

MARYLAND REGISTER

Proposed Action on Regulations

Comparison to Federal Standards Submission and Response

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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: 07.07.02.02

Corresponding Federal Standard:

42 USC 654 and CFR 302.33

Discussion/Justification:

The corresponding federal statute and regulation provide states with the authority to not collect the initial application and annual fees. However, the cost associated with doing so is not reimbursable by the federal government (U.S. Department of Health and Human Services).

TO BE COMPLETED BY DBED

Agree

Disagree

Comments:

Commerce does not have necessary subject matter expertise in this area and therefore trusts the assertion from DHR that the proposed regulation is not more stringent than corresponding federal standards.

Name: Jennifer Cox

Date: 5/20/2016

Submit to Governor's Office

Governor's Office Response

Comments:

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	05/20/2016	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 6/24/2016

2. COMAR Codification

Title Subtitle Chapter Regulation

07 07 02 02

3. Name of Promulgating Authority

Department of Human Resources

4. Name of Regulations Coordinator

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5. Name of Person to Call About this Document

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6. Check applicable items:

New Regulations

Amendments to Existing Regulations

Date when existing text was downloaded from COMAR online: May 10, 2016.

Repeal of Existing Regulations

Subtitle 07 CHILD SUPPORT ENFORCEMENT ADMINISTRATION

07.07.02 General Information

Authority: Family Law Article, §§10-106—10-116, 10-118, 10-119, 10-119.3—10-144, and 10-303—10-359, Annotated Code of Maryland; Agency Note: Federal Regulatory Reference—45 CFR §§302, 303.2—303.15, 303.30, 303.31, and 303.71—303.106; 42 U.S.C. §654(6)(B)

Notice of Proposed Action

□

The Secretary of Human Resources proposes to amend Regulation.02 under COMAR 07.07.02 General Information.

Statement of Purpose

The purpose of this action is to reduce the following fees as follows: (1) reduce from \$25 to \$15 the fee that is collected by the Child Support Enforcement Administration for the initial application of child support enforcement services; and (2) reduce from \$25 to \$15 the annual collection fee deducted from child support payments and collected by the Child Support Enforcement Administration.

Comparison to Federal Standards

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

Estimate of Economic Impact

I. Summary of Economic Impact.

The proposed regulation reduces by \$10 a fee for the initial application of child support enforcement services and reduces by \$10 a fee deducted from child support payments and collected by the Child Support Enforcement Administration.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	(R-)	Moderate
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude

D. On regulated industries or trade groups: NONE

E. On other industries or trade groups: NONE

F. Direct and indirect effects on public: NONE

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

A. Based on FY 2015 actual collections, the reduction of the application fee and the annual fee will result in an estimated loss of \$970,320.

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 Tristan Fernandez, Regulations Coordinator, Department of Human Resources, 311 W. Saratoga Street, Baltimore, MD 21201, or call 410-767-8966, or email to tristan.fernandez@maryland.gov, or fax to . Comments will be accepted through July 24, 2016. A public hearing has not been scheduled.

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 2017

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 funds will be used.

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.

Child support clients pay the initial application and annual fees directly to the Child Support Enforcement Administration.

G. Small Business Worksheet:

Attached Document:

.02 Child Support Enforcement Services.

A. (text unchanged)

B. Eligibility and Application Fee.

(1) An individual receiving TCA or Medical Assistance is eligible for child support enforcement services without *filing an* application or payment of an application fee.

(2) An individual who is no longer eligible for TCA or Medical Assistance may continue to receive child support enforcement services without filing an application or paying an application fee.

(3) (text unchanged)

(4) Except as provided in §B(1)—(3) of this regulation, an individual who requests child support enforcement services is eligible for the services upon:

(a) Filing an application; and

(b) Paying a [\$25] \$15 application fee.

(5) Except as provided in §B(6) of this regulation, the support enforcement agency shall assess the [\$25] \$15 application fee only once to an individual regardless of the number of child support cases for which the individual makes application.

(6) If an individual requests termination of child support services for all of the individual's child support cases and subsequently reapplies for services, the individual shall:

(a) Submit a written application; and

(b) Pay the [\$25] \$15 application fee.

(7) – (8) (text unchanged)

C. Other Fees.

[(1) A non-TCA obligee receiving an intercepted payment shall pay the following fees:

(a) For State tax refund intercept:

(i) \$10 if the intercept amount is \$40 or more, or

(ii) 25 percent of the intercept if the intercept amount is under \$40; or

(b) For offset of a federal income tax refund and other administrative federal payments as identified by

OCSE:

(i) \$25 if the offset amount is \$100 or more, or

(ii) 25 percent of the offset if the offset amount is under \$100.

(2)] An annual collection fee of [\$25] \$15 shall be deducted from child support payments in a case in which a family:

[(a)] A. Never received TCA; and

[(b)] B. Has received at least \$3,500 in child support payments during the federal fiscal year.