

MARYLAND REGISTER

## Proposed Action on Regulations

### Comparison to Federal Standards Submission and Response

**Name:** Andrea Shuck  
**Agency:** Department of Human Resources  
**Address:** 45 Calvert Street  
**State:** MD  
**Zip:** 21401  
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In accordance with Executive Order 01.01.1996.03 and memo dated July 26, 1996, the attached document is submitted to the Department of Business and Economic Development for review.

The Proposed Action is not more restrictive or stringent than corresponding federal standards.

**COMAR Codification:** 07.07.09.05

**Corresponding Federal Standard:**

45 CFR §303.72

**Discussion/Justification:**

### TO BE COMPLETED BY DBED

- Agree

-Disagree

**Comments:**

DBED does not have subject matter expertise in this matter. However, DBED believes DHR does and trusts their assertion the regulation is not more stringent than corresponding federal standards.

Name: Sandy Popp

Date: 9/22/2015

-Submit to Governor's Office

**Governor's Office Response**

**Comments:**

<b>Transmittal Sheet</b>  <b>PROPOSED OR REPROPOSED</b>  <b>Actions on Regulations</b>	<b>Date Filed with AELR Committee</b>	<b>TO BE COMPLETED BY DSD</b>
	09/22/2015	Date Filed with Division of State Documents  Document Number  Date of Publication in MD Register

**Title 07**  
**DEPARTMENT OF HUMAN RESOURCES**

**Subtitle 07 CHILD SUPPORT ENFORCEMENT ADMINISTRATION**

**07.07.09 Family Income Tax Refund Offset Program**

Authority: Family Law Article, §§10-113 and 10-114, Annotated Code of Agency Note: Federal Regulatory Reference - 45 CFR §303.72

**Notice of Proposed Action**

□

The Secretary of the Department of Human Resources proposes to amend Regulation .05 under COMAR 07.07.09 Family Income Tax Refund Offset Program.

**Statement of Purpose**

The purpose of this action is to repeal the \$25 fee that is deducted by the Child Support Enforcement Administration before distributing an offset amount to any non-Temporary Cash Assistance custodial parent under the Family Income Tax Refund Offset Program.

**Comparison to Federal Standards**

There is a corresponding federal standard to this proposed action, but the proposed action is not more restrictive or stringent.

**1. Desired date of publication in Maryland Register: 10/16/2015**

**2. COMAR Codification**

<b>Title</b>	<b>Subtitle</b>	<b>Chapter</b>	<b>Regulation</b>
07	07	09	05

**3. Name of Promulgating Authority**

Department of Human Resources

<b>4. Name of Regulations Coordinator</b>	<b>Telephone Number</b>
Andrea Shuck	4102607787

**Mailing Address**

45 Calvert Street

<b>City</b>	<b>State</b>	<b>Zip Code</b>
Annapolis	MD	21401

**Email**  
ashuck@dhr.state.md.us

<b>5. Name of Person to Call About this Document</b>	<b>Telephone No.</b>
Netsanet Kibret	

410-767-6886

**Email Address**  
netsanet.kibret@maryland.gov

**6. Check applicable items:**

- New Regulations
- Amendments to Existing Regulations  
Date when existing text was downloaded from COMAR online: September 11, 2015.
- Repeal of Existing Regulations
- Recodification
- Incorporation by Reference of Documents Requiring DSD Approval
- Reproposal of Substantively Different Text:

: Md.  
R  
(vol.) (issue) (page nos) (date)

Under Maryland Register docket no.: --P.

**7. Is there emergency text which is identical to this proposal:**

- Yes  No

**8. Incorporation by Reference**

Check if applicable: Incorporation by Reference (IBR) approval form(s) attached and 18 copies of documents proposed for incorporation submitted to DSD. (Submit 18 paper copies of IBR document to DSD and one copy to AELR.)

**9. Public Body - Open Meeting**

OPTIONAL - If promulgating authority is a public body, check to include a sentence in the Notice of Proposed Action that proposed action was considered at an open meeting held pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

OPTIONAL - If promulgating authority is a public body, check to include a paragraph that final action will be considered at an open meeting.

**10. Children's Environmental Health and**

**Estimate of Economic Impact**

**I. Summary of Economic Impact.**

The proposed regulation repeals a \$25 fee collected by the Child Support Enforcement Administration prior to the distribution of an offset amount.

Revenue  
(R+/R-)

**II. Types of Economic Impact.**

Expenditure Magnitude  
(E+/E-) e

A. On issuing agency: (R-) Moderate

B. On other State agencies: NONE

C. On local governments: NONE

Benefit (+) Magnitude  
Cost (-) e

D. On regulated industries or trade groups: NONE

E. On other industries or trade groups: NONE

F. Direct and indirect effects on public: NONE

**Protection**

Check if the system should send a copy of the proposal to the Children's Environmental Health and Protection Advisory Council.

**11. Certificate of Authorized Officer**

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by Joseph A. Spillman, Assistant Attorney General, (telephone #410-767-7726) on September 11, 2015. A written copy of the approval is on file at this agency.

**Name of Authorized Officer**

Sam Malhotra

**Title**

Secretary

**Telephone No.**

410-767-2578

**Date**

9/14/15

**III. Assumptions.** (Identified by Impact Letter and Number from Section II.)

A. Based on FY 2015 actual collections, the repeal of the \$25 fee will result in an estimated loss of \$589,142.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Andrea Shuck, REgulations Coordinator, Department of Human Resources, 311 West Saratoga St. Baltimore, Md. 21201, or call 410-767-2149, or email to [andrea.shuck@maryland.gov](mailto:andrea.shuck@maryland.gov), or fax to 410-333-0637. Comments will be accepted through . A public hearing has not been scheduled.

**Economic Impact Statement Part C**

A. Fiscal Year in which regulations will become effective: FY 2016

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

Yes

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

General and federal funds

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

E. If these regulations have no economic impact under Part A, indicate reason briefly:

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

G. Small Business Worksheet:

**Attached Document:**

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.05 Distribution.

[A.] If an amount is offset from a noncustodial parent owing certified non-TCA and TCA arrears, the intercepted amount shall be applied first to the TCA obligation, and if there is any amount remaining, to the non -TCA obligation.

[B. The Administration shall deduct a fee of \$25 before distributing an offset amount to any non-TCA custodial parent. However, the fee may not exceed 25 percent of the amount otherwise to be distributed to the custodial parent.]