNOR'S WORKFORCE INVESTMENT BOARD~~
DIVISION OF WORKFORCE DEVELOPMENT AND ADULT LEARNING WITHIN THE
DEPARTMENT OF LABOR, LICENSING, AND REGULATION;**

(IV) LOCAL WORKFORCE INVESTMENT BOARDS IN BALTIMORE CITY; AND

(V) THE CIRCUIT COURT FOR BALTIMORE CITY.

(2) THE PURPOSE OF THE PROGRAM IS TO PROVIDE ELIGIBLE UNEMPLOYED OR UNDEREMPLOYED NONCUSTODIAL PARENTS ASSISTANCE IN OBTAINING EMPLOYMENT THAT WILL ENABLE THE NONCUSTODIAL PARENTS TO ACHIEVE ECONOMIC SELF-SUFFICIENCY AND MEET THEIR CHILD SUPPORT OBLIGATIONS.

(C) TO BE ELIGIBLE TO PARTICIPATE IN THE PROGRAM, AN INDIVIDUAL MUST BE:

(1) A NONCUSTODIAL PARENT OF A CHILD WHO IS RECEIVING SERVICES IN BALTIMORE CITY UNDER TITLE IV, PART D, OF THE FEDERAL SOCIAL SECURITY ACT;

(2) UNABLE TO MEET A CHILD SUPPORT OBLIGATION DUE TO THE NONCUSTODIAL PARENT'S UNEMPLOYMENT OR UNDEREMPLOYMENT;

(3) ABLE TO WORK; AND

(4) SUBJECT TO THE JURISDICTION OF THE CIRCUIT COURT FOR BALTIMORE CITY.

(D) THE PROGRAM SHALL INCLUDE:

(1) THE IDENTIFICATION OF NONCUSTODIAL PARENTS WHO ARE ELIGIBLE TO PARTICIPATE IN EMPLOYMENT SERVICES UNDER THE PROGRAM;

(2) (I) FOR AN ELIGIBLE NONCUSTODIAL PARENT WHO HAS A PENDING CHILD SUPPORT ORDER, AN OPPORTUNITY TO AGREE TO:

1. PARTICIPATE IN EMPLOYMENT SERVICES UNDER THE PROGRAM IN ACCORDANCE WITH A CONSENT AGREEMENT BETWEEN THE NONCUSTODIAL PARENT AND THE ADMINISTRATION; AND

2. HAVE THE CHILD SUPPORT ORDER REQUIRE PARTICIPATION IN THE PROGRAM IN ACCORDANCE WITH THE CONSENT AGREEMENT; OR

(II) FOR AN ELIGIBLE NONCUSTODIAL PARENT WHO HAS ARREARAGES UNDER AN EXISTING CHILD SUPPORT ORDER, AN OPPORTUNITY TO CHOOSE ONE OF THE FOLLOWING METHODS OF ADDRESSING THE FAILURE TO PAY CHILD SUPPORT:

1. PAY THE ARREARAGES OR ENTER INTO A PAYMENT PLAN;

2. PARTICIPATE IN EMPLOYMENT SERVICES UNDER THE PROGRAM IN ACCORDANCE WITH A CONSENT AGREEMENT BETWEEN THE NONCUSTODIAL PARENT AND THE ADMINISTRATION; OR

3. BE SUBJECT TO ANY ENFORCEMENT REMEDY AUTHORIZED BY LAW FOR NONCOMPLIANCE WITH A CHILD SUPPORT ORDER, INCLUDING CONTEMPT OF COURT PROCEEDINGS; AND

(3) FOR A NONCUSTODIAL PARENT WHO CHOOSES TO PARTICIPATE IN EMPLOYMENT SERVICES UNDER THE PROGRAM:

(I) THE ISSUANCE OF A COURT ORDER THAT:

1. REQUIRES PARTICIPATION IN THE PROGRAM IN ACCORDANCE WITH A CONSENT AGREEMENT BETWEEN THE NONCUSTODIAL PARENT AND THE ADMINISTRATION;

2. INDICATES THE NONCUSTODIAL PARENT'S AGREEMENT TO COMPLY WITH ALL PROGRAM REQUIREMENTS; AND

3. IS SIGNED BY THE NONCUSTODIAL PARENT AND THE ADMINISTRATION;

(II) IMMEDIATELY AFTER ISSUANCE OF THE COURT ORDER, AN INITIAL ASSESSMENT OF THE NONCUSTODIAL PARENT'S WORK READINESS AND DETERMINATION OF APPROPRIATE EMPLOYMENT ASSISTANCE SERVICES;

(III) EXECUTION OF A CONSENT AGREEMENT BETWEEN THE NONCUSTODIAL PARENT AND THE ADMINISTRATION THAT SETS FORTH:

1. THE NONCUSTODIAL PARENT'S RIGHTS AND RESPONSIBILITIES UNDER THE PROGRAM;

2. AN EMPLOYMENT PLAN FOR THE NONCUSTODIAL PARENT; AND

3. THE CONSEQUENCES OF A FAILURE TO COMPLY WITH PROGRAM REQUIREMENTS;

(IV) EMPLOYMENT ASSISTANCE SERVICES;

(V) REFERRALS TO OTHER APPROPRIATE SUPPORT SERVICES, AS DETERMINED DURING THE INITIAL ASSESSMENT OR INCLUDED IN THE EMPLOYMENT PLAN;

(VI) INTENSIVE CASE MANAGEMENT THAT INCLUDES:

1. CLOSE MONITORING OF THE NONCUSTODIAL PARENT'S COMPLIANCE WITH PROGRAM REQUIREMENTS AND CONTINUING PAYMENT OF CHILD SUPPORT; AND

2. DOCUMENTATION OF THE NONCUSTODIAL PARENT'S COMPLIANCE STATUS AT 14, 30, 60, 90, AND 180 DAYS AFTER THE EFFECTIVE DATE OF THE CONSENT AGREEMENT; AND

(VII) STRICT ENFORCEMENT PROCEDURES FOR NONCOMPLIANCE WITH PROGRAM REQUIREMENTS, INCLUDING CONTEMPT OF COURT PROCEEDINGS.

(E) THE EMPLOYMENT ASSISTANCE SERVICES PROVIDED TO A NONCUSTODIAL PARENT UNDER THE PROGRAM MAY INCLUDE:

(1) JOB SKILLS ASSESSMENT;

(2) JOB SEARCH GUIDANCE AND ASSISTANCE;

(3) JOB SKILLS TRAINING;

(4) JOB PLACEMENT;

(5) CAREER COUNSELING;

(6) ASSISTANCE WITH OTHER EMPLOYMENT-RELATED NEEDS SUCH AS WORK CLOTHING, TESTING, TRANSPORTATION, OR CHILD CARE; AND

(7) REFERRALS TO EDUCATIONAL PROGRAMS AND OTHER COMMUNITY SERVICES.

(F) IN A CASE IN WHICH AN ASSIGNMENT HAS BEEN MADE UNDER § 5-312(B)(2) OF THE HUMAN SERVICES ARTICLE, THE CONSENT AGREEMENT BETWEEN THE NONCUSTODIAL PARENT AND THE ADMINISTRATION MAY PROVIDE FOR A REDUCTION IN THE AMOUNT OF ARREARAGES AS AUTHORIZED UNDER § 10-112 OF THIS SUBTITLE ON FULL COMPLETION OF PROGRAM REQUIREMENTS.

(G) THE SECRETARY MAY USE ANY AVAILABLE FUNDS FOR THE DEVELOPMENT AND IMPLEMENTATION OF THE PROGRAM.

(H) (1) THE SECRETARY SHALL CONDUCT EVALUATIONS OF THE PROGRAM USING THE FOLLOWING MEASURES:

(I) THE NUMBER OF NONCUSTODIAL PARENTS WHO ARE ELIGIBLE TO PARTICIPATE IN THE PROGRAM;

(II) THE NUMBER OF NONCUSTODIAL PARENTS WHO SIGN CONSENT AGREEMENTS AND ENROLL IN EMPLOYMENT SERVICES UNDER THE PROGRAM;

(III) THE NUMBER OF PARTICIPANTS WHO ATTEND THE MEETINGS, CLASSES, OR WORKSHOPS SPECIFIED IN THEIR EMPLOYMENT PLANS;

(IV) THE PERCENTAGE OF PARTICIPANTS WHO COMPLETE ALL PROGRAM REQUIREMENTS;

(V) THE NUMBER OF PARTICIPANTS WHO RECEIVE AN OCCUPATIONAL LICENSE OR CERTIFICATE;

(VI) THE NUMBER OF PARTICIPANTS WHO OBTAIN EMPLOYMENT;

(VII) FOR EACH EMPLOYED PARTICIPANT, THE JOB TYPE AND LOCATION, WHETHER THE JOB IS FULL-TIME, WAGE OR SALARY AMOUNT, AND LENGTH OF TIME THE JOB IS RETAINED;

(VIII) THE NUMBER OF PARTICIPANTS WHO CONSISTENTLY MAKE THE REQUIRED CHILD SUPPORT PAYMENTS AND THE AMOUNTS OF THE PAYMENTS; AND

(IX) THE AMOUNT OF CHILD SUPPORT ARREARAGES PAID BY PARTICIPANTS WHO ENTERED THE PROGRAM WITH ARREARAGES.

(2) ON OR BEFORE DECEMBER 31 EACH YEAR, THE SECRETARY SHALL REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON THE EFFECTIVENESS OF THE PROGRAM BASED ON THE EVALUATIONS.

(I) THE SECRETARY MAY ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.

10-119.

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

(2) “License” has the meaning stated in § 11-128 of the Transportation Article.

(3) “Motor Vehicle Administration” means the Motor Vehicle Administration of the Department of Transportation.

(d) If, after information about an obligor is supplied to the Motor Vehicle Administration, the obligor’s arrearage is paid in full, the obligor has demonstrated good faith by paying the ordered amount of support for 6 consecutive months, **THE OBLIGOR IS A PARTICIPANT IN FULL COMPLIANCE IN THE NONCUSTODIAL PARENT EMPLOYMENT ASSISTANCE PILOT PROGRAM ESTABLISHED UNDER § 10-112.2 OF THIS TITLE**, or the Administration finds that one of the grounds under subsection (c)(1)(i) of this section exists, the Administration shall notify the Motor Vehicle Administration to reinstate the obligor’s license or privilege to drive.

10-119.3.

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

(2) “License” means any license, certificate, registration, permit, or other authorization that:

(i) is issued by a licensing authority;

(ii) is subject to suspension, revocation, forfeiture, or termination by a licensing authority; and

(iii) is necessary for an individual to practice or engage in:

1. a particular business, occupation, or profession; or

2. recreational hunting or fishing.

(j) The Administration shall notify the licensing authority to reinstate any license suspended or denied under this section within 10 days after the occurrence of any of the following events:

(1) the Administration receives a court order to reinstate the suspended license; or

(2) with respect to an individual with a child support arrearage, the individual has:

(i) paid the support arrearage in full; [or]

(ii) demonstrated good faith by paying the ordered amount of support for 4 consecutive months; or

(III) FULLY COMPLIED WITH THE NONCUSTODIAL PARENT EMPLOYMENT ASSISTANCE PILOT PROGRAM ESTABLISHED UNDER § 10-112.2 OF THIS TITLE; OR

(3) with respect to an individual whose license was suspended or denied because of a failure to comply with a subpoena issued under § 10-108.5 of this subtitle, the individual has complied with the subpoena.

10-1A-01.

(b) “Child support order” means:

(1) any support order for a child issued by a tribunal; or

(2) an executed affidavit of support.

(d) “Tribunal” has the meaning stated in § 10-301(dd) of this title.

10-301.

(dd) “Tribunal” means a court, administrative agency, or quasi-judicial entity authorized to establish, enforce, or modify support orders or to determine parentage of a child.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016. It shall remain effective for a period of 3 years and, at the end of September 30, 2019, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Approved by the Governor, April 26, 2016.