
By: Senator Ruben

Introduced and read first time: January 31, 1996

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Administrative Procedures for Child Support Enforcement Pilot Program**

3 FOR the purpose of establishing an Administrative Procedures for Child Support
4 Enforcement Pilot Program in the Department of Human Resources; requiring the
5 Chief Judge of the Court of Appeals of Maryland to designate a county in the State
6 to participate in the Program; specifying the purpose of the Program; requiring the
7 Secretary of Human Resources to establish an oversight committee; specifying the
8 membership and duties of the oversight committee; specifying the authority of a
9 local agency responsible for support enforcement and the Office of Administrative
10 Hearings to issue certain orders that establish paternity or establish or modify child
11 support awards under certain circumstances; specifying the authority of the Child
12 Support Enforcement Administration, an agency, and the Office of Administrative
13 Hearings to enforce certain orders under certain circumstances; providing for the
14 application of this Act; providing for a delayed effective date; providing for the
15 termination of this Act; defining certain terms; and generally relating to the Child
16 Support Enforcement Pilot Program.

17 BY adding to

18 Article - Family Law
19 Section 10-1A-01 through 10-1A-17, inclusive, to be under the new subtitle
20 "Subtitle 1A. Administrative Procedures for Child Support Enforcement"
21 Annotated Code of Maryland
22 (1991 Replacement Volume and 1995 Supplement)

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

25 **Article - Family Law**

26 **SUBTITLE 1A. ADMINISTRATIVE PROCEDURES FOR CHILD SUPPORT**
27 **ENFORCEMENT.**

28 10-1A-01.

29 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
30 INDICATED.

2

1 (B) "AGENCY" MEANS THE STATE OR A LOCAL AGENCY RESPONSIBLE FOR
2 SUPPORT ENFORCEMENT.

3 (C) "ADMINISTRATION" MEANS THE CHILD SUPPORT ENFORCEMENT
4 ADMINISTRATION OF THE DEPARTMENT OF HUMAN RESOURCES.

5 (D) "CHILD" MEANS AN UNEMANCIPATED OR UNMARRIED MINOR.

6 (E) "COURT" MEANS ANY CIRCUIT COURT OF THE STATE AND ANY COURT IN
7 ANY OTHER STATE THAT ORDERS PAYMENT OF CHILD SUPPORT BY A PARENT.

8 (F) (1) "COURT ORDER" MEANS ANY JUDGMENT, DECREE, OR ORDER OF
9 ANY COURT THAT ORDERS PAYMENT OF CHILD SUPPORT BY A PARENT.

10 (2) "COURT ORDER" DOES NOT INCLUDE A JUDGMENT, DECREE, OR
11 ORDER OF ANY COURT IN WHICH THE COURT DID NOT ORDER CHILD SUPPORT.

12 (G) (1) "DEPARTMENT" MEANS THE DEPARTMENT OF HUMAN RESOURCES.

13 (2) "DEPARTMENT" INCLUDES:

14 (I) A DEPARTMENT IN ANOTHER STATE THAT IS RESPONSIBLE
15 FOR PROVIDING CHILD SUPPORT SERVICES UNDER TITLE IV, SECTION D OF THE
16 SOCIAL SECURITY ACT; AND

17 (II) A DEPARTMENT IN A FOREIGN JURISDICTION THAT IS
18 RESPONSIBLE FOR PROVIDING CHILD SUPPORT SERVICES WITH WHICH THE
19 DEPARTMENT HAS A RECIPROCAL ENFORCEMENT AGREEMENT.

20 (H) "OFFICE" MEANS THE OFFICE OF ADMINISTRATIVE HEARINGS.

21 (I) "PARENT" MEANS THE NATURAL OR ADOPTIVE PARENT OF A CHILD.

22 (J) "PARTY" MEANS A PERSON OR AGENCY NAMED OR ADMITTED TO
23 PARTICIPATE IN A CASE BEFORE THE OFFICE.

24 (K) "PROGRAM" MEANS THE ADMINISTRATIVE PROCEDURES FOR CHILD
25 SUPPORT ENFORCEMENT PILOT PROGRAM.

26 (L) "PUBLIC ASSISTANCE" MEANS ANY ASSISTANCE PAYMENTS MADE BY THE
27 DEPARTMENT THAT ARE PAID TO OR FOR THE BENEFIT OF A CHILD, INCLUDING
28 PAYMENTS MADE FOR FOOD, SHELTER, MEDICAL CARE, CLOTHING,
29 TRANSPORTATION, AND ANY OTHER NECESSARY GOODS, SERVICES, OR ITEMS.

30 (M) "SUPPORT CONFERENCE" MEANS A MEETING ARRANGED FOR THE
31 PURPOSE OF DISCUSSING AND COMING TO AN AGREEMENT ON THE
32 ESTABLISHMENT OF PATERNITY AND THE ESTABLISHMENT OR MODIFICATION OF A
33 CHILD SUPPORT AWARD.

34 10-1A-02.

35 THERE IS AN ADMINISTRATIVE PROCEDURES FOR CHILD SUPPORT
36 ENFORCEMENT PILOT PROGRAM IN THE DEPARTMENT.

37 10-1A-03.

3

1 (A) THE PURPOSE OF THE PROGRAM IS TO ESTABLISH A PILOT PROGRAM IN
2 ONE COUNTY IN THE STATE THAT WOULD PERMIT AN AGENCY THROUGH AN
3 ADMINISTRATIVE PROCESS TO:

4 (1) ESTABLISH PATERNITY; AND

5 (2) ESTABLISH AND MODIFY CHILD SUPPORT ORDERS.

6 (B) AFTER CONSULTATION WITH THE ADMINISTRATIVE JUDGE FOR THE
7 COUNTY SELECTED TO PARTICIPATE IN THE PROGRAM AND WITH THE
8 CONCURRENCE OF THE AGENCY, THE CHIEF JUDGE OF THE COURT OF APPEALS OF
9 MARYLAND SHALL IDENTIFY A COUNTY TO PARTICIPATE IN THE PROGRAM.

10 10-1A-04.

11 (A) THE SECRETARY OF HUMAN RESOURCES SHALL APPOINT AN OVERSIGHT
12 COMMITTEE FOR THE PROGRAM.

13 (B) THE OVERSIGHT COMMITTEE SHALL CONSIST OF:

14 (1) THE DIRECTOR OF THE AGENCY FROM THE COUNTY CHOSEN BY
15 THE CHIEF JUDGE OF THE COURT OF APPEALS OF MARYLAND TO PARTICIPATE IN
16 THE PROGRAM;

17 (2) THE DIRECTOR OF THE ADMINISTRATION; AND

18 (3) A JUDGE OF A CIRCUIT COURT FOR A COUNTY IN THE STATE,
19 APPOINTED BY THE ADMINISTRATIVE JUDGE FOR THE COUNTY SELECTED TO
20 PARTICIPATE IN THE PROGRAM WITH THE APPROVAL OF THE CHIEF JUDGE OF THE
21 COURT OF APPEALS OF MARYLAND.

22 (C) THE OVERSIGHT COMMITTEE SHALL PROVIDE GUIDANCE TO THE
23 DEPARTMENT AND THE AGENCY CHOSEN TO PARTICIPATE IN THE PROGRAM IN
24 DEVELOPING AND IMPLEMENTING THE PROVISIONS OF THE PROGRAM AND THIS
25 SUBTITLE.

26 (D) ON OR BEFORE SEPTEMBER 1, 1997, THE DEPARTMENT SHALL EVALUATE
27 THE PROGRAM AND SUBMIT A REPORT OF ITS EVALUATION TO THE GOVERNOR
28 AND, SUBJECT TO § 2-1312 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL
29 ASSEMBLY.

30 10-1A-05.

31 (A) IN ANY INDIVIDUAL CASE, AN AGENCY MAY OPEN A CASE AND TAKE ANY
32 ACTION AUTHORIZED UNDER THIS SUBTITLE UPON:

33 (1) THE PAYMENT OF PUBLIC ASSISTANCE TO AN INDIVIDUAL BY THE
34 DEPARTMENT;

35 (2) THE RECEIPT OF AN APPLICATION FOR CHILD SUPPORT SERVICES
36 BY AN INDIVIDUAL NOT RECEIVING PUBLIC ASSISTANCE;

37 (3) REFERRAL BY A COURT;

4

1 (4) THE REGISTRATION OF A FOREIGN SUPPORT ORDER UNDER
2 SUBTITLE 3, PART II OF THIS TITLE; OR

3 (5) A FILING UNDER THE MARYLAND UNIFORM RECIPROCAL
4 ENFORCEMENT OF SUPPORT ACT.

5 (B) (1) AN AGENCY OR THE OFFICE MAY ISSUE AN ADMINISTRATIVE
6 ORDER IN ACCORDANCE WITH THE PROVISIONS OF THIS SUBTITLE THAT:

7 (I) ESTABLISHES A CHILD SUPPORT ORDER;

8 (II) MODIFIES OR TERMINATES A CHILD SUPPORT ORDER;

9 (III) REQUIRES HEALTH INSURANCE COVERAGE FOR A CHILD;

10 (IV) ESTABLISHES PATERNITY;

11 (V) EXCEPT IN CASES OF CONTEMPT, ENFORCES A CHILD SUPPORT
12 ORDER IN ACCORDANCE WITH STATE AND FEDERAL STATUTES, REGULATIONS,
13 AND RELEVANT CASE LAW; OR

14 (VI) COLLECTS CHILD SUPPORT.

15 (2) ANY ADMINISTRATIVE ORDER ISSUED UNDER THIS SUBTITLE THAT
16 MODIFIES AN EXISTING COURT ORDER SHALL BE FORWARDED BY THE AGENCY OR
17 OFFICE, WHICHEVER IS APPROPRIATE, TO THE COURT OF JURISDICTION FOR
18 APPROVAL.

19 (C) ALL COURTS IN THIS STATE SHALL RECOGNIZE ANY ADMINISTRATIVE
20 ORDER ISSUED BY AN AGENCY OR THE OFFICE UNDER THIS SUBTITLE.

21 (D) THE DEPARTMENT MAY ADOPT REGULATIONS NECESSARY TO CARRY
22 OUT THE PROVISIONS OF THIS SUBTITLE, INCLUDING REGULATIONS THAT
23 ESTABLISH PROCEDURES FOR HOLDING AND CONDUCTING SUPPORT CONFERENCES
24 REQUESTED UNDER THIS SUBTITLE.

25 10-1A-06.

26 (A) (1) AN AGENCY MAY ISSUE AN ADMINISTRATIVE ORDER ESTABLISHING
27 THE PATERNITY OF A CHILD IF:

28 (I) THE ALLEGED FATHER AND THE MOTHER OF THE CHILD SIGN
29 A STATEMENT ACKNOWLEDGING THAT THE ALLEGED FATHER IS THE FATHER OF
30 THE CHILD; OR

31 (II) AFTER SERVICE OF A NOTICE UNDER § 10-1A-07 OF THIS
32 SUBTITLE, THE ALLEGED FATHER FAILS TO FILE A RESPONSE WITH THE AGENCY
33 DENYING PATERNITY WITHIN THE TIME PERIOD ALLOWED UNDER THAT SECTION.

34 (2) AN ADMINISTRATIVE ORDER ISSUED UNDER PARAGRAPH (1) OF
35 THIS SUBSECTION SHALL INCLUDE:

36 (I) THE DATE OF THE ORDER; AND

37 (II) A DECLARATION OF THE PATERNITY OF THE CHILD.

5

1 (3) THE AGENCY SHALL SEND A COPY OF THE ADMINISTRATIVE ORDER
2 BY REGULAR MAIL TO EACH PARENT OF THE CHILD AT THE PARENT'S LAST KNOWN
3 ADDRESS.

4 (B) (1) IF A WRITTEN RESPONSE TO A NOTICE OF PATERNITY SERVED
5 UNDER § 10-1A-07 OF THIS SUBTITLE IS RECEIVED BY THE AGENCY WITHIN 30 DAYS
6 FROM THE DATE OF SERVICE THAT SETS FORTH ANY OBJECTIONS AND REQUESTS A
7 SUPPORT CONFERENCE, THE AGENCY SHALL REFER THE PARTIES FOR BLOOD
8 TESTING.

9 (2) AFTER THE AGENCY RECEIVES THE RESULTS OF THE BLOOD
10 TESTING THE AGENCY SHALL HOLD A SUPPORT CONFERENCE TO RESOLVE THE
11 OBJECTIONS.

12 (C) NOTWITHSTANDING THE PROVISIONS OF SUBSECTIONS (A) AND (B) OF
13 THIS SECTION, AN AGENCY MAY FILE A COMPLAINT IN A COURT FOR A
14 DETERMINATION OF PATERNITY UNDER TITLE 5, SUBTITLE 10 OF THIS ARTICLE IF:

15 (1) THE PATERNITY OF A CHILD IS ALLEGED UNDER § 10-1A-07 OF THIS
16 SUBTITLE AND A WRITTEN RESPONSE TO A NOTICE ALLEGING PATERNITY DENYING
17 PATERNITY IS FILED WITHIN THE TIME PERIOD ALLOWED UNDER THAT SECTION;
18 OR

19 (2) THE AGENCY DETERMINES THAT THERE IS A VALID ISSUE WITH
20 RESPECT TO THE PATERNITY OF THE CHILD.

21 10-1A-07.

22 (A) (1) IF THERE IS NO COURT ORDER TO PAY CHILD SUPPORT, AN AGENCY
23 MAY ISSUE A NOTICE AND FINDING OF FINANCIAL RESPONSIBILITY AT ANY TIME
24 UPON THE OCCURRENCE OF ANY ACTION PROVIDED IN § 10-1A-05(A) OF THIS
25 SUBTITLE.

26 (2) THE NOTICE ISSUED UNDER PARAGRAPH (1) OF THIS SUBSECTION
27 SHALL BE SERVED ON THE PARENT:

28 (I) BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED;

29 (II) BY PERSONAL SERVICE BY THE AGENCY ON THE PREMISES OF
30 THE AGENCY; OR

31 (III) IN ANY OTHER MANNER PRESCRIBED FOR SERVICE OF A
32 SUMMONS IN A CIVIL ACTION.

33 (B) THE NOTICE SHALL INCLUDE:

34 (1) THE NAME OF ANY CUSTODIAL RELATIVE AND THE NAME OF THE
35 CHILD FOR WHOM CHILD SUPPORT IS TO BE PAID;

36 (2) THE AMOUNT OF CHILD SUPPORT FOR WHICH THE PARENT IS
37 RESPONSIBLE;

1 (3) A STATEMENT THAT THE PARENT MAY BE REQUIRED TO PROVIDE
2 HEALTH INSURANCE COVERAGE FOR THE CHILD IF COVERAGE IS AVAILABLE TO
3 THE PARENT AT A REASONABLE COST;

4 (4) A STATEMENT THAT IF THE PARENT WISHES TO DISCUSS OR
5 OBJECTS TO ALL OR ANY PART OF THE NOTICE OF FINANCIAL RESPONSIBILITY,
6 WITHIN 30 DAYS FROM THE DATE OF SERVICE, THE PARENT MUST SEND TO THE
7 AGENCY THAT ISSUED THE NOTICE A WRITTEN RESPONSE THAT SETS FORTH ANY
8 OBJECTIONS, REQUESTS A CHANGE IN THE FINDINGS, AND, IF DESIRED BY THE
9 PARENT, REQUESTS A SUPPORT CONFERENCE;

10 (5) A STATEMENT THAT IF:

11 (I) A TIMELY RESPONSE IS RECEIVED BY THE AGENCY, THE
12 PARENT HAS THE RIGHT TO A SUPPORT CONFERENCE; AND

13 (II) A RESPONSE IS NOT RECEIVED BY THE AGENCY WITHIN THE
14 SPECIFIED TIME, THE AGENCY MAY ISSUE AN ADMINISTRATIVE ORDER IN
15 ACCORDANCE WITH THE NOTICE AND FINDING OF FINANCIAL RESPONSIBILITY;

16 (6) A STATEMENT THAT AN ADMINISTRATIVE ORDER ISSUED IN
17 ACCORDANCE WITH THE NOTICE AND FINDING OF FINANCIAL RESPONSIBILITY
18 AUTHORIZES THE AGENCY TO IMMEDIATELY SERVE THE PARENT'S EMPLOYER
19 WITH AN EARNINGS WITHHOLDING ORDER;

20 (7) A STATEMENT THAT WHEN AN ADMINISTRATIVE ORDER IS ISSUED
21 THE PROPERTY OF THE PARENT IS SUBJECT TO EARNINGS WITHHOLDING,
22 GARNISHMENT, AND LIENS;

23 (8) A STATEMENT THAT THE PARENT IS RESPONSIBLE FOR NOTIFYING
24 THE AGENCY THAT ISSUED THE NOTICE OF ANY CHANGE IN ADDRESS,
25 EMPLOYMENT, OR HEALTH INSURANCE COVERAGE;

26 (9) A STATEMENT THAT IF THE PARENT HAS ANY QUESTIONS, THE
27 PARENT SHOULD:

28 (I) TELEPHONE OR VISIT THE AGENCY THAT ISSUED THE NOTICE;
29 OR

30 (II) CONSULT WITH AN ATTORNEY;

31 (10) A STATUTORY REFERENCE TO THIS SUBTITLE; AND

32 (11) ANY OTHER INFORMATION THAT THE AGENCY CONSIDERS
33 APPROPRIATE.

34 (C) IF A WRITTEN RESPONSE TO A NOTICE AND FINDING OF FINANCIAL
35 RESPONSIBILITY ISSUED UNDER SUBSECTION (A) OF THIS SECTION IS RECEIVED BY
36 THE AGENCY WITHIN 30 DAYS FROM THE DATE OF SERVICE THAT SETS FORTH ANY
37 OBJECTIONS AND REQUESTS A SUPPORT CONFERENCE, THE AGENCY SHALL HOLD A
38 SUPPORT CONFERENCE TO RESOLVE THE OBJECTIONS.

7

1 (D) IF THE PATERNITY OF THE CHILD THAT IS THE SUBJECT OF THE NOTICE
2 AND THE FINDING OF FINANCIAL RESPONSIBILITY HAS NOT BEEN LEGALLY
3 ESTABLISHED, THE NOTICE AND FINDING OF FINANCIAL RESPONSIBILITY ISSUED
4 UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE:

5 (1) AN ALLEGATION THAT THE INDIVIDUAL IS THE PARENT OF THE
6 CHILD;

7 (2) THE NAME OF THE MOTHER OF THE CHILD;

8 (3) THE CHILD'S DATE OF BIRTH OR EXPECTED DATE OF BIRTH; AND

9 (4) A STATEMENT THAT IF THE ALLEGED FATHER DOES NOT SEND A
10 WRITTEN RESPONSE TO THE AGENCY ISSUING THE NOTICE DENYING PATERNITY
11 WITHIN 30 DAYS FROM THE DATE OF SERVICE OF THE NOTICE, THE AGENCY
12 WITHOUT FURTHER NOTICE MAY ISSUE AN ADMINISTRATIVE ORDER THAT:

13 (I) DECLARES THE INDIVIDUAL TO BE THE LEGAL PARENT OF
14 THE CHILD; AND

15 (II) PROVIDES FOR THE SUPPORT OF THE CHILD.

16 (E) THE AMOUNT OF SUPPORT FOR WHICH A PARENT IS RESPONSIBLE SHALL
17 BE COMPUTED AS FOLLOWS:

18 (1) IF THERE IS SUFFICIENT INFORMATION AVAILABLE CONCERNING
19 THE PARENTS OF THE CHILD, THE AGENCY SHALL DETERMINE THE AMOUNT OF
20 SUPPORT IN ACCORDANCE WITH THE CHILD SUPPORT GUIDELINES PROVIDED IN §
21 12-204 OF THIS ARTICLE; OR

22 (2) IF THERE IS INSUFFICIENT INFORMATION AVAILABLE TO USE THE
23 CHILD SUPPORT GUIDELINES, AN ALLEGATION OF ABILITY TO PAY SHALL BE THE
24 BASIS OF THE CHILD SUPPORT.

25 10-1A-08.

26 (A) (1) IF THE SERVICE OF NOTICE UNDER § 10-1A-07 OF THIS SUBTITLE
27 WAS SUCCESSFUL, THE AGENCY MAY ENTER AN ADMINISTRATIVE ORDER IN
28 ACCORDANCE WITH THE TERMS OF THE NOTICE AND THE FINDING OF FINANCIAL
29 RESPONSIBILITY, INCLUDING ANY CHANGES IN THE NOTICE AND FINDING AS A
30 RESULT OF A WRITTEN RESPONSE FROM A PARENT AND A SUPPORT CONFERENCE
31 IF:

32 (I) A SUPPORT CONFERENCE REQUESTED UNDER § 10-1A-07 OR §
33 10-1A-06(B) OF THIS SUBTITLE RESULTS IN A CONCURRENCE;

34 (II) THE ALLEGED FATHER CONCURS THAT HE IS THE FATHER OF
35 THE CHILD; OR

36 (III) NO RESPONSE TO THE NOTICE WAS RECEIVED WITHIN THE
37 TIME PERIOD ALLOWED UNDER § 10-1A-07 OF THIS SUBTITLE.

8

1 (2) (I) IF THE AGENCY DOES NOT ISSUE AN ADMINISTRATIVE ORDER,
2 THE CASE SHALL BE SCHEDULED FOR A HEARING BEFORE THE OFFICE IN
3 ACCORDANCE WITH § 10-1A-12 OF THIS SUBTITLE.

4 (II) THE ALLEGED PARENT SHALL BE SENT A NOTICE IN THE
5 MANNER PROVIDED IN § 10-1A-07(A)(2) OF THIS SUBTITLE OF THE HEARING AT
6 LEAST 5 DAYS PRIOR TO THE DATE OF THE HEARING.

7 (B) AN ADMINISTRATIVE ORDER ENTERED UNDER SUBSECTION (A) OF THIS
8 SECTION SHALL INCLUDE:

9 (1) THE DATE OF THE ORDER;

10 (2) THE NAME AND ADDRESS OF THE NONCUSTODIAL PARENT OR
11 CUSTODIAL RELATIVE OF THE CHILD;

12 (3) THE NAME AND BIRTH DATE OF THE CHILD FOR WHOM SUPPORT IS
13 TO BE PAID;

14 (4) IF ESTABLISHED BY THE ORDER, A DECLARATION OF PATERNITY OF
15 THE CHILD;

16 (5) IF ESTABLISHED BY THE ORDER, THE AMOUNT OF ARREARAGE
17 ASSESSED;

18 (6) THE AMOUNT OF CHILD SUPPORT TO BE PAID, INCLUDING ANY
19 DIRECTIONS AS TO THE MANNER OF PAYMENT;

20 (7) PROVISIONS FOR HEALTH INSURANCE COVERAGE FOR THE CHILD;

21 (8) IMMEDIATE WAGE WITHHOLDING;

22 (9) A STATEMENT THAT IT IS THE RESPONSIBILITY OF THE PARENT
23 UNDER THE ORDER TO ADVISE THE AGENCY OF ANY CHANGE OF ADDRESS,
24 EMPLOYMENT, OR HEALTH INSURANCE COVERAGE; AND

25 (10) A STATEMENT THAT THE AMOUNT OF CHILD SUPPORT IS SUBJECT
26 TO REVIEW AND MODIFICATION.

27 (C) THE AGENCY SHALL SEND A COPY OF THE ADMINISTRATIVE ORDER BY
28 REGULAR MAIL TO A PARENT WHO IS THE SUBJECT OF THE ORDER TO THE
29 PARENT'S LAST KNOWN ADDRESS.

30 10-1A-09.

31 (A) (1) WHENEVER A COURT ORDER OR AN ADMINISTRATIVE ORDER IS
32 ISSUED UNDER THIS SUBTITLE, THE AGENCY MAY ISSUE NOTICE TO A PARENT OF
33 THE AGENCY'S INTENT TO ENFORCE THE ORDER AND COLLECT THE SUPPORT
34 ORDERED, INCLUDING ANY ARREARAGES.

35 (2) THE NOTICE ISSUED UNDER PARAGRAPH (1) OF THIS SUBSECTION
36 SHALL BE SERVED ON THE PARENT IN THE MANNER PROVIDED IN § 10-1A-07(A)(2)
37 OF THIS SUBTITLE.

38 (B) THE NOTICE ISSUED UNDER THIS SECTION SHALL INCLUDE:

1 (1) THE NAME OF THE NONCUSTODIAL PARENT OR CUSTODIAL
2 RELATIVE OF THE CHILD;

3 (2) THE NAME AND BIRTH DATE OF THE CHILD FOR WHOM SUPPORT IS
4 TO BE PAID;

5 (3) THE AMOUNT OF THE CHILD SUPPORT THE PARENT IS REQUIRED
6 TO PAY UNDER THE CHILD SUPPORT ORDER;

7 (4) THE AMOUNT OF THE ARREARAGES FOR SUPPORT, IF ANY, THAT
8 ARE OWED UNDER THE COURT ORDER OR ADMINISTRATIVE ORDER;

9 (5) A DEMAND THAT THE PARENT MAKE FULL PAYMENT OF ALL
10 AMOUNTS DUE TO THE AGENCY WITHIN 30 DAYS OF THE RECEIPT OR SERVICE OF
11 THE NOTICE;

12 (6) A STATEMENT THAT IF FULL PAYMENT OR AN OBJECTION IS NOT
13 RECEIVED WITHIN 30 DAYS OF THE RECEIPT OR SERVICE OF THE NOTICE:

14 (I) THE AGENCY SHALL ENFORCE THE ORDER; AND

15 (II) THE PROPERTY OF THE PARENT SHALL BE SUBJECT TO
16 EARNINGS WITHHOLDING, GARNISHMENT AND LIENS, AND EXECUTION;

17 (7) A STATEMENT THAT IF THE PARENT OBJECTS TO THE
18 ENFORCEMENT OF THE ORDER THE PARENT MUST SEND TO THE AGENCY ISSUING
19 THE NOTICE WITHIN 30 DAYS OF THE DATE OF SERVICE OR RECEIPT OF THE NOTICE,
20 A WRITTEN RESPONSE THAT SETS FORTH ANY OBJECTIONS AND REQUESTS A
21 SUPPORT CONFERENCE;

22 (8) A STATUTORY REFERENCE TO THIS SUBTITLE;

23 (9) A STATEMENT THAT THE ORDER MAY BE SUBJECT TO
24 MODIFICATION AND REVIEW UNDER § 10-1A-10 OF THIS SUBTITLE;

25 (10) A STATEMENT THAT THE PARENT IS RESPONSIBLE FOR NOTIFYING
26 THE AGENCY ISSUING THE ORDER OF ANY CHANGE OF ADDRESS, EMPLOYMENT, OR
27 HEALTH INSURANCE COVERAGE; AND

28 (11) ANY OTHER INFORMATION THAT THE AGENCY CONSIDERS
29 APPROPRIATE.

30 (C) IF A WRITTEN RESPONSE TO A NOTICE AND FINDING OF FINANCIAL
31 RESPONSIBILITY ISSUED UNDER SUBSECTION (A) OF THIS SECTION IS RECEIVED BY
32 THE AGENCY WITHIN 30 DAYS FROM THE DATE OF SERVICE THAT SETS FORTH ANY
33 OBJECTIONS AND REQUESTS A SUPPORT CONFERENCE, THE AGENCY SHALL HOLD A
34 SUPPORT CONFERENCE TO RESOLVE THE OBJECTIONS.

35 (D) (1) IF SERVICE OF THE NOTICE WAS SUCCESSFUL, THE AGENCY MAY
36 TAKE ANY ADMINISTRATIVE ACTION NECESSARY TO ENFORCE AND COLLECT THE
37 SUPPORT ORDERED, INCLUDING ANY ARREARAGES, FROM THE DATE OF THE
38 ISSUANCE OF THE ORDER IF:

10

1 (I) A WRITTEN RESPONSE TO THE NOTICE AND A REQUEST FOR A
2 SUPPORT CONFERENCE WAS NOT RECEIVED WITHIN THE REQUIRED TIME PERIOD;
3 OR

4 (II) IF A REQUEST FOR A SUPPORT CONFERENCE WAS RECEIVED
5 WITHIN THE REQUIRED TIME PERIOD AND THE SUPPORT CONFERENCE RESULTED
6 IN A CONCURRENCE.

7 (2) (I) IF THE SUPPORT CONFERENCE DOES NOT RESULT IN A
8 CONCURRENCE, THE CASE SHALL BE REFERRED FOR A HEARING BEFORE THE
9 OFFICE IN ACCORDANCE WITH § 10-1A-12 OF THIS SUBTITLE.

10 (II) ALL PARTIES TO THE CASE SHALL BE SENT NOTICE OF THE
11 HEARING IN THE MANNER PROVIDED IN § 10-1A-07(A)(2) OF THIS SUBTITLE AT LEAST
12 5 DAYS PRIOR TO THE DATE OF THE HEARING.

13 10-1A-10.

14 (A) AT ANY TIME, A PARENT OF THE CHILD, A CUSTODIAL RELATIVE OF THE
15 CHILD, OR AN AGENCY MAY FILE A REQUEST WITH THE OFFICE TO MODIFY:

16 (1) AN ADMINISTRATIVE ORDER ISSUED UNDER THIS SUBTITLE; OR

17 (2) A COURT ORDER UNDER WHICH CHILD SUPPORT SERVICES ARE
18 BEING PROVIDED.

19 (B) (1) WITHIN 15 DAYS OF A RECEIPT OF A REQUEST FOR A MODIFICATION
20 OF AN ORDER, OR WITHIN 15 DAYS OF A REQUEST TO MODIFY AN ORDER ON
21 BEHALF OF THE ADMINISTRATION, AN AGENCY SHALL ISSUE A NOTICE OF INTENT
22 TO REVIEW THE ORDER FOR MODIFICATION.

23 (2) THE NOTICE SHALL BE SENT IN THE MANNER PROVIDED IN
24 § 10-1A-07(A)(2) OF THIS SUBTITLE TO A PARENT OF THE CHILD AND CUSTODIAL
25 RELATIVE OF THE CHILD AT LEAST 30 DAYS PRIOR TO THE REVIEW.

26 (C) THE NOTICE SHALL INCLUDE:

27 (1) THE NAME OF THE NONCUSTODIAL PARENT OR CUSTODIAL
28 RELATIVE OF THE CHILD;

29 (2) THE NAME AND BIRTH DATE OF THE CHILD FOR WHOM SUPPORT IS
30 BEING PAID;

31 (3) A STATEMENT OF THE AMOUNT OF CHILD SUPPORT THE PARENT IS
32 REQUIRED TO PAY UNDER THE ORDER;

33 (4) THE DATE, TIME, AND LOCATION OF THE REVIEW;

34 (5) ANY INFORMATION THE PARENT OR CUSTODIAL RELATIVE IS
35 REQUIRED TO PROVIDE; AND

36 (6) ANY OTHER INFORMATION THE AGENCY CONSIDERS APPROPRIATE.

37 (D) (1) THE AGENCY SHALL CONDUCT A REVIEW OF THE ORDER AND
38 MAKE A DETERMINATION TO MODIFY THE ORDER BASED ON:

11

1 (I) THE PROVISIONS SET FORTH IN § 12-204 OF THIS ARTICLE; OR

2 (II) THE ABSENCE FROM THE ORDER OF A PROVISION FOR
3 HEALTH INSURANCE COVERAGE FOR THE CHILD.

4 (2) IF THE AGENCY DETERMINES THAT THE ORDER SHOULD BE
5 MODIFIED, THE AGENCY SHALL ISSUE A NOTICE AND FINDING OF FINANCIAL
6 RESPONSIBILITY TO A PARENT REQUIRED TO PAY CHILD SUPPORT.

7 (3) THE AGENCY SHALL SERVE THE NOTICE IN THE MANNER PROVIDED
8 IN § 10-1A-07(A)(2) OF THIS SUBTITLE TO THE PARENT AND CUSTODIAL RELATIVE OF
9 THE CHILD.

10 (E) THE NOTICE SHALL INCLUDE:

11 (1) THE NAME OF THE CUSTODIAL RELATIVE AND THE NAME OF THE
12 CHILD FOR WHOM CHILD SUPPORT IS TO BE PAID;

13 (2) THE AMOUNT OF THE MODIFIED CHILD SUPPORT FOR WHICH THE
14 PARENT IS RESPONSIBLE;

15 (3) A STATEMENT OF ANY MODIFIED HEALTH INSURANCE COVERAGE
16 PROVISION;

17 (4) A STATEMENT THAT IF THE PARENT OR CUSTODIAL RELATIVE
18 WISHES TO DISCUSS OR OBJECTS TO ALL OR ANY PART OF THE NOTICE OF
19 FINANCIAL RESPONSIBILITY, WITHIN 30 DAYS FROM THE DATE OF SERVICE, THE
20 PARENT OR CUSTODIAL RELATIVE MUST SEND TO THE AGENCY THAT ISSUED THE
21 NOTICE A WRITTEN RESPONSE THAT SETS FORTH ANY OBJECTIONS AND, IF
22 DESIRED, REQUESTS A SUPPORT CONFERENCE;

23 (5) A STATEMENT THAT IF:

24 (I) A TIMELY RESPONSE IS RECEIVED BY THE AGENCY, THE
25 PARENT OR CUSTODIAL RELATIVE HAS THE RIGHT TO A SUPPORT CONFERENCE;
26 AND

27 (II) A RESPONSE IS NOT RECEIVED BY THE AGENCY WITHIN THE
28 SPECIFIED TIME, THE AGENCY MAY ISSUE AN ADMINISTRATIVE ORDER IN
29 ACCORDANCE WITH THE NOTICE AND FINDING OF FINANCIAL RESPONSIBILITY;

30 (6) A STATEMENT THAT AN ADMINISTRATIVE ORDER ISSUED IN
31 ACCORDANCE WITH THE NOTICE AND FINDING OF FINANCIAL RESPONSIBILITY
32 AUTHORIZES THE AGENCY TO IMMEDIATELY SERVE THE PARENT'S EMPLOYER
33 WITH AN EARNINGS WITHHOLDING ORDER;

34 (7) A STATEMENT THAT WHEN AN ADMINISTRATIVE ORDER IS
35 ENTERED THE PROPERTY OF THE PARENT IS SUBJECT TO EARNINGS WITHHOLDING,
36 GARNISHMENT, AND LIENS;

37 (8) A STATEMENT THAT THE PARENT IS RESPONSIBLE FOR NOTIFYING
38 THE AGENCY THAT ISSUED THE NOTICE OF ANY CHANGE IN ADDRESS,
39 EMPLOYMENT, OR HEALTH INSURANCE COVERAGE;

12

1 (9) A STATEMENT THAT IF THE PARENT OR CUSTODIAL RELATIVE HAS
2 ANY QUESTIONS, THE PARENT SHOULD:

3 (I) TELEPHONE OR VISIT THE AGENCY THAT ISSUED THE NOTICE;
4 OR

5 (II) CONSULT WITH AN ATTORNEY;

6 (10) A STATUTORY REFERENCE TO THIS SUBTITLE; AND

7 (11) ANY OTHER INFORMATION THAT THE AGENCY CONSIDERS
8 APPROPRIATE.

9 (F) THE AMOUNT OF MODIFIED CHILD SUPPORT FOR WHICH A PARENT IS
10 RESPONSIBLE SHALL BE COMPUTED AS FOLLOWS:

11 (1) IF THERE IS SUFFICIENT INFORMATION AVAILABLE CONCERNING
12 THE PARENTS OF THE CHILD, THE AGENCY SHALL DETERMINE THE AMOUNT OF
13 SUPPORT IN ACCORDANCE WITH THE CHILD SUPPORT GUIDELINES PROVIDED IN §
14 12-204 OF THIS ARTICLE; OR

15 (2) IF THERE IS INSUFFICIENT INFORMATION AVAILABLE TO USE THE
16 CHILD SUPPORT GUIDELINES, AN ALLEGATION OF ABILITY TO PAY SHALL BE THE
17 BASIS OF THE CHILD SUPPORT.

18 (G) (1) IF A WRITTEN RESPONSE SETTING FORTH OBJECTIONS AND
19 REQUESTING A SUPPORT CONFERENCE IS RECEIVED WITHIN 30 DAYS OF THE DATE
20 OF SERVICE OF THE NOTICE ISSUED UNDER SUBSECTION (C) OF THIS SECTION, A
21 SUPPORT CONFERENCE SHALL BE HELD.

22 (2) IF THE SUPPORT CONFERENCE RESULTS IN A CONCURRENCE, THE
23 AGENCY MAY ISSUE AN ORDER IN ACCORDANCE WITH § 10-1A-08 OF THIS SUBTITLE.

24 (3) (I) IF THE SUPPORT CONFERENCE DOES NOT RESULT IN A
25 CONCURRENCE, THE CASE SHALL BE REFERRED FOR A HEARING BEFORE THE
26 OFFICE IN ACCORDANCE WITH § 10-1A-12 OF THIS SUBTITLE.

27 (II) ALL PARTIES TO THE CASE SHALL BE SENT NOTICE OF THE
28 HEARING IN THE MANNER PROVIDED IN § 10-1A-07(A)(2) OF THIS SUBTITLE AT LEAST
29 5 DAYS PRIOR TO THE DATE OF THE HEARING.

30 (H) (1) IF SERVICE OF THE NOTICE UNDER SUBSECTION (E) OF THIS
31 SECTION WAS SUCCESSFUL AND A WRITTEN REQUEST FOR A HEARING IS NOT
32 RECEIVED BY THE AGENCY WITHIN THE SPECIFIED TIME PERIOD, THE AGENCY MAY
33 ENTER AN ADMINISTRATIVE ORDER IN ACCORDANCE WITH THE NOTICE AND
34 FINDINGS OF FINANCIAL RESPONSIBILITY.

35 (2) THE ORDER SHALL INCLUDE THE INFORMATION REQUIRED UNDER
36 § 10-1A-08(B) OF THIS SUBTITLE.

37 (I) (1) THE AGENCY SHALL SEND BY REGULAR MAIL TO THE PARENT AT
38 THE PARENT'S LAST KNOWN ADDRESS A COPY OF THE ADMINISTRATIVE ORDER
39 ISSUED BY THE AGENCY.

13

1 (2) ACTION BY THE AGENCY TO ENFORCE AND COLLECT UPON THE
2 ADMINISTRATIVE ORDER, INCLUDING ANY ARREARAGES, MAY BE TAKEN FROM
3 THE DATE OF THE ISSUANCE OF THE ORDER.

4 10-1A-11.

5 (A) ANY ADMINISTRATIVE ORDER ISSUED UNDER THIS SUBTITLE:

6 (1) IS FINAL, AND ACTION BY THE AGENCY TO ENFORCE AND COLLECT
7 UPON THE ORDER, INCLUDING ANY ARREARAGES, MAY BE TAKEN FROM THE DATE
8 OF THE ISSUANCE OF THE ORDER; AND

9 (2) MAY BE APPEALED BY ANY PARTY TO THE OFFICE.

10 (B) (1) UNLESS THE ORDER IS STAYED BY A COURT, AN ADMINISTRATIVE
11 ORDER ENTERED UNDER THIS SUBTITLE SHALL REMAIN IN FULL FORCE AND
12 EFFECT WHILE ANY APPEAL IS PENDING.

13 (2) A COURT MAY NOT GRANT A STAY OF AN ORDER UNLESS THERE IS
14 SUBSTANTIAL EVIDENCE SHOWING THAT EITHER PARENT OF THE CHILD WOULD BE
15 IRREPARABLY HARMED IF THE ORDER IS NOT STAYED.

16 (C) ANY PARTY, INCLUDING AN AGENCY, MAY APPEAL A FINAL DECISION OF
17 THE OFFICE IN ACCORDANCE WITH THE MARYLAND RULES.

18 10-1A-12.

19 (A) WHENEVER A PERSON REQUESTS A HEARING UNDER THIS SUBTITLE AS A
20 RESULT OF A NOTICE OR THE ISSUANCE OF AN ADMINISTRATIVE ORDER UNDER
21 THIS SUBTITLE, THE OFFICE SHALL CONDUCT THE HEARING IN ACCORDANCE WITH
22 THE REGULATIONS OF THE OFFICE.

23 (B) (1) THE OFFICE MAY:

24 (I) ISSUE SUBPOENAS TO COMPEL THE APPEARANCE OF
25 WITNESSES OR TO PRODUCE DOCUMENTS THAT ARE NECESSARY TO DEVELOP A
26 FULL RECORD;

27 (II) COMPEL COMPLIANCE WITH THE SUBPOENA; OR

28 (III) ISSUE AN ADMINISTRATIVE ORDER.

29 (2) AN ADMINISTRATIVE ORDER ISSUED BY THE OFFICE UNDER THIS
30 SUBSECTION SHALL INCLUDE THE INFORMATION LISTED UNDER § 10-1A-08(B) OF
31 THIS SUBTITLE.

32 (C) (1) THE AGENCY SHALL SEND BY REGULAR MAIL TO THE PARENT AT
33 THE PARENT'S LAST KNOWN ADDRESS A COPY OF THE ADMINISTRATIVE ORDER
34 ISSUED BY THE OFFICE.

35 (2) ACTION BY THE AGENCY TO ENFORCE AND COLLECT UPON THE
36 ADMINISTRATIVE ORDER, INCLUDING ANY ARREARAGES, MAY BE TAKEN FROM
37 THE DATE OF THE ISSUANCE OF THE ORDER.

14

1 (D) ANY PARTY TO THE ADMINISTRATIVE HEARING CONDUCTED BY THE
2 OFFICE MAY APPEAL AN ORDER ISSUED BY THE OFFICE UNDER THIS SECTION TO A
3 COURT FOR A HEARING ON THE RECORD IN ACCORDANCE WITH THE MARYLAND
4 RULES.

5 10-1A-13.

6 (A) A PATERNITY COMPLAINT FILED IN A COURT UNDER § 10-1A-06 OF THIS
7 SUBTITLE OR AN APPEAL OF AN ADMINISTRATIVE ORDER ISSUED UNDER THIS
8 SUBTITLE TO A COURT SHALL INCLUDE:

9 (1) A COPY OF THE NOTICE AND FINDING OF FINANCIAL
10 RESPONSIBILITY;

11 (2) A COPY OF THE RETURN OF SERVICE;

12 (3) IF APPLICABLE, THE DENIAL OF PATERNITY;

13 (4) THE REQUEST FOR A HEARING; AND

14 (5) ANY OTHER RELEVANT PAPERS OR DOCUMENTS.

15 (B) THE COURT SHALL SET THE MATTER FOR TRIAL AND NOTIFY THE
16 PARTIES OF THE TIME AND PLACE OF THE TRIAL IN ACCORDANCE WITH THE
17 MARYLAND RULES.

18 10-1A-14.

19 (A) IF THE ADMINISTRATION OR AN AGENCY SEEKS TO ENFORCE AN
20 ADMINISTRATIVE ORDER ISSUED UNDER THIS SUBTITLE THROUGH A COURT, THE
21 ADMINISTRATION OR AGENCY SHALL FILE WITH THE CLERK OF THE COURT IN THE
22 COUNTY IN WHICH THE ADMINISTRATIVE ORDER WAS ISSUED:

23 (1) A COPY OF THE ORDER; AND

24 (2) IF APPLICABLE, A COPY OF THE RETURN OF SERVICE.

25 (B) IF THE ADMINISTRATIVE ORDER IS AN ORDER MODIFYING A COURT
26 ORDER, THE ADMINISTRATION OR AGENCY SHALL FILE THE DOCUMENTS
27 REQUIRED UNDER SUBSECTION (A) OF THIS SECTION WITH THE CLERK OF THE
28 COURT IN THE COUNTY IN WHICH THE ORDER WAS ENTERED.

29 (C) UPON THE FILING OF AN ADMINISTRATIVE ORDER WITH A COURT
30 UNDER THIS SECTION, THE ORDER SHALL HAVE ALL OF THE FORCE, EFFECT, AND
31 ATTRIBUTES OF AN ORDER OR DECREE ISSUED BY A COURT, INCLUDING:

32 (1) THE EFFECT OF A LIEN;

33 (2) THE ABILITY TO BE RENEWED; AND

34 (3) THE ABILITY TO BE ENFORCED BY SUPPLEMENTARY PROCEEDINGS,
35 CONTEMPT OF COURT PROCEEDINGS, WRITS OF EXECUTION, OR WRITS OF
36 GARNISHMENT AS PROVIDED IN THE MARYLAND RULES.

15

1 (D) NOTWITHSTANDING THE PROVISIONS OF SUBSECTIONS (B) AND (C) OF
2 THIS SECTION, THE FILING OF AN ADMINISTRATIVE ORDER ISSUED BY AN AGENCY
3 OR THE OFFICE DOES NOT PRECLUDE ANY SUBSEQUENT PROCEEDINGS OR
4 REMEDIES AVAILABLE TO A PARTY UNDER THIS SUBTITLE.

5 10-1A-15.

6 (A) (1) AT ANY TIME AFTER RECEIPT OF SERVICE OR REFUSAL OF A
7 NOTICE SENT UNDER THIS SUBTITLE AND PRIOR TO THE ENTRY OF AN
8 ADMINISTRATIVE ORDER, IF AN AGENCY REASONABLY BELIEVES THAT A PARENT
9 IS ABOUT TO TRANSFER, ENCUMBER, CONVEY, SELL, REMOVE, SECRETE, WASTE OR
10 OTHERWISE DISPOSE OF PROPERTY THAT COULD BE SUBJECT TO A COLLECTION
11 ACTION TO SATISFY ANY CHILD SUPPORT OWED, THE AGENCY MAY FILE A REQUEST
12 WITH A COURT FOR A TEMPORARY RESTRAINING ORDER.

13 (2) THE REQUEST FOR A TEMPORARY RESTRAINING ORDER UNDER
14 PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE:

15 (I) A LEGAL DESCRIPTION OF THE PROPERTY IN QUESTION; AND

16 (II) A STATEMENT THAT THE PROPERTY MAY NOT BE
17 TRANSFERRED, ENCUMBERED, CONVEYED, SOLD, REMOVED, SECRETED, WASTED,
18 OR OTHERWISE DISPOSED OF PENDING THE ENTRY OF A CHILD SUPPORT ORDER BY
19 THE COURT.

20 (3) WHEN FILING A REQUEST FOR A TEMPORARY RESTRAINING ORDER
21 UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE AGENCY SHALL FILE AN
22 AFFIDAVIT WITH THE REQUEST THAT STATES THE BASIS FOR THE REQUEST.

23 (B) IF THE PARENT WHO IS THE SUBJECT OF THE RESTRAINING ORDER
24 FURNISHES A BOND SATISFACTORY TO THE COURT, A TEMPORARY RESTRAINING
25 ORDER ENTERED UNDER THIS SECTION MAY BE TERMINATED.

26 10-1A-16.

27 THIS SUBTITLE DOES NOT LIMIT THE AUTHORITY OF THE STATE'S ATTORNEY,
28 THE ADMINISTRATION, OR AN AGENCY TO USE ANY OTHER CIVIL OR CRIMINAL
29 REMEDY TO ENFORCE A CHILD SUPPORT OR SPOUSAL SUPPORT ORDER.

30 10-1A-17.

31 NOTHING IN THIS SUBTITLE MAY BE CONSTRUED TO PROHIBIT AN AGENCY OR
32 A PARENT FROM USING ANY OTHER AVAILABLE CHILD SUPPORT ENFORCEMENT
33 REMEDIES AT ANY TIME.

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
35 January 1, 1997. It shall remain effective for a period of two years and, at the end of
36 December 31, 1999, with no further action required by the General Assembly, this Act
37 shall be abrogated and of no further force and effect.