

HOUSE BILL 1554

D4

8lr3291

By: **Delegates J. Lewis, Anderson, Dumais, Gibson, and Vallario**

Introduced and read first time: February 9, 2018

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Child Support – Payment Incentive Program Expansion Act of 2018**

3 FOR the purpose of requiring the Child Support Administration to develop an electronic
4 application process for participation in the Child Support Payment Incentive
5 Program; requiring the Administration to include certain payments made by a child
6 support obligor when calculating certain uninterrupted payments made under the
7 Program; authorizing the Administration to develop an alternative schedule for a
8 certain obligor; requiring the Administration to provide an obligor who has become
9 unemployed through no fault of the obligor with certain employment information;
10 prohibiting the Administration from penalizing the obligor for a certain period of
11 time under certain circumstances; providing for the calculation of uninterrupted
12 court-ordered payments on reemployment of an obligor; requiring the
13 Administration to update public awareness programs for the Program and focus
14 outreach efforts on jurisdictions with low participation in the Program; requiring the
15 Administration to develop, maintain, and update an internal training program to
16 ensure that staff at the State and local level are aware of the Program and its
17 benefits; and generally relating to the Child Support Payment Incentive Program.

18 BY repealing and reenacting, with amendments,

19 Article – Family Law

20 Section 10–112.1

21 Annotated Code of Maryland

22 (2012 Replacement Volume and 2017 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

24 That the Laws of Maryland read as follows:

25 **Article – Family Law**

26 10–112.1.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) In this section, "Program" means the Child Support Payment Incentive
2 Program.

3 (b) (1) By June 1, 2008, the Administration shall develop a statewide Child
4 Support Payment Incentive Program to encourage payment of child support in cases in
5 which an assignment has been made under § 5-312(b)(2) of the Human Services Article by
6 entering into agreements with child support obligors in exchange for reductions in the
7 amount of arrearages as authorized under § 10-112 of this subtitle.

8 (2) THE ADMINISTRATION SHALL DEVELOP AN ELECTRONIC
9 APPLICATION PROCESS FOR PARTICIPATION IN THE PROGRAM.

10 (c) (1) (i) To participate in the Program, the obligor's income shall meet
11 the criteria described in § 10-112(b)(1)(iii) of this subtitle.

12 (ii) For purposes of determining the applicable federal poverty level
13 for a Program applicant, the obligor's household shall include the children for whom the
14 obligor is required to pay child support under a child support order that is the subject of
15 the application to the Program.

16 (2) (i) In determining whether to authorize an obligor to participate in
17 the Program, the Administration shall consider the following factors:

- 18 1. whether the obligor has a current ability to pay;
- 19 2. whether the reduction of arrearages will encourage the
20 obligor's economic stability; and
- 21 3. whether the agreement serves the best interests of the
22 children whom the obligor is required to support.

23 (ii) If any of the factors specified in subparagraph (i) of this
24 paragraph are met, there is a presumption that it is in the best interest of the State to
25 authorize an obligor to participate in the Program.

26 (d) (1) [Under] EXCEPT AS PROVIDED UNDER PARAGRAPH (3) OF THIS
27 SUBSECTION, UNDER the Program, the Administration shall agree to reduce the
28 arrearages in accordance with the following schedule:

29 [(1)] (I) after 12 months of uninterrupted court-ordered payments, the
30 arrearages shall be reduced by 50% of the amount of arrearages owed before the agreement;
31 and

32 [(2)] (II) after 24 months of uninterrupted court-ordered payments, the
33 arrearages balance shall be reduced to zero in full settlement of the arrearages.

1 **(2) IN DETERMINING THE PERIOD OF UNINTERRUPTED PAYMENTS**
2 **MADE UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE ADMINISTRATION SHALL**
3 **INCLUDE ANY UNINTERRUPTED COURT-ORDERED PAYMENTS MADE IMMEDIATELY**
4 **BEFORE THE OBLIGOR'S PARTICIPATION IN THE PROGRAM.**

5 **(3) THE ADMINISTRATION MAY DEVELOP AN ALTERNATIVE**
6 **SCHEDULE FOR OBLIGORS WHO ARE EMPLOYED SEASONALLY.**

7 (e) The Administration shall distribute any child support arrearages received
8 under this section in accordance with federal law.

9 (f) (1) Except as provided in paragraph (2) of this subsection, for the duration
10 of an agreement under subsection (d) of this section, all child support enforcement actions
11 shall be suspended, unless the suspension would be in conflict with federal law.

12 (2) For the duration of an agreement under subsection (d) of this section,
13 any earnings withholding shall continue in an amount consistent with the agreement.

14 (g) (1) When the Administration enters into a Program agreement with an
15 obligor, the Administration shall file a copy of the agreement with the court within 30 days
16 after the agreement is executed.

17 (2) If an obligor satisfies the requirements for a reduction in arrearages
18 under the schedule specified in subsection (d) of this section, the Administration shall:

19 (i) file a notice of reduction of arrearages with the court; and

20 (ii) provide a copy of the notice to the obligor that reflects the
21 adjusted amount of any arrearages that the obligor owes.

22 (h) A Program agreement is effective without the necessity of judicial approval.

23 (i) (1) An agreement under this section shall be terminated if the obligor fails
24 to make payments equal to two times the monthly support obligation amount.

25 (2) An obligor who has been terminated from a Program agreement more
26 than two times is not eligible for future participation in the Program.

27 (j) (1) The Administration shall develop an application form for obligors to
28 request participation in the Program.

29 (2) Within 60 days after receipt of a request from an obligor, the
30 Administration shall provide a written decision to the obligor.

31 (3) (i) If the Administration does not authorize participation of an
32 obligor in the Program, the Administration shall notify the obligor of the decision and of

1 the obligor's right to appeal the decision to the Office of Administrative Hearings.

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

4 (k) (1) If an unemployed obligor applies to participate in the Program, the
5 Administration shall give the obligor a list of referrals to programs that prepare individuals
6 for entry into the workforce.

7 (2) IF AN OBLIGOR BECOMES UNEMPLOYED THROUGH NO FAULT OF
8 THE OBLIGOR, THE ADMINISTRATION:

9 (I) SHALL GIVE THE OBLIGOR A LIST OF REFERRALS FOR
10 SECURING REEMPLOYMENT; AND

11 (II) FOR UP TO 6 MONTHS OF UNEMPLOYMENT, MAY NOT
12 PENALIZE THE OBLIGOR FOR PAYMENTS MISSED DUE TO UNEMPLOYMENT AND ON
13 REEMPLOYMENT, UNINTERRUPTED PAYMENTS SHALL BE ADDED TO THE PAYMENTS
14 MADE BEFORE THE OBLIGOR'S UNEMPLOYMENT FOR PURPOSES OF DETERMINING
15 THE PERIOD OF UNINTERRUPTED PAYMENTS UNDER SUBSECTION (D)(1) OF THIS
16 SECTION.

17 (l) The Administration and each local support enforcement office shall jointly
18 develop AND CONTINUE TO UPDATE a public awareness campaign to publicize statewide
19 the availability of the Program and the manner of applying to participate in the Program,
20 WITH A FOCUS ON THOSE JURISDICTIONS WITH A LOW RATE OF PARTICIPATION IN
21 THE PROGRAM.

22 (M) THE ADMINISTRATION SHALL DEVELOP, MAINTAIN, AND
23 CONTINUOUSLY UPDATE TRAINING AND AWARENESS MATERIALS FOR USE WITHIN
24 THE ADMINISTRATION AND LOCAL SUPPORT ENFORCEMENT OFFICES TO ENSURE
25 THAT STAFF MEMBERS ARE AWARE OF THE PROGRAM AND ITS BENEFITS.

26 [(m)] (N) The Secretary of Human Services may adopt regulations to implement
27 this section.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2018.