

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL NO. 636

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “requiring” in line 3 down through “party;” in line 4; in line 6, after “trial;” insert “authorizing a court to order trial by jury under certain circumstances;”; in line 13, strike “require” and substitute “request”; in line 14, strike “requiring” and substitute “authorizing”; in line 17, after “expenses;” insert “requiring that if the court in a paternity proceeding orders the father to pay child support, the support shall continue until the child comes into the custody of the father;”; in line 23, after “documents;” insert “requiring certain licensing authorities to report certain information to the Child Support Enforcement Administration; authorizing certain licensing units to revoke or deny certain licenses of certain obligors who are in arrears in child support payments under certain circumstances;”; strike beginning with “authorizing” in line 23, down through “a” in line 24.

On page 2, in line 1, strike “failure to pay child support;”; strike beginning with “requiring” in line 1, down through “Administration;” in line 3; in line 5, strike “creating certain liens” and substitute “establishing that unpaid child support constitutes a lien”; in line 6, strike “for unpaid child support”; strike beginning with “authorizing” in line 8 down through “circumstances;” in line 23; and strike beginning with “providing” in line 28 down through “Act;” in line 41 and substitute “requiring the Child Support Enforcement Administration to pay certain fees to certain financial institutions; providing immunity from liability for certain financial institutions, employers, public service companies, energy providers, and labor unions for disclosing certain information to the Child Support Enforcement Administration and for taking certain other actions in good faith; defining certain terms;”.

AMENDMENT NO. 2

On page 2, after line 43, insert:

“BY repealing and reenacting, without amendments,

(Over)

Article - Family Law  
Section 2-402 and 5-1039  
Annotated Code of Maryland  
(1991 Replacement Volume and 1996 Supplement)”;

in line 46, strike “2-402,”; in line 47, strike “5-1039,”; in line 47, strike “10-108,”; and in the same line, strike “10-301(h), (q), and”.

On page 3, strike beginning with “(t);” in line 1 down through “12-202” in line 6 and substitute “12-101, and 12-105”; in line 16, strike “10-108.5,”; in the same line, after “10-122.1” insert “and”; and strike beginning with “; 10-304” in line 18 down through “10-353” in line 20.

AMENDMENT NO. 3

On page 4, in lines 16, 21, 23, and 24, in each instance, strike the brackets; and strike line 19 in its entirety.

On page 5, in line 15, strike “IS INTENDED” and substitute “MAY BE CONSTRUED”; in line 22, strike the bracket; in line 23, after “(1)” insert “EXCEPT AS PROVIDED UNDER ITEM (2) OF THIS SUBSECTION,”; in line 23, strike the first “the” and substitute “NO”; in line 23, after “paternity;” insert “AND”; strike in their entirety lines 24 through 29, inclusive, and substitute:

“(2) IT SHALL BE WITHIN THE SOLE DISCRETION OF THE COURT TO ORDER TRIAL BY JURY IF NECESSARY TO MEET THE ENDS OF JUSTICE.”;

and in line 30, strike “(D)” and substitute “(E)”.

On page 6, in line 11, strike “(E)” and substitute “(F)”.

On page 7, in line 31, strike “THE COURT SHALL HEAR THE COMPLAINT WITHOUT A JURY” and substitute “IT SHALL BE WITHIN THE SOLE DISCRETION OF THE COURT TO ORDER TRIAL BY JURY IF NECESSARY TO MEET THE ENDS OF JUSTICE”.

On page 8, in line 32, after “AFFIDAVIT” insert “AND OF THE BENEFIT OF SEEKING LEGAL COUNSEL”.

On page 9, strike beginning with “IN” in line 36 down through “TESTS” in line 38 and substitute “THE ADMINISTRATION MAY REQUEST THE ALLEGED PARENT TO SUBMIT”.

TO BLOOD OR GENETIC TESTS".

On page 10, in line 1, strike "A PERSON" and substitute "AN ALLEGED PARENT"; in the same line, strike "OBEY A DIRECTIVE FROM" and substitute "COMPLY WITH THE REQUEST OF"; in line 3, strike "INDIVIDUAL" and substitute "ALLEGED PARENT"; in line 5, strike "mother," and substitute "ALLEGED PARENT AND"; in the same line, strike ", and alleged father"; in lines 6 and 7, in each instance, strike "father" and substitute "PARENT"; in line 39, strike the brackets; and in the same line, before the semicolon insert ", IF THE COURT ORDERS A JURY TRIAL UNDER § 5-1027 OF THIS SUBTITLE".

On page 11, in line 1, strike the brackets; in line 21, after "PROCEEDING" insert "AND DUE CONSIDERATION BY THE COURT"; in the same line, strike "SHALL" and substitute "MAY"; strike beginning with the first "A" in line 23 down through "99.0%" in line 24 and substitute "THERE IS CLEAR AND CONVINCING EVIDENCE OF PATERNITY ESTABLISHED ON THE BASIS OF GENETIC TESTS OR OTHER EVIDENCE"; in line 28, strike the brackets; in line 36, strike "or"; and in line 37, after "self-supporting" insert "; OR

(V) THE CHILD COMES INTO THE PHYSICAL CUSTODY OF THE FATHER".

On page 12, in line 5, strike "or"; in the same line, after "self-supporting" insert ", OR COMES INTO THE PHYSICAL CUSTODY OF THE FATHER"; in line 16, strike "ALL"; in line 22, strike "confinement" and substitute "CHILDBIRTH"; and in line 28, strike "CONFINEMENT" and substitute "CHILDBIRTH".

On page 13, in line 2, strike the brackets.

On page 14, in line 29, strike "AND" and substitute "OR".

On page 16, in line 26, strike "TO CARRY OUT ITS RESPONSIBILITIES UNDER STATE AND FEDERAL LAW" and substitute "IN ORDER TO ESTABLISH, MODIFY, OR ENFORCE A DUTY OF SUPPORT"; in line 35, after "DELIVERY;" insert "OR"; and in line 36, strike "; OR" and substitute a period.

(Over)

On page 17, strike in its entirety line 1.

On pages 17 through 22, strike in their entirety the lines beginning with line 24 on page 17 through line 3 on page 22, inclusive, and substitute:

“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 ISSUED BY A LICENSING UNIT THAT AN INDIVIDUAL MUST OBTAIN TO PRACTICE OR ENGAGE IN A PARTICULAR BUSINESS, OCCUPATION, OR PROFESSION.

(3) “LICENSING UNIT” MEANS A UNIT WITHIN THE:

(I) DEPARTMENT OF LABOR, LICENSING, AND REGULATION;

(II) DEPARTMENT OF HEALTH AND MENTAL HYGIENE;

(III) DEPARTMENT OF HUMAN RESOURCES;

(IV) DEPARTMENT OF TRANSPORTATION;

(V) DEPARTMENT OF THE ENVIRONMENT;

(VI) OFFICE OF THE COMPTROLLER OF THE TREASURY;

(VII) DEPARTMENT OF AGRICULTURE;

(VIII) MARYLAND INSURANCE ADMINISTRATION;

(IX) PUBLIC SERVICE COMMISSION;

(X) OFFICE OF THE SECRETARY OF STATE;

(XI) DEPARTMENT OF EDUCATION;

(XII) DEPARTMENT OF NATURAL RESOURCES;

(XIII) OFFICE OF THE ATTORNEY GENERAL;

(XIV) DEPARTMENT OF STATE POLICE; AND

(XV) OFFICES OF THE CLERKS OF THE COURT THAT ARE AUTHORIZED TO ISSUE A LICENSE FOR PROFESSIONAL USES.

(B) A LICENSING UNIT SHALL:

(1) REQUIRE EACH APPLICANT FOR A LICENSE TO DISCLOSE THE SOCIAL SECURITY NUMBER OF THE APPLICANT FOR ANY OF THE FOLLOWING LICENSES:

(I) PROFESSIONAL LICENSES;

(II) COMMERCIAL DRIVER'S LICENSES; AND

(III) OCCUPATIONAL LICENSES; AND

(2) RECORD THE SOCIAL SECURITY NUMBER OF THE APPLICANT ON THE APPLICATION.

(C) THE ADMINISTRATION MAY REQUEST FROM A LICENSING UNIT INFORMATION CONCERNING AN OBLIGOR IN ARREARS IN PAYING CHILD SUPPORT THROUGH A SUPPORT ENFORCEMENT AGENCY.

(D) ON RECEIPT OF A REQUEST UNDER SUBSECTION (C) OF THIS SECTION, A

(Over)

LICENSING UNIT SHALL SUBMIT A REPORT TO THE ADMINISTRATION THAT CONTAINS THE:

(1) FULL NAME OF THE OBLIGOR;

(2) ADDRESS OF THE OBLIGOR, IF KNOWN;

(3) SOCIAL SECURITY NUMBER OF THE OBLIGOR, IF REQUIRED TO BE RECORDED ON THE APPLICATION UNDER SUBSECTION (B) OF THIS SECTION; AND

(4) DESCRIPTION OF THE LICENSE HELD BY THE OBLIGOR.

(E) PRIOR TO NOTIFYING A LICENSING UNIT UNDER SUBSECTION (F) OF THIS SECTION, THE ADMINISTRATION SHALL:

(1) SEND WRITTEN NOTICE OF THE PROPOSED ACTION TO THE OBLIGOR WHOSE LICENSE IS SUBJECT TO SUSPENSION UNDER THIS SECTION, INCLUDING NOTICE OF THE OBLIGOR'S RIGHT TO REQUEST AN INVESTIGATION; AND

(2) GIVE THE OBLIGOR A REASONABLE OPPORTUNITY TO CONTEST THE ACCURACY OF THE INFORMATION.

(F) THE ADMINISTRATION SHALL NOTIFY A LICENSING UNIT REGARDING AN OBLIGOR WHO IS A HOLDER OF OR APPLICANT FOR A LICENSE FROM THE LICENSING UNIT AND WHO IS 120 DAYS OR MORE OUT OF COMPLIANCE WITH THE MOST RECENT ORDER OF THE COURT IN MAKING CHILD SUPPORT PAYMENTS, IF:

(1) THE ADMINISTRATION HAS ACCEPTED AN ASSIGNMENT OF SUPPORT UNDER ARTICLE 88A, § 50(B)(2) OF THE CODE; OR

(2) THE RECIPIENT OF SUPPORT PAYMENTS HAS FILED AN APPLICATION FOR SUPPORT ENFORCEMENT SERVICES WITH THE ADMINISTRATION.

(G) SUBJECT TO THE PROVISIONS OF SUBSECTIONS (H) THROUGH (K) OF THIS

SECTION, UPON NOTIFICATION BY THE ADMINISTRATION UNDER SUBSECTION (F) OF THIS SECTION, A LICENSING UNIT MAY:

(1) SUSPEND THE LICENSE OF AN OBLIGOR WHO HOLDS A LICENSE FROM THE UNIT; OR

(2) DENY THE LICENSE OF AN OBLIGOR WHO IS AN APPLICANT FOR A LICENSE FROM THE UNIT.

(H) PRIOR TO THE REVOCATION OR DENIAL OF A LICENSE UNDER SUBSECTION (G) OF THIS SECTION, A LICENSING UNIT SHALL:

(1) NOTIFY THE OBLIGOR THAT:

(I) A NOTIFICATION HAS BEEN MADE BY THE ADMINISTRATION;

(II) THE OBLIGOR IS IN ARREARS FOR THE AMOUNT CERTIFIED BY THE ADMINISTRATION;

(III) THE LICENSING UNIT MAY INITIATE PROCEEDINGS REQUIRED FOR THE SUSPENSION OF THE OBLIGOR'S LICENSE OR DENY THE OBLIGOR'S APPLICATION FOR A LICENSE; AND

(IV) THE OBLIGOR MAY APPEAL TO THE ADMINISTRATION IF THE OBLIGOR DISPUTES THE EXISTENCE OR AMOUNT OF THE ARREARAGE; AND

(2) GIVE THE OBLIGOR A REASONABLE OPPORTUNITY TO CONTEST THE ACCURACY OF THE INFORMATION.

(I) (1) ON RECEIPT OF A REQUEST FOR INVESTIGATION FROM THE OBLIGOR, THE ADMINISTRATION SHALL CONDUCT AN INVESTIGATION AS TO THE ACCURACY OF THE REPORTED ARREARAGE.

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(2) ON COMPLETION OF THE INVESTIGATION, THE ADMINISTRATION SHALL NOTIFY THE OBLIGOR OF THE RESULTS OF THE INVESTIGATION AND THE OBLIGOR'S RIGHT TO APPEAL TO THE OFFICE OF ADMINISTRATIVE HEARINGS.

(J) (1) AN APPEAL UNDER THIS SECTION SHALL BE CONDUCTED IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

(2) AN APPEAL SHALL BE MADE IN WRITING AND SHALL BE RECEIVED BY THE OFFICE OF ADMINISTRATIVE HEARINGS WITHIN 20 DAYS AFTER THE NOTICE TO THE OBLIGOR OF THE RESULTS OF THE INVESTIGATION.

(K) IF, AFTER THE APPEAL TO THE OFFICE OF ADMINISTRATIVE HEARINGS, IT IS DETERMINED THAT THE ADMINISTRATION ERRED IN MAKING A DECISION, THE ADMINISTRATION MAY NOT PROCEED WITH NOTIFICATION TO A LICENSING UNIT REGARDING AN ARREARAGE OF AN OBLIGOR.

(L) THE ADMINISTRATION MAY NOT PROCEED WITH NOTIFICATION TO A LICENSING UNIT REGARDING AN ARREARAGE OF AN OBLIGOR IF:

(1) THE ADMINISTRATION REACHES AN AGREEMENT WITH THE OBLIGOR REGARDING A SCHEDULED PAYMENT OF THE OBLIGOR'S CHILD SUPPORT ARREARAGE; AND

(2) THE OBLIGOR IS COMPLYING WITH THE AGREEMENT OR COURT ORDER.

(M) THE ADMINISTRATION SHALL NOTIFY THE LICENSING UNIT TO REINSTATE A LICENSE SUSPENDED UNDER THIS SECTION WITHIN 10 DAYS AFTER THE OCCURRENCE OF ONE OF THE FOLLOWING EVENTS:

(1) THE ADMINISTRATION RECEIVES A COURT ORDER TO REINSTATE THE SUSPENDED LICENSE;

(2) THE OBLIGOR HAS PAID THE SUPPORT ARREARAGE IN FULL; OR



(3) THE OBLIGOR HAS DEMONSTRATED A GOOD FAITH EFFORT BY PAYING THE ORDERED AMOUNT OF SUPPORT FOR 4 CONSECUTIVE MONTHS.

(N) A LICENSING UNIT SHALL IMMEDIATELY REINSTATE A LICENSE SUSPENDED UNDER THIS SECTION IF:

(1) THE LICENSING UNIT IS NOTIFIED BY THE ADMINISTRATION THAT THE LICENSE SHOULD BE REINSTATED; AND

(2) THE OBLIGOR IS OTHERWISE QUALIFIED FOR THE LICENSE.

(O) THE SECRETARY OF HUMAN RESOURCES SHALL ADOPT REGULATIONS TO IMPLEMENT THIS SECTION, IN COOPERATION WITH THE OFFICE OF ADMINISTRATIVE HEARINGS AND EACH LICENSING UNIT.”.

On page 22, strike beginning with “USING” in line 18 down through “MANNER” in line 20 and substitute “IN ACCORDANCE WITH THE MARYLAND RULES”; and in line 23, strike “REGULAR MAIL” and substitute “CERTIFIED MAIL, RETURN RECEIPT REQUESTED, AND FIRST-CLASS MAIL”.

On page 23, in line 1, strike “IN ANY AMOUNT”; after line 1, insert:

“(2) THE AMOUNT OF THE ARREARAGE;”;

and in lines 2 and 3, strike “(2)” and “(3)”, respectively, and substitute “(3)” and “(4)”, respectively.

On pages 26 through 46, strike in their entirety the lines beginning with line 1 on page 26 through line 15 on page 46, inclusive.

On page 47, in line 16, strike “AND” and substitute “OR”; in lines 22, 23, and 26, in each instance, strike the brackets; in line 28, strike “To” and substitute “PURSUANT TO SUBSECTIONS (D) AND (E) OF THIS SECTION, TO”; in line 29, strike “IN WRITING”; in the

same line, after “State,” insert “ANY”; in line 30, after “State,” insert “ANY”; and in line 31, after “or” insert “ANY”.

On page 48, in line 6, strike “PUBLIC”; in the same line, strike “SERVICE COMPANY, ENERGY PROVIDER,”; strike beginning with “THE” in line 21 down through “SUBDIVISION,” in line 22 and substitute “AN”; strike beginning with “PUBLIC” in line 22 down through “INSTITUTION,” in line 23; in line 27, strike “PUBLIC”; in the same line, strike “SERVICE COMPANY, ENERGY PROVIDER,”; strike beginning with “PUBLIC” in line 29 down through “INSTITUTION,” in line 30; in line 32, strike “PUBLIC”; and in line 33, strike “SERVICE COMPANY, ENERGY PROVIDER,”.

On page 49, strike in their entirety, lines 1 through 8, inclusive, and substitute:

“(E) (1) PURSUANT TO A SUBPOENA ISSUED BY THE ADMINISTRATION UNDER § 10-108.4 OF THIS ARTICLE, A PUBLIC SERVICE COMPANY OR ENERGY PROVIDER SHALL PROVIDE, IF AVAILABLE:

(I) A PERSON’S NAME AND ADDRESS; AND

(II) THE NAME AND ADDRESS OF THE PERSON’S EMPLOYER.

(2) IF A PUBLIC SERVICE COMPANY OR ENERGY PROVIDER FAILS TO COMPLY WITH A SUBPOENA ISSUED BY THE ADMINISTRATION, THE ADMINISTRATION SHALL HAVE AVAILABLE THE REMEDIES PROVIDED UNDER § 10-108.4 OF THIS ARTICLE.

(F) AN EMPLOYER, PUBLIC SERVICE COMPANY, ENERGY PROVIDER, FINANCIAL INSTITUTION, OR LABOR UNION THAT COMPLIES WITH A REQUEST FROM THE ADMINISTRATION MADE UNDER THIS SECTION IS NOT LIABLE UNDER STATE LAW TO ANY PERSON FOR ANY:

(1) DISCLOSURE OF INFORMATION TO THE ADMINISTRATION UNDER THIS SECTION; OR

(2) OTHER ACTION TAKEN IN GOOD FAITH TO COMPLY WITH THE

REQUIREMENTS OF THIS SECTION.”;

and in line 9, strike “(F)” and substitute “(G)”.

On pages 49 through 51, strike in their entirety the lines beginning with line 15 on page 49 through line 2 on page 51, inclusive.

On page 51, in line 35, after “section” insert “THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.”

(B)”;

and in line 37, strike “date” and substitute “DATE”.

On page 52, after line 1, insert:

“(C) “EMPLOYING UNIT” INCLUDES A LABOR ORGANIZATION.”;

in line 2, strike “(b)” and substitute “(D)”;

in the same line, strike “(C)” and substitute “(E)(2)”;

in line 15, strike “STATE UNEMPLOYMENT INSURANCE ACCOUNT” and substitute “UNEMPLOYMENT INSURANCE EMPLOYER IDENTIFICATION”;

in line 16, strike “(c)” and substitute “(E)”;

in line 18, after “MAIL;” insert “OR”;

in line 19, strike “; OR” and substitute a period;

strike in its entirety, line 20;

strike beginning with “CHOOSES” in line 21 down through “DATA” in line 22 and substitute “TRANSMITS A REPORT”;

in line 23, strike “SHALL” and substitute “MAY”;

and in line 32, strike “(d)” and substitute “(F)”.

On page 53, in lines 5 and 9, strike “(e)” and “(f)”, respectively, and substitute “(G)” and “(H)”, respectively.

On pages 53 and 54, strike in their entirety the lines beginning with line 11 on page 53 through line 13 on page 54, inclusive.

AMENDMENT NO. 4

(Over)

On page 54, in lines 14, 17, and 20, strike “4.”, “5.”, and “6.”, respectively, and substitute “2.”, “3.”, and “4.”, respectively; strike beginning with “, except” in line 20 down through “Act.” in line 21; and strike in their entirety, lines 22 and 23, inclusive.