

CF 7lr2690

By: Chairman, Judiciary Committee (Departmental - Human Resources) and DelegatesMenes, Shriver, Hecht, Perry, Harrison, Rosapepe, Finifter, Hubbard, Dypski,Hurson, Cadden, Stup, Healey, Parker, Pitkin, Grosfeld, B. Hughes, Howard,Workman, Frush, Faulkner, Benson, Bobo, and Petzold

Introduced and read first time: February 5, 1997

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 25, 1997

CHAPTER _____

1 AN ACT concerning

2 **Child Support - Enforcement Procedures**

3 FOR the purpose of ~~requiring applicants for a marriage license to disclose their Social~~
4 ~~Security numbers~~; clarifying that a putative father may file a paternity action;
5 repealing provisions of the paternity laws permitting a defendant to request a jury
6 trial; authorizing a court to order trial by jury under certain circumstances; granting
7 certain powers to the Child Support Enforcement Administration in a paternity
8 proceeding; requiring certain notices to unmarried mothers and fathers before they
9 sign an affidavit of parentage; providing for the effect of an affidavit of parentage;
10 establishing procedures for rescission of an affidavit of parentage; requiring the
11 State's Attorney to notify the parties in writing before conducting a pretrial inquiry
12 in a paternity proceeding; authorizing the Child Support Enforcement
13 Administration to file a motion ~~for~~ to request that certain individuals submit to a
14 blood or genetic test under certain circumstances; ~~requiring~~ authorizing the court to
15 issue a temporary support order under certain circumstances; authorizing the
16 admission into evidence of certain records under certain circumstances and
17 establishing that certain records constitute prima facie evidence of certain expenses;
18 requiring that if the court in a paternity proceeding orders the father to pay child
19 support, the support shall continue until the child comes into the custody of the
20 father; requiring certain ~~reports to be made by~~ financial institutions to report
21 certain information to the Child Support Enforcement Administration under
22 certain circumstances; authorizing the Child Support Enforcement Administration
23 to require a parent to pay support through a support enforcement agency under
24 certain circumstances; authorizing the Child Support Enforcement Administration
25 to issue subpoenas to compel the production of documents; requiring certain

1 licensing authorities to report certain information to the Child Support
 2 Enforcement Administration; authorizing certain licensing units to revoke or deny
 3 certain licenses of certain obligors who are in arrears in child support payments
 4 under certain circumstances; authorizing certain licenses to engage in certain
 5 businesses, occupations, professions, and recreational activities to be suspended or
 6 denied for a failure to pay child support; establishing procedures for certain
 7 appeals; authorizing the Child Support Enforcement Administration to serve
 8 earnings withholding orders on employers under certain circumstances; creating
 9 certain liens establishing that unpaid child support constitutes a lien against all real
 10 and personal property of an obligor failing to pay child support; providing for the
 11 effect and enforcement of certain liens; requiring certain parties to a child support
 12 proceeding to receive certain notices under certain circumstances; authorizing a
 13 tribunal of this State to exercise personal jurisdiction over a nonresident under
 14 certain circumstances; establishing that certain laws and procedures apply when a
 15 tribunal of this State exercises personal jurisdiction over a nonresident; altering
 16 certain procedures relating to reconciliation of child support orders issued by two or
 17 more states; authorizing the Attorney General to order a child support agency to
 18 perform certain duties or to perform certain services under certain circumstances;
 19 providing that certain hearings are presumed to have been requested primarily for
 20 delay under certain circumstances; establishing that nonparentage is not a defense
 21 to certain proceedings under certain circumstances; repealing certain requirements
 22 that certain notices be given by first class mail; establishing certain requirements
 23 for certain employers concerning income withholding orders; granting a tribunal of
 24 this State jurisdiction to enforce and modify certain out of state child support
 25 orders under certain circumstances; authorizing the Child Support Enforcement
 26 Administration to receive certain information from financial institutions and public
 27 utilities; requiring financial institutions, public service companies, and energy
 28 providers to provide certain information to the Child Support Enforcement
 29 Administration under certain circumstances; requiring the Child Support
 30 Enforcement Administration to pay certain fees to certain financial institutions;
 31 providing immunity from liability for certain financial institutions, employers, public
 32 service companies, energy providers, and labor unions for disclosing certain
 33 information to the Child Support Enforcement Administration and for taking
 34 certain other actions in good faith; altering certain definitions defining certain
 35 terms; making certain technical and conforming changes; and generally relating to
 36 child support and the enforcement of child support obligations.

37 BY repealing and reenacting, without amendments,

38 Article - Family Law

39 Section 2-402 and 5-1039

40 Annotated Code of Maryland

41 (1991 Replacement Volume and 1996 Supplement)

42 BY repealing and reenacting, with amendments,

43 Article - Family Law

44 Section 2-402, 5-1002, 5-1010, 5-1011, 5-1020, 5-1027, 5-1028.1, 5-1029, 5-1032,

45 5-1033, 5-1039, 5-1048, 10-101, 10-111, 10-131, 40-301(h), (q), and (t);

46 40-304 through 40-307 to be under the amended subpart "Subpart B."

3

1 ~~Proceedings Involving Two or More States"; 10-308 through 10-310 to be~~
 2 ~~under the amended subpart "Subpart C. Reconciliation of Multiple Orders";~~
 3 ~~10-311 through 10-328; 10-329 and 10-330 to be under the amended part~~
 4 ~~"Part V. Enforcement of Order of Another State Without Registration";~~
 5 ~~10-331 through 10-348, 12-101, and 12-105~~
 6 Annotated Code of Maryland
 7 (1991 Replacement Volume and 1996 Supplement)

8 BY repealing

9 Article - Family Law
 10 Section 5-1026
 11 Annotated Code of Maryland
 12 (1991 Replacement Volume and 1996 Supplement)

13 BY adding to

14 Article - Family Law
 15 Section 10-108.2, 10-108.3, 10-108.4, 10-119.3, and 10-122.1; and 10-140 through
 16 10-144, inclusive, to be under the new part "Part IV. Child Support Liens";
 17 ~~10-304 and 10-305 to be under the new subpart "Subpart A. Extended~~
 18 ~~Personal Jurisdiction"; 10-320, 10-327, 10-334 through 10-338, 10-352, and~~
 19 ~~10-353~~
 20 Annotated Code of Maryland
 21 (1991 Replacement Volume and 1996 Supplement)

22 BY repealing and reenacting, with amendments,

23 Article - Financial Institutions
 24 Section 1-302
 25 Annotated Code of Maryland
 26 (1992 Replacement Volume and 1996 Supplement)

27 BY repealing and reenacting, with amendments,

28 Article - Labor and Employment
 29 Section 8-626.1
 30 Annotated Code of Maryland
 31 (1991 Volume and 1996 Supplement)
 32 (As enacted by Chapter 351 of the Acts of the General Assembly of 1996)

33 BY renumbering

34 Article - Family Law
 35 Section 5-1027 through 5-1028.1, respectively
 36 to be Section 5-1026 through 5-1028, respectively
 37 Annotated Code of Maryland
 38 (1991 Replacement Volume and 1996 Supplement)

4

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

3 **Article - Family Law**

4 2-402.

5 (a) An applicant for a license may apply to the clerk only at the office of the clerk
6 during regular office hours.

7 (b) Except as provided in subsections (d) and (e) of this section, to apply for a
8 license, 1 of the parties to be married shall:

9 (1) appear before the clerk and give, under oath, the following information,
10 which shall be placed on an application form by the clerk:

11 (i) the full name of each party;

12 (ii) the place of residence of each party;

13 (iii) the age of each party;

14 (iv) whether the parties are related by blood or marriage and, if so, in
15 which degree of relationship;

16 (v) the marital status of each party; ~~and~~

17 (vi) whether either party was married previously, and the date and
18 place of each death or judicial determination that ended any former marriage; and

19 ~~(vii) THE SOCIAL SECURITY NUMBER OF EACH PARTY; AND~~

20 (2) sign the application form.

21 (c) (1) The license application shall provide spaces for the ~~voluntary~~
22 disclosure of the Social Security numbers of the parties.

23 (2) The clerk shall place Social Security numbers ~~that are disclosed under~~
24 ~~this subsection~~ on the marriage license certificate forms required under § 2-403 of this
25 subtitle.

26 (d) If the parties to be married are not residents of the county where the marriage
27 ceremony is to be performed, the clerk shall accept, instead of the application specified in
28 subsection (b) of this section, an affidavit from 1 of the parties to be married. The
29 affidavit shall:

30 (1) contain the information required by subsection (b) of this section; and

31 (2) be sworn to under oath before a clerk or other comparable official in the
32 county, state, province, or country where the party resides.

33 (e) In Cecil County both parties to be married shall appear together before the
34 clerk to apply for a license.

35 (f) Until a license is issued, a clerk may not disclose the fact that an application
36 for a license has been made except to the parent or guardian of a party to be married.

5

1 5-1002.

2 (a) The General Assembly finds that:

3 (1) this State has a duty to improve the deprived social and economic status
4 of children born out of wedlock; and5 (2) the policies and procedures in this subtitle are socially necessary and
6 desirable.

7 (b) The purpose of this subtitle is:

8 (1) to promote the general welfare and best interests of children born out of
9 wedlock by securing for them, as nearly as practicable, the same rights to support, care,
10 and education as children born in wedlock;11 (2) to impose on the mothers and fathers of children born out of wedlock
12 the basic obligations and responsibilities of parenthood; and13 (3) to simplify the procedures for determining paternity, custody,
14 guardianship, and responsibility for the support of children born out of wedlock.15 (C) NOTHING IN THIS SUBTITLE ~~IS INTENDED~~ MAY BE CONSTRUED TO LIMIT
16 THE RIGHT OF A PUTATIVE FATHER TO FILE A COMPLAINT TO ESTABLISH HIS
17 PATERNITY OF A CHILD.

18 5-1010.

19 (a) A complaint need not be in any particular form.

20 (b) The complaint shall be written in simple, nontechnical language.

21 (c) The complaint shall state the facts on which the complaint is based.

22 ~~[(d) The complaint shall be accompanied by a notice to the alleged father that:~~23 (1) EXCEPT AS PROVIDED UNDER ITEM (2) OF THIS SUBSECTION, he has
24 ~~the~~ NO right to a jury trial on the issue of paternity; AND25 (2) IT SHALL BE WITHIN THE SOLE DISCRETION OF THE COURT TO
26 ORDER TRIAL BY JURY IF NECESSARY TO MEET THE ENDS OF JUSTICE.

27 [(2) unless he elects to have a jury trial, the right to a jury trial is waived; and

28 (3) if a jury trial is waived, the court may decide the issue of paternity.

29 (e) A failure to give the notice required by subsection (d) of this section does not
30 invalidate the paternity proceeding if:

31 (1) the alleged father appears for trial; and

32 (2) the court otherwise safeguards the alleged father's right to a jury trial.]

33 [(f)] ~~(D)~~ (E) (1) Except as otherwise provided in this subsection, a complaint
34 filed under this subtitle shall be supported by the oath of the mother or pregnant woman,
35 whether or not she is a party to the paternity proceeding.

6

1 (2) The complaint may be filed without the oath if the mother or pregnant
2 woman:

3 (i) is dead;

4 (ii) refuses to file a complaint;

5 (iii) refuses to disclose the identity of the father of the child;

6 (iv) is mentally or physically incapable of making an oath; or

7 (v) refuses to make the oath.

8 (3) If the complaint is filed without an oath under paragraph (2) of this
9 subsection:

10 (i) the complainant shall verify the fact of the pregnancy or birth; and

11 (ii) if the mother or pregnant woman is living, she shall be made a
12 defendant.

13 [(g)] ~~(E)~~ (F) (1) Except as provided in paragraph (2) of this subsection, the
14 clerk of court may not receive a complaint starting paternity proceedings unless the
15 consent of the State's Attorney is attached to the complaint.

16 (2) The consent of the State's Attorney is not required if:

17 (i) the complaint is filed on behalf of the Administration; or

18 (ii) after considering testimony or information given by affidavit, or
19 both, the court:

20 1. finds that the complaint is meritorious; and

21 2. rules that the consent is not required.

22 (3) Except by an order of court for good cause shown, a proceeding under
23 this subtitle may not be dismissed voluntarily without the consent of the State's Attorney.

24 5-1011.

25 (a) If the complainant is the Administration, or a person approved for child
26 support services by the Administration, the complainant shall be represented by:

27 (1) the Attorney General;

28 (2) the State's Attorney, if the State's Attorney has assumed the
29 responsibility for representation under Title 10, Subtitle 1 of this article; or

30 (3) a qualified lawyer representing the Administration who is appointed by
31 and subject to supervision and removal by the Attorney General.

32 (b) For purposes of providing legal representation in a paternity proceeding
33 under this section, the Administration may approve child support services for a person
34 who resides out-of-state.

7

1 (c) A complainant under this section is not required to prepay court costs.

2 (d) If the Attorney General or a qualified lawyer appointed by the Attorney
3 General represents the complainant under this section, the Attorney General or the
4 lawyer has the SAME powers granted to the State's Attorney under [§§ 5-1016, 5-1019,
5 5-1020, and 5-1021 of] this subtitle.

6 5-1020.

7 Before the State's Attorney conducts a pretrial inquiry under this subtitle, the
8 State's Attorney shall notify the [alleged father] PARTIES in writing of:

9 (1) the time and place of the inquiry;

10 (2) [his] THE ALLEGED FATHER'S right to appear at the inquiry and to
11 produce evidence or information that relates to the inquiry; and

12 (3) [his] THE ALLEGED FATHER'S right to testify in his own behalf before
13 the State's Attorney, if the alleged father:

14 (i) notifies the State's Attorney of the alleged father's desire to testify;
15 and

16 (ii) signs a waiver that permits his testimony to be used against him in
17 the paternity proceeding.

18 [5-1026.

19 (a) Unless the alleged father elects a jury trial, the court shall hear the complaint
20 without a jury.

21 (b) If the alleged father desires a jury trial, he shall request a jury trial in writing
22 at the time he files a written answer to the complaint.

23 (c) (1) If the alleged father appears for trial without having filed a written
24 answer, the court shall advise him of his right to have the issue of paternity tried by a jury
25 and he shall make his election at the time the court advises him of the right.

26 (2) If the alleged father elects to waive a jury trial:

27 (i) the alleged father shall sign a waiver in the form the court requires;
28 and

29 (ii) the waiver shall be noted on the docket and filed with the other
30 papers in the case.]

31 5-1027.

32 (A) ~~THE COURT SHALL HEAR THE COMPLAINT WITHOUT A JURY IT SHALL BE~~
33 WITHIN THE SOLE DISCRETION OF THE COURT TO ORDER TRIAL BY JURY IF
34 NECESSARY TO MEET THE ENDS OF JUSTICE.

35 [(a)] (B) Except as otherwise provided in this subtitle, [the following]
36 PROCEEDINGS UNDER THIS SUBTITLE shall be treated in accordance with the laws,
37 rules, and practice that relate to [jury] trials in other civil cases[:

8

- 1 (1) the summoning of jurors;
- 2 (2) the empaneling of a jury;
- 3 (3) jury trial proceedings, including instructions to the jury;
- 4 (4) motions for new trial;
- 5 (5) judgment N.O.V.; and
- 6 (6) matters that may be considered on appeal].

7 [(b) The only question for the jury in a trial under this subtitle is whether the
8 alleged father is the father of the child.]

9 (c) In a trial under this subtitle, no comment on or reference to an alleged
10 father's failure to testify may be made or permitted.

11 5-1028.1.

12 (a) An unmarried father and mother shall be provided an opportunity to execute
13 an affidavit of parentage in the manner provided under § 4-208 of the Health - General
14 Article.

15 (b) The affidavit shall be completed on a standardized form developed by the
16 Department.

17 (c) (1) The completed affidavit of parentage form shall contain:

18 [(1)] (I) in ten point boldface type a statement that the affidavit is a legal
19 document and constitutes a ~~rebuttable presumption of parentage in a paternity~~
20 ~~proceeding~~ LEGAL FINDING OF PATERNITY;

21 [(2)] (II) the full name and the place and date of birth of the child;

22 [(3)] (III) the full name of the attesting father of the child;

23 [(4)] (IV) the full name of the attesting mother of the child;

24 [(5)] (V) the signatures of the father and the mother of the child attesting,
25 under penalty of perjury, that the information provided on the affidavit is true and correct
26 TO THE BEST OF THEIR KNOWLEDGE, INFORMATION, AND BELIEF;

27 [(6)] (VI) a statement by the mother consenting to the assertion of paternity
28 and acknowledging that her cosignatory is the only possible father;

29 [(7)] (VII) a statement by the father that he is the natural father of the child;
30 and

31 [(8)] (VIII) the Social Security numbers provided by each of the parents.

32 (2) BEFORE COMPLETING AN AFFIDAVIT OF PARENTAGE FORM, THE
33 UNMARRIED MOTHER AND THE FATHER SHALL BE ADVISED ORALLY AND IN
34 WRITING OF THE LEGAL CONSEQUENCES OF EXECUTING THE AFFIDAVIT AND OF
35 THE BENEFIT OF SEEKING LEGAL COUNSEL.

9

1 (d) (1) ~~{An} EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS~~
2 ~~SUBSECTION, AN~~ executed affidavit of parentage constitutes a [rebuttable presumption]
3 LEGAL FINDING of parentage in a paternity proceeding.

4 ~~(2) (I) A FINDING OF PATERNITY ESTABLISHED UNDER THIS SECTION~~
5 ~~MAY BE SET ASIDE ONLY IF ANY SIGNATORY TO THE AFFIDAVIT OF PARENTAGE~~
6 ~~RESCINDS THE AFFIDAVIT IN WRITING ON OR BEFORE:~~

7 1. ~~60 DAYS AFTER EXECUTING THE AFFIDAVIT; OR~~

8 2. ~~THE DATE OF ANY ADMINISTRATIVE OR JUDICIAL~~
9 ~~PROCEEDING RELATING TO THE CHILD IN WHICH THE SIGNATORY IS A PARTY.~~

10 ~~(II) A PARTY CHALLENGING A LEGAL FINDING OF PATERNITY~~
11 ~~UNDER THIS SECTION HAS THE BURDEN OF PROOF OF SHOWING THAT THE~~
12 ~~AFFIDAVIT OF PARENTAGE WAS EXECUTED BECAUSE OF FRAUD, DURESS, OR A~~
13 ~~MATERIAL MISTAKE OF FACT., SUBJECT TO THE RIGHT OF ANY SIGNATORY TO~~
14 ~~RESCIND THE AFFIDAVIT:~~

15 ~~(I) IN WRITING WITHIN 60 DAYS AFTER EXECUTION OF THE~~
16 ~~AFFIDAVIT; OR~~

17 ~~(II) IN A JUDICIAL PROCEEDING RELATING TO THE CHILD:~~

18 1. ~~IN WHICH THE SIGNATORY IS A PARTY; AND~~

19 2. ~~THAT OCCURS BEFORE THE EXPIRATION OF THE 60-DAY~~
20 ~~PERIOD.~~

21 ~~(2) (I) AFTER THE EXPIRATION OF THE 60-DAY PERIOD, AN~~
22 ~~EXECUTED AFFIDAVIT OF PARENTAGE MAY BE CHALLENGED IN COURT ONLY ON~~
23 ~~THE BASIS OF FRAUD, DURESS, OR MATERIAL MISTAKE OF FACT.~~

24 ~~(II) THE BURDEN OF PROOF SHALL BE ON THE CHALLENGER TO~~
25 ~~SHOW FRAUD, DURESS, OR MATERIAL MISTAKE OF FACT.~~

26 ~~(III) THE LEGAL RESPONSIBILITIES OF ANY SIGNATORY ARISING~~
27 ~~FROM THE AFFIDAVIT, INCLUDING CHILD SUPPORT OBLIGATIONS, MAY NOT BE~~
28 ~~SUSPENDED DURING THE CHALLENGE, EXCEPT FOR GOOD CAUSE SHOWN.~~

29 (e) The Administration shall prepare written information to be furnished to
30 unmarried mothers under § 4-208 of the Health - General Article concerning the
31 benefits of having the paternity of their children established, including the availability of
32 child support enforcement services.

33 (f) The Department shall make the standardized affidavit forms available to all
34 hospitals in the State.

35 (g) The Secretary, in consultation with the Department of Health and Mental
36 Hygiene and the Maryland Hospital Association, shall adopt regulations governing the
37 provisions of this section and § 4-208 of the Health - General Article.

10

1 5-1029.

2 (A) (1) ~~IN CONNECTION WITH CARRYING OUT ITS RESPONSIBILITIES~~
 3 ~~UNDER STATE AND FEDERAL LAW, THE ADMINISTRATION MAY ISSUE A DIRECTIVE~~
 4 ~~THAT REQUIRES ANY INDIVIDUAL REQUEST THE ALLEGED PARENT~~ TO SUBMIT TO
 5 BLOOD OR GENETIC TESTS.

6 (2) ~~IF A PERSON AN ALLEGED PARENT FAILS TO OBEY A DIRECTIVE~~
 7 ~~FROM COMPLY WITH THE REQUEST OF THE ADMINISTRATION, THE~~
 8 ADMINISTRATION MAY APPLY TO THE CIRCUIT COURT FOR AN ORDER THAT
 9 DIRECTS THE ~~INDIVIDUAL~~ ALLEGED PARENT TO SUBMIT TO THE TESTS.

10 [(a)] (B) On the motion of THE ADMINISTRATION, a party to the proceeding, or
 11 on its own motion, the court shall order the ~~mother, ALLEGED PARENT AND~~ child, ~~and~~
 12 ~~alleged father~~ to submit to blood or genetic tests to determine whether the alleged ~~father~~
 13 PARENT can be excluded as being the ~~father~~ PARENT of the child.

14 [(b)] (C) The blood or genetic tests shall be made in a laboratory selected by the
 15 court from a list of laboratories provided by the Administration.

16 [(c)] (D) The laboratory shall report the results of each blood or genetic test in
 17 writing and in the form the court requires.

18 [(d)] (E) A copy of the laboratory report of the blood or genetic test shall be
 19 provided to the parties or their counsel in the manner that the court directs.

20 [(e)] (F) (1) Subject to the provisions of paragraph (3) of this subsection, the
 21 laboratory report of the blood or genetic test shall be received in evidence if:

22 (i) definite exclusion is established; or

23 (ii) the testing is sufficiently extensive to exclude 97.3% of alleged
 24 fathers who are not biological fathers, and the statistical probability of the alleged father's
 25 paternity is at least 97.3%.

26 (2) A laboratory report is prima facie evidence of the results of a blood or
 27 genetic test.

28 (3) (i) Subject to the provisions of subparagraph (ii) of this paragraph,
 29 the laboratory report of the blood or genetic test is admissible in evidence without the
 30 presence of a doctor or technician from the laboratory that prepared the report if the
 31 report:

32 1. is signed by the doctor or technician who prepared or verified
 33 the report; and

34 2. states that the result of the blood or genetic test is as stated
 35 in the report.

36 (ii) When the laboratory report of the blood or genetic test is admitted
 37 in evidence, a doctor or technician from the laboratory that prepared the report is subject
 38 to cross-examination by any party to the proceeding if the party who desires
 39 cross-examination has subpoenaed the doctor or technician at least 10 days before trial.

11

1 (4) A laboratory report received into evidence establishing a statistical
2 probability of the alleged father's paternity of at least 99.0% constitutes a rebuttable
3 presumption of his paternity.

4 [(f)] (G) If any individual fails to submit to a blood or genetic test ordered by the
5 court, that refusal, properly introduced in evidence:

6 (1) shall be disclosed to the court ~~{and jury}~~, IF THE COURT ORDERS A
7 JURY TRIAL UNDER § 5-1027 OF THIS SUBTITLE; and

8 (2) may be commented on ~~{by the court or}~~ by counsel.

9 [(g)] (H) (1) Unless indigent, the party who requests a blood or genetic test or
10 who secures the appearance in court of a doctor or technician from the laboratory that
11 prepared the report of the blood or genetic test is responsible for the cost of the test and
12 the costs associated with the court appearance. However, if the requesting party prevails
13 in the proceeding, the court shall assess the cost of the blood or genetic test or the costs
14 associated with the court appearance against the other parties to the proceeding.

15 (2) If any party chargeable with the cost of the blood or genetic test or the
16 costs associated with court appearance is indigent, the cost of the blood or genetic test or
17 the costs associated with the court appearance shall be borne by the county where the
18 proceeding is pending, except to the extent that the court orders any other party to the
19 proceeding to pay all or part of the cost.

20 (3) SUBJECT TO THE RIGHT OF ANY PARTY TO SUBPOENA A CUSTODIAN
21 OF RECORDS AT LEAST 10 DAYS BEFORE TRIAL, A WRITTEN STATEMENT FROM THE
22 LABORATORY THAT PREPARED THE REPORT OF THE BLOOD OR GENETIC TEST
23 CONCERNING THE COST OF THE TEST AND THE COST ASSOCIATED WITH THE COURT
24 APPEARANCE SHALL BE ADMISSIBLE IN EVIDENCE WITHOUT THE PRESENCE OF A
25 CUSTODIAN OF RECORDS AND SHALL CONSTITUTE PRIMA FACIE EVIDENCE OF THE
26 COSTS.

27 (I) UPON MOTION OF THE ADMINISTRATION OR ANY PARTY TO THE
28 PROCEEDING AND DUE CONSIDERATION BY THE COURT, THE COURT ~~SHALL~~ MAY
29 PASS A TEMPORARY ORDER FOR THE SUPPORT OF THE CHILD IF:

30 (1) ~~A LABORATORY REPORT ESTABLISHES A STATISTICAL PROBABILITY~~
31 ~~OF PATERNITY OF AT LEAST 99.0%~~ THERE IS CLEAR AND CONVINCING EVIDENCE OF
32 PATERNITY ESTABLISHED ON THE BASIS OF GENETIC TESTS OR OTHER EVIDENCE;
33 AND

34 (2) THE COURT DETERMINES THAT THE PUTATIVE FATHER HAS THE
35 ABILITY TO PROVIDE TEMPORARY SUPPORT FOR THE CHILD.

36 5-1032.

37 (a) If the court ~~{or jury, as appropriate,}~~ finds that the alleged father is the
38 father, the court shall pass an order that:

39 (1) declares the alleged father to be the father of the child; and

40 (2) provides for the support of the child.

12

1 (b) (1) The father shall pay the sum to be specified in the order until the first to
2 occur of the following events:

3 (i) the child becomes an adult;

4 (ii) the child dies;

5 (iii) the child marries; ~~or~~

6 (iv) the child becomes self-supporting; OR

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

9 (2) If the child is an adult but is destitute and cannot be self-supporting
10 because of a physical or mental infirmity, the court may require the father to continue to
11 pay support during the period of the infirmity.

12 (c) Any money that is due for child support under this subtitle and is unpaid at
13 the time the child becomes an adult, dies, marries, ~~or~~ becomes self-supporting, OR
14 COMES INTO THE PHYSICAL CUSTODY OF THE FATHER is a continuing obligation of
15 any party bound by the order of court until the money is paid.

16 (d) [(1)] The court[may order a lien on the earnings of the father in the amount
17 of the order.

18 (2) The father's employer:

19 (i) shall begin deducting from the father's earnings the amount of the
20 lien as soon as the employer is notified by the court;

21 (ii) shall pay the deductions directly to the recipient designated by the
22 court; and

23 (iii) may deduct an additional dollar from the father's earnings for each
24 payment made under the order] SHALL PASS AN IMMEDIATE AND CONTINUING
25 WITHHOLDING ORDER ON ALL EARNINGS OF THE FATHER IN ACCORDANCE WITH
26 TITLE 10, SUBTITLE 1, PART III OF THIS ARTICLE.

27 5-1033.

28 (a) In a paternity proceeding, the court may order the father or the mother to pay
29 all or part of any 1 or more of the following:

30 (1) the support of the child;

31 (2) the mother's medical and hospital expenses for pregnancy, ~~confinement~~
32 CHILDBIRTH, and recovery; and

33 (3) the funeral expenses of the child.

34 (B) SUBJECT TO THE RIGHT OF ANY PARTY TO SUBPOENA A CUSTODIAN OF
35 RECORDS AT LEAST 10 DAYS BEFORE TRIAL, ANY RECORDS RELATING TO THE COST
36 OF THE MOTHER'S MEDICAL AND HOSPITAL EXPENSES FOR PREGNANCY,
37 CONFINEMENT CHILDBIRTH, AND RECOVERY AND ANY NEONATAL EXPENSES OF

13

1 THE CHILD SHALL BE ADMISSIBLE IN EVIDENCE WITHOUT THE PRESENCE OF A
2 CUSTODIAN OF RECORDS AND SHALL CONSTITUTE PRIMA FACIE EVIDENCE OF THE
3 AMOUNT OF EXPENSES INCURRED.

4 [(b)] (C) The court in a paternity proceeding may order the father to pay either or
5 both of the following:

6 (1) all or part of the medical support of the child, including neonatal
7 expenses; and

8 (2) counsel fees to the counsel who represents the complainant.

9 5-1039.

10 (a) If the court {or jury, as appropriate,} finds that the alleged father is not the
11 father, the court may:

12 (1) retain jurisdiction; and

13 (2) on its own motion or otherwise, take any further proceeding that the
14 court considers just and proper and in the best interests of the child.

15 (b) Under this section, the court may:

16 (1) enter an appropriate order against the mother for the support of the
17 child;

18 (2) allow the impleader or joinder of any other alleged father; or

19 (3) consider any other matter that may be in the best interests of the child.

20 5-1048.

21 [If paternity is] A FINDING OF PATERNITY established in any other state [by a
22 court or by an administrative adjudicatory process that includes a right of appeal to a
23 court, the judgment, order, or decree] shall [be proved and] have the same force and
24 effect in a proceeding under this subtitle as in any other civil proceeding in this State[.]
25 IF:

26 (1) WITH RESPECT TO AN ADJUDICATION OF PATERNITY, THE FINDING
27 WAS ESTABLISHED BY A COURT OR BY AN ADMINISTRATIVE PROCESS THAT
28 INCLUDES A RIGHT TO APPEAL TO A COURT; OR

29 (2) WITH RESPECT TO A FINDING OF PATERNITY THAT IS BASED ON AN
30 AFFIDAVIT OF PARENTAGE, THE AFFIDAVIT WAS SIGNED AFTER EACH SIGNATORY
31 TO THE AFFIDAVIT WAS ADVISED OF THEIR LEGAL RIGHTS.

32 10-101.

33 (a) In this [subtitle] TITLE the following words have the meanings indicated.

34 (b) "Administration" means the Child Support Enforcement Administration of
35 the Department of Human Resources.

36 (c) "Earnings" includes:
er civil proceeding in this State[.]

25 I

14

1 (1) any form of periodic payment to an individual, including:

2 (i) an annuity;

3 (ii) a pension;

4 (iii) Social Security payments;

5 (iv) workers' compensation payments; and

6 (v) unemployment insurance benefits; and

7 (2) any commissions or fees paid in connection with the obligor's
8 employment.

9 (d) (1) "Employer" means any person who is paying earnings to an obligor.

10 (2) "Employer" includes a governmental entity.

11 (e) "Local support enforcement office" means 1 of the following that is
12 responsible for support enforcement:

13 (1) a county agency; or

14 (2) a component of the circuit court for a county.

15 (F) (1) "OBLIGEE" MEANS ANY PERSON WHO IS ENTITLED TO RECEIVE
16 SUPPORT.

17 (2) "OBLIGEE" INCLUDES A STATE.

18 [(f)] (G) "Obligor" means an individual who is required to pay support under a
19 court order.

20 [(g)] (H) "Support" includes:

21 (1) child support;

22 (2) spousal support;

23 (3) support of destitute adult children; and

24 (4) support of destitute parents.

25 [(h)] (I) "Support enforcement agency" means 1 of the following that receives
26 support payments under a court order:

27 (1) the Administration; or

28 (2) a local support enforcement office.

29 10-108.2.

30 (A) IN THIS SECTION "FINANCIAL INSTITUTION" ~~HAS THE MEANING STATED~~
31 ~~IN § 1-101 OF THE FINANCIAL INSTITUTIONS ARTICLE~~ MEANS:

15

1 (1) A DEPOSITORY INSTITUTION, AS DEFINED IN THE FEDERAL DEPOSIT
2 INSURANCE ACT AT 12 U.S.C. § 1813(C);

3 (2) A FEDERAL CREDIT UNION OR STATE CREDIT UNION, AS DEFINED
4 IN THE FEDERAL CREDIT UNION ACT AT 12 U.S.C. § 1752; OR

5 (3) A BENEFIT ASSOCIATION, INSURANCE COMPANY, SAFE DEPOSIT
6 COMPANY, MONEY-MARKET MUTUAL FUND, OR SIMILAR ENTITY DOING BUSINESS
7 IN THE STATE THAT HOLDS PROPERTY OR MAINTAINS ACCOUNTS REFLECTING
8 PROPERTY BELONGING TO OTHERS.

9 (B) TO CARRY OUT THE PURPOSES OF THIS SECTION, THE ADMINISTRATION
10 MAY REQUEST FROM ANY FINANCIAL INSTITUTION INFORMATION AND ASSISTANCE
11 TO ENABLE THE ADMINISTRATION TO ENFORCE THE LIABILITY OF A PARENT TO
12 SUPPORT A CHILD OF THE PARENT.

13 (C) (1) THE ADMINISTRATION MAY REQUEST NOT MORE THAN FOUR TIMES
14 A YEAR FROM A FINANCIAL INSTITUTION THE INFORMATION SET FORTH IN
15 SUBSECTION (D)(2) OF THIS SECTION CONCERNING ANY OBLIGOR IN ARREARS IN
16 PAYING CHILD SUPPORT THROUGH A SUPPORT ENFORCEMENT AGENCY.

17 (2) A REQUEST FOR INFORMATION BY THE ADMINISTRATION UNDER
18 PARAGRAPH (1) OF THIS SUBSECTION SHALL:

19 (I) CONTAIN:

20 1. THE FULL NAME OF THE OBLIGOR AND ANY OTHER
21 NAMES KNOWN TO BE USED BY THE OBLIGOR; AND

22 2. THE SOCIAL SECURITY NUMBER OR OTHER TAXPAYER
23 IDENTIFICATION NUMBER OF THE OBLIGOR; AND

24 (II) BE TRANSMITTED TO THE FINANCIAL INSTITUTION IN AN
25 ELECTRONIC FORMAT UNLESS THE FINANCIAL INSTITUTION SPECIFICALLY ASKS
26 THE ADMINISTRATION TO SUBMIT THE REQUEST IN WRITING.

27 (D) (1) WITHIN 30 DAYS AFTER A FINANCIAL INSTITUTION RECEIVES A
28 REQUEST FOR INFORMATION UNDER SUBSECTION (C) OF THIS SECTION, THE
29 FINANCIAL INSTITUTION SHALL SUBMIT A REPORT TO THE ADMINISTRATION.

30 (2) THE REPORT, WITH RESPECT TO EACH OBLIGOR WHOSE NAME WAS
31 SUBMITTED TO THE FINANCIAL INSTITUTION AND WHO MAINTAINS AN ACCOUNT
32 WITH THE FINANCIAL INSTITUTION, SHALL CONTAIN:

33 (I) THE FULL NAME OF THE OBLIGOR;

34 (II) THE ADDRESS OF THE OBLIGOR;

35 (III) THE SOCIAL SECURITY OR OTHER TAXPAYER IDENTIFICATION
36 NUMBER OF THE OBLIGOR;

37 (IV) ANY OTHER IDENTIFYING INFORMATION NEEDED TO ASSURE
38 POSITIVE IDENTIFICATION OF THE OBLIGOR; AND

16

1 (V) THE OBLIGOR'S ACCOUNT NUMBER AND BALANCE.

2 (3) THE REPORT REQUIRED UNDER PARAGRAPH (2) OF THIS
3 SUBSECTION SHALL BE PROVIDED TO THE ADMINISTRATION IN MACHINE
4 READABLE FORM.

5 (4) THE ADMINISTRATION SHALL PAY THE FINANCIAL INSTITUTION A
6 REASONABLE FEE, NOT TO EXCEED THE ACTUAL COSTS INCURRED BY THE
7 FINANCIAL INSTITUTION TO COMPLY WITH THE REQUIREMENTS OF THIS
8 SUBSECTION.

9 ~~(4)~~ (5) THE ADMINISTRATION MAY INSTITUTE CIVIL PROCEEDINGS
10 TO ENFORCE THIS SECTION.

11 (E) A FINANCIAL INSTITUTION THAT COMPLIES WITH A REQUEST FROM THE
12 ADMINISTRATION MADE UNDER THIS SECTION IS NOT LIABLE UNDER STATE LAW
13 TO ANY PERSON FOR ANY:

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

16 (2) OTHER ACTION TAKEN IN GOOD FAITH TO COMPLY WITH THE
17 REQUIREMENTS OF THIS SECTION.

18 10-108.3.

19 (A) IN ANY CASE IN WHICH A COURT HAS ORDERED AN OBLIGOR TO SEND
20 SUPPORT PAYMENTS DIRECTLY TO AN OBLIGEE, THE ADMINISTRATION MAY
21 DIRECT AN OBLIGOR TO FORWARD ANY SUPPORT PAYMENTS THROUGH A SUPPORT
22 ENFORCEMENT AGENCY IF THE ADMINISTRATION HAS:

23 (1) SENT A NOTICE TO THE OBLIGOR DIRECTING THE OBLIGOR TO
24 SEND SUPPORT PAYMENTS THROUGH A SUPPORT ENFORCEMENT AGENCY;

25 (2) ADVISED THE OBLIGEE THAT IT IS ISSUING A NOTICE TO CHANGE
26 PAYEES UNDER THIS SECTION; AND

27 (3) FILED A NOTICE WITH THE COURT THAT THE ADMINISTRATION IS
28 DIRECTING THE OBLIGOR TO CHANGE PAYEES.

29 (B) WHEN AN OBLIGOR RECEIVES NOTICE TO CHANGE PAYEES UNDER
30 SUBSECTION (A) OF THIS SECTION, THE OBLIGOR SHALL FORWARD ALL FUTURE
31 SUPPORT PAYMENTS TO THE SUPPORT ENFORCEMENT AGENCY DESIGNATED IN
32 THE NOTICE.

33 10-108.4.

34 ~~(A) TO CARRY OUT ITS RESPONSIBILITIES UNDER STATE AND FEDERAL LAW~~
35 IN ORDER TO ESTABLISH, MODIFY, OR ENFORCE A DUTY OF SUPPORT, THE
36 ADMINISTRATION MAY ISSUE SUBPOENAS TO COMPEL THE PRODUCTION OF
37 DOCUMENTS AND OTHER TANGIBLE ITEMS.

38 (B) A SUBPOENA ISSUED UNDER SUBSECTION (A) OF THIS SECTION SHALL:

17

1 (1) SPECIFY THE NAME AND ADDRESS OF THE PERSON TO BE
2 SUBPOENAED;

3 (2) DESCRIBE THE ITEMS TO BE PRODUCED WITH PARTICULARITY; AND

4 (3) INCLUDE A RETURN DATE FOR THE SUBPOENA.

5 (C) THE ADMINISTRATION MAY SERVE A SUBPOENA BY:

6 (1) HAND DELIVERY; OR

7 (2) CERTIFIED MAIL; ~~OR~~

8 ~~(3) REGULAR MAIL.~~

9 (D) IF A PERSON FAILS TO COMPLY WITH A SUBPOENA ISSUED BY THE
10 ADMINISTRATION, THE ADMINISTRATION MAY:

11 (1) REISSUE THE SUBPOENA;

12 (2) EXERCISE THE ADMINISTRATION'S AUTHORITY UNDER § 10-119.3 OF
13 THIS SUBTITLE TO SUSPEND ANY LICENSE HELD BY THE PERSON; OR

14 (3) APPLY, UPON AFFIDAVIT, TO ANY JUDGE OF A CIRCUIT COURT FOR
15 AN ORDER REQUIRING THE PERSON TO OBEY THE SUBPOENA.

16 (E) IF A PERSON KNOWINGLY FAILS OR REFUSES TO OBEY A COURT ORDER
17 TO COMPLY WITH A SUBPOENA ISSUED UNDER THIS SECTION, THE COURT MAY
18 COMPEL COMPLIANCE WITH THE ADMINISTRATIVE SUBPOENA IN ANY MANNER
19 AVAILABLE TO THE COURT TO ENFORCE ITS OWN ORDER OR SUBPOENA.

20 10-111.

21 (a) The Administration may make a cooperative agreement with a private or
22 public agency, a circuit court, AN INSTITUTION, or a law enforcement official as to:

23 (1) establishing paternity;

24 (2) establishing liability for support;

25 (3) collecting support; or

26 (4) enforcing a court order to pay support.

27 (b) A cooperative agreement made under this section may include arrangements
28 for reimbursement for expenditures incurred that are reimbursable under federal
29 regulations that relate to federal financial participation in the operation of a support
30 enforcement program.

31 ~~40-119.3.~~

32 ~~(A) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS~~
33 ~~INDICATED.~~

34 ~~(1) "LICENSE" MEANS ANY LICENSE, CERTIFICATE, REGISTRATION,~~
35 ~~PERMIT, OR OTHER AUTHORIZATION THAT:~~

18

1 ~~(I) IS ISSUED BY A LICENSING AUTHORITY;~~

2 ~~(II) IS SUBJECT TO SUSPENSION, REVOCATION, FORFEITURE, OR~~
3 ~~TERMINATION BY A LICENSING AUTHORITY; AND~~

4 ~~(III) IS NECESSARY FOR AN INDIVIDUAL TO:~~

5 ~~1. PRACTICE OR ENGAGE IN A PARTICULAR BUSINESS,~~
6 ~~OCCUPATION, OR PROFESSION; OR~~

7 ~~2. ENGAGE IN A REGULATED RECREATIONAL ACTIVITY~~
8 ~~FOR WHICH A LICENSE OR PERMIT IS REQUIRED, INCLUDING HUNTING, FISHING, OR~~
9 ~~BOATING.~~

10 ~~(2) (I) "LICENSING AUTHORITY" MEANS A DEPARTMENT, UNIT OF A~~
11 ~~DEPARTMENT, COMMISSION, BOARD, OR OFFICE OF THE STATE.~~

12 ~~(II) "LICENSING AUTHORITY" INCLUDES:~~

13 ~~1. THE DEPARTMENT OF LABOR, LICENSING, AND~~
14 ~~REGULATION;~~

15 ~~2. THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE;~~

16 ~~3. THE DEPARTMENT OF HUMAN RESOURCES;~~

17 ~~4. THE DEPARTMENT OF TRANSPORTATION;~~

18 ~~5. THE DEPARTMENT OF THE ENVIRONMENT;~~

19 ~~6. THE COMPTROLLER OF THE TREASURY;~~

20 ~~7. THE DEPARTMENT OF AGRICULTURE;~~

21 ~~8. THE MARYLAND INSURANCE ADMINISTRATION;~~

22 ~~9. THE PUBLIC SERVICE COMMISSION;~~

23 ~~10. THE SECRETARY OF STATE;~~

24 ~~11. THE STATE DEPARTMENT OF EDUCATION;~~

25 ~~12. THE DEPARTMENT OF NATURAL RESOURCES;~~

26 ~~13. THE OFFICE OF THE ATTORNEY GENERAL;~~

27 ~~14. THE ATTORNEY GRIEVANCE COMMISSION; AND~~

28 ~~15. THE CLERKS OF THE COURT THAT ARE AUTHORIZED TO~~
29 ~~ISSUE A LICENSE OR CERTIFICATE FOR PROFESSIONAL SERVICES OR~~
30 ~~RECREATIONAL USES.~~

31 ~~(B) A LICENSING AUTHORITY SHALL:~~

32 ~~(1) REQUIRE EACH APPLICANT FOR A LICENSE TO DISCLOSE THE~~
33 ~~SOCIAL SECURITY NUMBER OF THE APPLICANT.~~

19

1 ~~(2) RECORD THE APPLICANT'S SOCIAL SECURITY NUMBER ON THE~~
2 ~~APPLICATION.~~

3 ~~(C) (1) TO CARRY OUT ITS RESPONSIBILITY UNDER STATE AND FEDERAL~~
4 ~~LAW, THE ADMINISTRATION MAY REQUEST FROM A LICENSING AUTHORITY~~
5 ~~INFORMATION CONCERNING ANY OBLIGOR IN ARREARS IN PAYING CHILD SUPPORT~~
6 ~~THROUGH A SUPPORT ENFORCEMENT AGENCY.~~

7 ~~(2) A REQUEST FOR INFORMATION BY THE ADMINISTRATION UNDER~~
8 ~~PARAGRAPH (1) OF THIS SUBSECTION:~~

9 ~~(I) SHALL CONTAIN:~~

10 ~~1. THE FULL NAME OF THE OBLIGOR; AND~~

11 ~~2. THE SOCIAL SECURITY NUMBER OF THE OBLIGOR; AND~~

12 ~~(II) MAY BE TRANSMITTED TO A LICENSING AUTHORITY USING AN~~
13 ~~ELECTRONIC FORMAT.~~

14 ~~(D) (1) UPON RECEIPT OF A REQUEST FOR INFORMATION UNDER~~
15 ~~SUBSECTION (C) OF THIS SECTION, A LICENSING AUTHORITY SHALL SUBMIT A~~
16 ~~REPORT TO THE ADMINISTRATION.~~

17 ~~(2) THE REPORT, WITH RESPECT TO EACH OBLIGOR WHO IS LICENSED~~
18 ~~BY, OR HAS APPLIED FOR A LICENSE FROM, THE LICENSING AUTHORITY, SHALL~~
19 ~~CONTAIN:~~

20 ~~(I) THE FULL NAME OF THE OBLIGOR;~~

21 ~~(II) THE ADDRESS OF THE OBLIGOR, IF KNOWN;~~

22 ~~(III) THE SOCIAL SECURITY NUMBER OF THE OBLIGOR, IF KNOWN;~~
23 ~~AND~~

24 ~~(IV) A DESCRIPTION OF THE LICENSE HELD BY THE OBLIGOR.~~

25 ~~(3) THE REPORT MAY BE TRANSMITTED TO THE ADMINISTRATION IN~~
26 ~~AN ELECTRONIC FORMAT.~~

27 ~~(4) EXCEPT AS OTHERWISE PROVIDED BY LAW, ANY RECORD~~
28 ~~COMPLIED UNDER THIS SUBSECTION SHALL BE MADE AVAILABLE ONLY TO A~~
29 ~~PERSON WHO HAS A RIGHT TO THE RECORD IN AN OFFICIAL CAPACITY.~~

30 ~~(E) (1) SUBJECT TO THE PROVISIONS OF SUBSECTION (F) OF THIS SECTION,~~
31 ~~THE ADMINISTRATION MAY DIRECT A LICENSING AUTHORITY TO SUSPEND OR~~
32 ~~DENY AN INDIVIDUAL'S LICENSE IF:~~

33 ~~(I) 1. THE INDIVIDUAL IS IN ARREARS AMOUNTING TO MORE~~
34 ~~THAN 2 MONTHS PAYMENTS UNDER THE MOST RECENT ORDER; AND~~

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

1 ~~B. THE RECIPIENT OF SUPPORT PAYMENTS HAS FILED AN~~
2 ~~APPLICATION FOR SUPPORT ENFORCEMENT SERVICES WITH THE ADMINISTRATION;~~
3 ~~OR~~

4 ~~(H) THE INDIVIDUAL HAS FAILED TO COMPLY WITH A SUBPOENA~~
5 ~~ISSUED BY THE ADMINISTRATION UNDER § 10-108.4 OF THIS SUBTITLE.~~

6 ~~(2) UPON NOTIFICATION BY THE ADMINISTRATION UNDER THIS~~
7 ~~SECTION, A LICENSING AUTHORITY SHALL:~~

8 ~~(I) SUSPEND AN INDIVIDUAL'S LICENSE; AND~~

9 ~~(H) DENY THE LICENSE OF AN INDIVIDUAL WHO IS AN APPLICANT~~
10 ~~FOR A LICENSE FROM THE LICENSING AUTHORITY.~~

11 ~~(F) (1) BEFORE DIRECTING A LICENSING AUTHORITY TO SUSPEND OR~~
12 ~~DENY A LICENSE, THE ADMINISTRATION SHALL:~~

13 ~~(I) SEND WRITTEN NOTICE OF THE PROPOSED ACTION TO THE~~
14 ~~INDIVIDUAL WHOSE LICENSE IS SUBJECT TO SUSPENSION UNDER THIS SECTION,~~
15 ~~INCLUDING NOTICE OF THE INDIVIDUAL'S RIGHT TO REQUEST AN INVESTIGATION;~~
16 ~~AND~~

17 ~~(H) GIVE THE INDIVIDUAL A REASONABLE OPPORTUNITY TO~~
18 ~~CONTEST THE ACCURACY OF THE INFORMATION.~~

19 ~~(2) (I) UPON RECEIPT OF A REQUEST FOR INVESTIGATION FROM AN~~
20 ~~INDIVIDUAL WHOSE LICENSE IS SUBJECT TO SUSPENSION, THE ADMINISTRATION~~
21 ~~SHALL CONDUCT AN INVESTIGATION.~~

22 ~~(H) UPON COMPLETION OF THE INVESTIGATION, THE~~
23 ~~ADMINISTRATION SHALL NOTIFY THE INDIVIDUAL OF THE RESULT OF THE~~
24 ~~INVESTIGATION AND THE INDIVIDUAL'S RIGHT TO APPEAL TO THE OFFICE OF~~
25 ~~ADMINISTRATIVE HEARINGS.~~

26 ~~(3) (I) AN APPEAL UNDER THIS SECTION SHALL BE CONDUCTED IN~~
27 ~~ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.~~

28 ~~(H) AN APPEAL SHALL BE MADE IN WRITING AND SHALL BE~~
29 ~~RECEIVED BY THE OFFICE OF ADMINISTRATIVE HEARINGS WITHIN 20 DAYS AFTER~~
30 ~~THE NOTICE TO THE INDIVIDUAL WHOSE LICENSE IS SUBJECT TO SUSPENSION OF~~
31 ~~THE RESULTS OF THE INVESTIGATION.~~

32 ~~(4) IF, AFTER THE INVESTIGATION OR APPEAL TO THE OFFICE OF~~
33 ~~ADMINISTRATIVE HEARINGS, THE ADMINISTRATION FINDS THAT IT ERRED IN~~
34 ~~MAKING A DECISION, THE ADMINISTRATION MAY NOT SEND A NOTIFICATION~~
35 ~~ABOUT AN INDIVIDUAL TO A LICENSING AUTHORITY.~~

36 ~~(G) THE ADMINISTRATION MAY NOT SEND A NOTIFICATION ABOUT AN~~
37 ~~INDIVIDUAL TO A LICENSING AUTHORITY IF:~~

38 ~~(1) WITH RESPECT TO AN INDIVIDUAL WITH A CHILD SUPPORT~~
39 ~~ARREARAGE;~~

1 ~~(I) THE ADMINISTRATION REACHES AN AGREEMENT WITH THE~~
2 ~~INDIVIDUAL REGARDING A SCHEDULED PAYMENT OF THE CHILD SUPPORT~~
3 ~~ARREARAGE OR A COURT ISSUES AN ORDER FOR A SCHEDULED PAYMENT OF THE~~
4 ~~CHILD SUPPORT ARREARAGE; AND~~

5 ~~(II) THE INDIVIDUAL IS COMPLYING WITH THE AGREEMENT OR~~
6 ~~COURT ORDER; OR~~

7 ~~(2) WITH RESPECT TO AN INDIVIDUAL WHO FAILED TO COMPLY WITH A~~
8 ~~SUBPOENA ISSUED UNDER § 10-108.3 OF THIS SUBTITLE, THE INDIVIDUAL HAS~~
9 ~~COMPLIED WITH THE SUBPOENA.~~

10 ~~(H) PRIOR TO THE SUSPENSION OR DENIAL OF A LICENSE UNDER~~
11 ~~SUBSECTION (E) OF THIS SECTION, A LICENSING AUTHORITY SHALL SEND WRITTEN~~
12 ~~NOTICE OF THE PROPOSED ACTION TO THE INDIVIDUAL WHOSE LICENSE IS SUBJECT~~
13 ~~TO SUSPENSION OR DENIAL, INCLUDING NOTICE OF THE INDIVIDUAL'S RIGHT TO~~
14 ~~CONTEST THE IDENTITY OF THE INDIVIDUAL WHOSE LICENSE OR APPLICATION IS~~
15 ~~TO BE SUSPENDED OR DENIED.~~

16 ~~(I) (1) AN INDIVIDUAL MAY APPEAL A DECISION OF A LICENSING~~
17 ~~AUTHORITY TO SUSPEND OR DENY THE INDIVIDUAL'S LICENSE IN ACCORDANCE~~
18 ~~WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.~~

19 ~~(2) AT A HEARING UNDER THIS SUBSECTION, THE ISSUE SHALL BE~~
20 ~~LIMITED TO WHETHER THE ADMINISTRATION HAS MISTAKEN THE IDENTITY OF THE~~
21 ~~INDIVIDUAL WHOSE LICENSE HAS BEEN SUSPENDED OR DENIED.~~

22 ~~(J) THE ADMINISTRATION SHALL NOTIFY THE LICENSING AUTHORITY TO~~
23 ~~REINSTATE ANY LICENSE SUSPENDED OR DENIED UNDER THIS SECTION IF:~~

24 ~~(1) THE ADMINISTRATION RECEIVES A COURT ORDER TO REINSTATE~~
25 ~~THE SUSPENDED LICENSE; OR~~

26 ~~(2) WITH RESPECT TO AN INDIVIDUAL WITH A CHILD SUPPORT~~
27 ~~ARREARAGE, THE INDIVIDUAL HAS:~~

28 ~~(I) PAID THE SUPPORT ARREARAGE IN FULL; OR~~

29 ~~(II) DEMONSTRATED GOOD FAITH BY PAYING THE ORDERED~~
30 ~~AMOUNT OF SUPPORT FOR 6 CONSECUTIVE MONTHS; OR~~

31 ~~(3) WITH RESPECT TO AN INDIVIDUAL WHOSE LICENSE WAS~~
32 ~~SUSPENDED OR DENIED BECAUSE OF A FAILURE TO COMPLY WITH A SUBPOENA~~
33 ~~ISSUED UNDER § 10-108.3 OF THIS SUBTITLE, THE INDIVIDUAL HAS COMPLIED WITH~~
34 ~~THE SUBPOENA.~~

35 ~~(K) A LICENSING AUTHORITY SHALL REINSTATE ANY LICENSE SUSPENDED,~~
36 ~~OR PROCESS AN APPLICATION FOR ANY LICENSE DENIED, UNDER THIS SECTION IF:~~

37 ~~(1) NOTIFIED BY THE ADMINISTRATION THAT THE LICENSE SHOULD BE~~
38 ~~REINSTATED; AND~~

39 ~~(2) THE INDIVIDUAL OTHERWISE QUALIFIES FOR THE LICENSE.~~

22

1 10-119.3.

2 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
3 INDICATED.

4 (2) "LICENSE" MEANS ANY LICENSE, CERTIFICATE, REGISTRATION,
5 PERMIT, OR OTHER AUTHORIZATION ISSUED BY A LICENSING UNIT THAT AN
6 INDIVIDUAL MUST OBTAIN TO PRACTICE OR ENGAGE IN A PARTICULAR BUSINESS,
7 OCCUPATION, OR PROFESSION.

8 (3) "LICENSING UNIT" MEANS A UNIT WITHIN THE:

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

10 (II) DEPARTMENT OF HEALTH AND MENTAL HYGIENE;

11 (III) DEPARTMENT OF HUMAN RESOURCES;

12 (IV) DEPARTMENT OF TRANSPORTATION;

13 (V) DEPARTMENT OF THE ENVIRONMENT;

14 (VI) OFFICE OF THE COMPTROLLER OF THE TREASURY;

15 (VII) DEPARTMENT OF AGRICULTURE;

16 (VIII) MARYLAND INSURANCE ADMINISTRATION;

17 (IX) PUBLIC SERVICE COMMISSION;

18 (X) OFFICE OF THE SECRETARY OF STATE;

19 (XI) DEPARTMENT OF EDUCATION;

20 (XII) DEPARTMENT OF NATURAL RESOURCES;

21 (XIII) OFFICE OF THE ATTORNEY GENERAL;

22 (XIV) DEPARTMENT OF THE STATE POLICE; AND

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

25 (B) A LICENSING UNIT SHALL:

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

29 (I) PROFESSIONAL LICENSES;

30 (II) COMMERCIAL DRIVER'S LICENSES; AND

31 (III) OCCUPATIONAL LICENSES; AND

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

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

4 (D) ON RECEIPT OF A REQUEST UNDER SUBSECTION (C) OF THIS SECTION, A
5 LICENSING UNIT SHALL SUBMIT A REPORT TO THE ADMINISTRATION THAT
6 CONTAINS THE:

7 (1) FULL NAME OF THE OBLIGOR;

8 (2) ADDRESS OF THE OBLIGOR, IF KNOWN;

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

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

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

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

18 (II) GIVE THE OBLIGOR A REASONABLE OPPORTUNITY TO CONTEST
19 THE ACCURACY OF THE INFORMATION.

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

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

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

28 (G) SUBJECT TO THE PROVISIONS OF SUBSECTIONS (H) THROUGH (K) OF THIS
29 SECTION, UPON NOTIFICATION BY THE ADMINISTRATION UNDER SUBSECTION (F)
30 OF THIS SECTION, A LICENSING UNIT MAY:

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

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

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

37 (1) NOTIFY THE OBLIGOR THAT:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 10-122.1.

12 (A) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION AND
13 NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART III, THE
14 ADMINISTRATION MAY SERVE A WITHHOLDING ORDER ON AN EMPLOYER OF AN
15 OBLIGOR WHEN:

16 (1) (I) A COURT HAS PASSED AN IMMEDIATE AND CONTINUING
17 WITHHOLDING ORDER ON ALL EARNINGS OF THE OBLIGOR;

18 (II) THE ADMINISTRATION IS PROVIDING CHILD SUPPORT
19 SERVICES UNDER TITLE IV, PART D, OF THE SOCIAL SECURITY ACT; AND

20 (III) AN ARREARS OF SUPPORT PAYMENTS HAS ACCRUED UNDER A
21 SUPPORT ORDER; OR

22 (2) AN OBLIGOR REQUESTS THE SERVICE OF AN EARNINGS
23 WITHHOLDING ORDER.

24 (B) THE ADMINISTRATION MAY SERVE AN EMPLOYER WITH AN EARNINGS
25 WITHHOLDING ORDER ~~USING AN ELECTRONIC FORMAT IF THE EMPLOYER HAS~~
26 ~~ENTERED INTO AN AGREEMENT WITH THE ADMINISTRATION TO ACCEPT SERVICE~~
27 ~~OF EARNINGS WITHHOLDING ORDERS IN THIS MANNER~~ IN ACCORDANCE WITH THE
28 MARYLAND RULES.

29 (C) WHEN THE ADMINISTRATION SERVES AN EMPLOYER WITH AN EARNINGS
30 WITHHOLDING ORDER UNDER THIS SECTION, THE ADMINISTRATION SHALL SEND
31 TO THE OBLIGOR, BY ~~REGULAR MAIL~~ CERTIFIED MAIL, RETURN RECEIPT
32 REQUESTED AND FIRST-CLASS MAIL, AT THE OBLIGOR'S LAST KNOWN HOME
33 ADDRESS OR, IF THE HOME ADDRESS IS UNKNOWN, THE PLACE OF EMPLOYMENT
34 LAST REPORTED TO THE COURT:

35 (1) A COPY OF THE EARNINGS WITHHOLDING ORDER;

36 (2) A STATEMENT OF THE PROCEDURES UNDER § 10-132 OF THIS
37 SUBTITLE THAT THE OBLIGOR MUST FOLLOW TO TERMINATE EARNINGS
38 WITHHOLDING;

39 (3) THE FORM AUTHORIZED UNDER § 10-132 OF THIS SUBTITLE; ~~AND~~

26

1 (4) A STATEMENT OF THE OBLIGOR'S RIGHT TO CONTEST SERVICE OF
 2 AN EARNINGS WITHHOLDING ORDER BY MOVING FOR A STAY OF THE ORDER NO
 3 LATER THAN 15 DAYS AFTER A COPY OF THE WITHHOLDING ORDER IS MAILED TO
 4 THE OBLIGOR UNDER THIS SECTION; AND

5 (5) A STATEMENT OF THE AMOUNT OF ARREARS APPORTIONED TO
 6 EACH PAYMENT THAT IS TO BE INCLUDED IN THE AMOUNT OF EARNINGS
 7 WITHHELD UNDER § 10-121 OF THIS SUBTITLE.

8 (D) THE ONLY ISSUES THAT MAY BE ADJUDICATED AT A HEARING UNDER
 9 SUBSECTION (C) (4) OF THIS SECTION ARE:

10 (1) WHETHER AN ARREARAGE ~~IN ANY AMOUNT~~ EXISTED;

11 (2) THE AMOUNT OF THE ARREARAGE;

12 ~~(2)~~ (3) THE IDENTITY OF THE OBLIGOR; AND

13 ~~(3)~~ (4) THAT THE AMOUNT OF THE WITHHOLDING ORDER EXCEEDS
 14 THE LIMITS OF THE FEDERAL CONSUMER CREDIT PROTECTION ACT.

15 10-131.

16 (a) Except as provided [for] in § 10-122 OR § 10-122.1 of this subtitle, an obligor
 17 may contest the issuance of an earnings withholding order by moving for a stay of the
 18 order no later than 15 days after a copy of the withholding order is mailed to the obligor
 19 under § 10-125 of this subtitle.

20 (b) A motion for a stay of the withholding order:

21 (1) shall be under oath;

22 (2) shall state the grounds for contesting the earnings withholding, including
 23 dates and amount of payments in dispute; and

24 (3) may be on a form that shall be prepared by the court.

25 (c) Any person who willfully makes a false representation of facts on a motion for
 26 stay of the withholding order under this section shall be subject to the penalties for
 27 perjury.

28 (d) Upon receipt of a motion for a stay of the withholding order under subsection
 29 (a) of this section, the court shall immediately notify the recipient and the support
 30 enforcement agency, if applicable, and shall schedule a hearing within 15 days.

31 (e) The only issues that may be adjudicated at a hearing scheduled under this
 32 section are:

33 (1) whether the alleged arrearage existed;

34 (2) the amount of the arrearage;

35 (3) the identity of the obligor; and

27

1 (4) that the amount of the withholding order exceeds the limits of the
2 Federal Consumer Credit Protection Act.

3 (f) Payment of arrearage after the date of the motion for service of the
4 withholding order is not a defense against withholding.

5 (g) After adjudication of the issues under subsection (e) of this section, if the
6 court finds that the obligor owed an amount in excess of 30 days' support at the time the
7 request for service of the withholding order was filed, the court shall cause the earnings
8 withholding order to be served on the obligor's employer immediately and shall deny the
9 stay.

10 (h) If the court finds that the amount of the withholding order exceeds the limits
11 of the Federal Consumer Credit Protection Act, the court shall alter the amount of the
12 earnings withholding to the maximum allowed under the Federal Consumer Credit
13 Protection Act.

14 (i) In any event, the court shall rule on the request for service of the earnings
15 withholding order within 45 days of the mailing of the notice to the obligor.

16 10-137. RESERVED.

17 10-138. RESERVED.

18 10-139. RESERVED.

19 PART IV. CHILD SUPPORT LIENS.

20 10-140.

21 (A) (1) UNPAID CHILD SUPPORT, DUE UNDER AN ORDER REQUIRING
22 PAYMENTS THROUGH A SUPPORT ENFORCEMENT AGENCY, CONSTITUTES A LIEN IN
23 FAVOR OF THE OBLIGEE ON ALL REAL AND PERSONAL PROPERTY OF THE OBLIGOR.

24 (2) THE ADMINISTRATION SHALL NOTIFY THE OBLIGOR AND OBLIGEE
25 OF ANY CHILD SUPPORT LIEN ESTABLISHED UNDER PARAGRAPH (1) OF THIS
26 SUBSECTION.

27 (B) A CHILD SUPPORT LIEN ESTABLISHED UNDER SUBSECTION (A) OF THIS
28 SECTION ARISES ON THE DATE OF NOTICE THAT THE SUPPORT IS DUE AND
29 CONTINUES TO THE DATE ON WHICH THE CHILD SUPPORT LIEN IS:

30 (1) SATISFIED;

31 (2) RELEASED BY THE ADMINISTRATION BECAUSE THE CHILD SUPPORT
32 LIEN IS:

33 (I) UNENFORCEABLE; OR

34 (II) UNCOLLECTIBLE; OR

35 (3) RELEASED BY ORDER OF THE COURT.

28

1 10-141.

2 (A) THE ADMINISTRATION MAY FILE A NOTICE OF A CHILD SUPPORT LIEN
3 WITH THE CLERK OF A CIRCUIT COURT.

4 (B) (1) ON RECEIPT OF A NOTICE OF A CHILD SUPPORT LIEN, THE CLERK OF
5 A CIRCUIT COURT SHALL:

6 (I) RECORD AND INDEX THE LIEN; AND

7 (II) ENTER THE LIEN IN THE JUDGMENT DOCKET OF THE COURT.

8 (2) THE DOCKET ENTRY SHALL INCLUDE:

9 (I) THE NAME OF THE PERSON WHOSE PROPERTY IS SUBJECT TO
10 THE CHILD SUPPORT LIEN; AND

11 (II) THE AMOUNT AND DATE OF THE CHILD SUPPORT LIEN.

12 (C) (1) FROM THE DATE ON WHICH A CHILD SUPPORT LIEN IS FILED, THE
13 CHILD SUPPORT LIEN HAS THE FULL FORCE AND EFFECT OF A JUDGMENT LIEN.

14 (2) A CHILD SUPPORT LIEN ESTABLISHED UNDER THIS PART IV OF THIS
15 SUBTITLE MAY BE ENFORCED IN ACCORDANCE WITH THE MARYLAND RULES OF
16 PROCEDURE.

17 10-142.

18 (A) IF A CHILD SUPPORT LIEN IS NOT SATISFIED OR RELEASED, THE
19 ADMINISTRATION MAY BRING AN ACTION IN A CIRCUIT COURT TO ENFORCE THE
20 LIEN.

21 (B) THE FOLLOWING PERSONS SHALL BE MADE PARTIES TO THE
22 PROCEEDING:

23 (1) EACH PERSON WHO HAS A RECORDED LIEN ON THE PROPERTY
24 THAT IS SOUGHT TO BE SUBJECTED TO THE PROCEEDINGS UNDER THIS SECTION;
25 AND

26 (2) EACH PERSON WHO CLAIMS A RIGHT OR INTEREST IN THE
27 PROPERTY THAT IS SOUGHT TO BE SUBJECTED TO THE PROCEEDINGS UNDER THIS
28 SECTION.

29 (C) THE COURT, ACTING WITHOUT A JURY, SHALL:

30 (1) ADJUDICATE ALL MATTERS INVOLVED IN THE PROCEEDINGS; AND

31 (2) DETERMINE THE MERITS OF ALL CLAIMS OR LIENS.

32 (D) IF THE CLAIM OF THE OBLIGEE IS ESTABLISHED, THE COURT MAY
33 ORDER:

34 (1) A SALE OF THE PROPERTY OR RIGHTS TO PROPERTY; AND

35 (2) A DISTRIBUTION OF ANY PROCEEDS OF SALE TO THE
36 ADMINISTRATION OR OBLIGEE.

29

1 10-143.

2 UPON REQUEST OF THE ADMINISTRATION, A CHILD SUPPORT LIEN ARISING IN
3 ANOTHER STATE MAY BE RECORDED AND ENFORCED IN THE SAME MANNER AND
4 TO THE SAME EXTENT AS A LIEN ARISING UNDER §10-140 OF THIS SUBTITLE.

5 10-144.

6 THE REMEDIES PROVIDED IN THIS PART IV ARE IN ADDITION TO AND NOT IN
7 SUBSTITUTION FOR ANY OTHER REMEDIES.

8 Part I. General Provisions.

9 ~~10-301.~~

10 (h) "Initiating state" means a state [in] FROM which a proceeding IS
11 FORWARDED OR IN WHICH A PROCEEDING IS FILED FOR FORWARDING TO A
12 RESPONDING STATE under this subtitle or a law OR PROCEDURE substantially similar to
13 this subtitle, the Uniform Reciprocal Enforcement of Support Act, or the Revised
14 Uniform Reciprocal Enforcement of Support Act [is filed for forwarding to a responding
15 state].

16 (q) "Responding state" means a state [to] IN which a proceeding IS FILED OR
17 TO WHICH A PROCEEDING is forwarded FOR FILING FROM AN INITIATING STATE
18 under this subtitle or a law OR PROCEDURE substantially similar to this subtitle, the
19 Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal
20 Enforcement of Support Act.

21 (t) (1) "State" means a state of the United States, the District of Columbia,
22 [the Commonwealth of] Puerto Rico, THE UNITED STATES VIRGIN ISLANDS or any
23 territory or insular possession subject to the jurisdiction of the United States.

24 (2) "State" includes:

25 (i) an Indian tribe; and

26 (ii) a foreign jurisdiction that has ENACTED A LAW OR established
27 procedures for issuance and enforcement of support orders which are substantially similar
28 to the procedures under this subtitle, THE UNIFORM RECIPROCAL ENFORCEMENT OF
29 SUPPORT ACT, OR THE REVISED UNIFORM RECIPROCAL ENFORCEMENT OF
30 SUPPORT ACT.

31 Part II. Jurisdiction.

32 SUBPART A. EXTENDED PERSONAL JURISDICTION.

33 ~~10-304. BASES FOR JURISDICTION OVER NONRESIDENT.~~

34 IN A PROCEEDING TO ESTABLISH, ENFORCE, OR MODIFY A SUPPORT ORDER
35 OR TO DETERMINE PARENTAGE, A TRIBUNAL OF THIS STATE MAY EXERCISE
36 PERSONAL JURISDICTION OVER A NONRESIDENT INDIVIDUAL OR THE
37 INDIVIDUAL'S GUARDIAN OR CONSERVATOR IF:

1 ~~(1) THE INDIVIDUAL IS PERSONALLY SERVED WITHIN THIS STATE;~~

2 ~~(2) THE INDIVIDUAL SUBMITS TO THE JURISDICTION OF THIS STATE BY~~
3 ~~CONSENT, BY ENTERING A GENERAL APPEARANCE, OR BY FILING A RESPONSIVE~~
4 ~~DOCUMENT HAVING THE EFFECT OF WAIVING ANY CONTEST TO PERSONAL~~
5 ~~JURISDICTION;~~

6 ~~(3) THE INDIVIDUAL RESIDED WITH THE CHILD IN THIS STATE;~~

7 ~~(4) THE INDIVIDUAL RESIDED IN THIS STATE AND PROVIDED~~
8 ~~PRENATAL EXPENSES OR SUPPORT FOR THE CHILD;~~

9 ~~(5) THE CHILD RESIDES IN THIS STATE AS RESULT OF THE ACTS OR~~
10 ~~DIRECTIVES OF THE INDIVIDUAL;~~

11 ~~(6) THE INDIVIDUAL ENGAGED IN SEXUAL INTERCOURSE IN THIS~~
12 ~~STATE AND THE CHILD MAY HAVE BEEN CONCEIVED BY THAT ACT OF~~
13 ~~INTERCOURSE; OR~~

14 ~~(7) THERE IS ANY OTHER BASIS CONSISTENT WITH THE CONSTITUTIONS~~
15 ~~OF THIS STATE AND THE UNITED STATES FOR THE EXERCISE OF PERSONAL~~
16 ~~JURISDICTION.~~

17 ~~40-305. PROCEDURE WHEN EXERCISING JURISDICTION OVER NONRESIDENT.~~

18 ~~A TRIBUNAL OF THIS STATE EXERCISING PERSONAL JURISDICTION OVER A~~
19 ~~NONRESIDENT UNDER § 10-304 OF THIS SUBTITLE MAY APPLY § 10-328 OF THIS~~
20 ~~SUBTITLE (SPECIAL RULES OF EVIDENCE AND PROCEDURE) TO RECEIVE EVIDENCE~~
21 ~~FROM ANOTHER STATE, AND § 10-330 OF THIS SUBTITLE (ASSISTANCE WITH~~
22 ~~DISCOVERY) TO OBTAIN DISCOVERY THROUGH A TRIBUNAL OF ANOTHER STATE. IN~~
23 ~~ALL OTHER RESPECTS, PARTS III THROUGH VII OF THIS SUBTITLE DO NOT APPLY~~
24 ~~AND THE TRIBUNAL SHALL APPLY THE PROCEDURAL AND SUBSTANTIVE LAW OF~~
25 ~~THIS STATE, INCLUDING THE RULES ON CHOICE OF LAW OTHER THAN THOSE~~
26 ~~ESTABLISHED BY THIS SUBTITLE.~~

27 ~~Subpart [A.] B. Proceedings Involving Two or More States.~~

28 ~~[10-304.] 10-306.~~

29 ~~Under this subtitle, a tribunal of this State may serve as an initiating tribunal to~~
30 ~~forward proceedings to another state and as a responding tribunal for proceedings~~
31 ~~initiated in another state.~~

32 ~~[10-305.] 10-307.~~

33 ~~(a) A tribunal of this State may exercise jurisdiction to establish a support order if~~
34 ~~the complaint or comparable pleading is filed after a complaint or comparable pleading is~~
35 ~~filed in another state only if:~~

36 ~~(1) the complaint or comparable pleading in this State is filed before the~~
37 ~~expiration of the time allowed in the other state for filing a responsive pleading~~
38 ~~challenging the exercise of jurisdiction by the other state;~~

31

1 ~~(2) the contesting party timely challenges the exercise of jurisdiction in the~~
2 ~~other state; and~~

3 ~~(3) if relevant, this State is the home state of the child.~~

4 ~~(b) A tribunal of this State may not exercise jurisdiction to establish a support~~
5 ~~order if the complaint or comparable pleading is filed before a complaint or comparable~~
6 ~~pleading is filed in another state if:~~

7 ~~(1) the complaint or comparable pleading in the other state is filed before~~
8 ~~the expiration of the time allowed in this State for filing a responsive pleading challenging~~
9 ~~the exercise of jurisdiction by this State;~~

10 ~~(2) the contesting party timely challenges the exercise of jurisdiction in this~~
11 ~~State; and~~

12 ~~(3) if relevant, the other state is the home state of the child.~~

13 ~~[10-306.] 10-308.~~

14 ~~(a) A tribunal of this State issuing a support order consistent with the law of this~~
15 ~~State has continuing, exclusive jurisdiction over a child support order:~~

16 ~~(1) as long as this State remains the residence of the obligor, the individual~~
17 ~~obligee, or the child for whose benefit the support order is issued; or~~

18 ~~(2) until [each individual party has] ALL OF THE PARTIES WHO ARE~~
19 ~~INDIVIDUALS HAVE filed written [consent] CONSENTS with the tribunal of this State~~
20 ~~for a tribunal of another state to modify the order and assume continuing, exclusive~~
21 ~~jurisdiction.~~

22 ~~(b) A tribunal of this State issuing a child support order consistent with the law of~~
23 ~~this State may not exercise its continuing jurisdiction to modify the order if the order has~~
24 ~~been modified by a tribunal of another state pursuant to THIS SUBTITLE OR a law~~
25 ~~substantially similar to this subtitle.~~

26 ~~(c) If a child support order of this State is modified by a tribunal of another state~~
27 ~~pursuant to THIS SUBTITLE OR a law substantially similar to this subtitle, a tribunal of~~
28 ~~this State loses its continuing, exclusive jurisdiction with regard to prospective~~
29 ~~enforcement of the order issued in this State, and may only:~~

30 ~~(1) enforce the order that was modified as to amounts accruing before the~~
31 ~~modification;~~

32 ~~(2) enforce nonmodifiable aspects of that order; and~~

33 ~~(3) provide other appropriate relief for violations of that order which~~
34 ~~occurred before the effective date of the modification.~~

35 ~~(d) A tribunal of this State shall recognize the continuing, exclusive jurisdiction of~~
36 ~~a tribunal of another state which has issued a child support order pursuant to THIS~~
37 ~~SUBTITLE OR a law substantially similar to this subtitle.~~

1 (e) A temporary support order issued ex parte or pending resolution of a
 2 jurisdictional conflict does not create continuing, exclusive jurisdiction in the issuing
 3 tribunal.

4 (f) A tribunal of this State issuing a support order consistent with the law of this
 5 State has continuing, exclusive jurisdiction over a spousal support order throughout the
 6 existence of the support obligation. A tribunal of this State may not modify a spousal
 7 support order issued by a tribunal of another state having continuing, exclusive
 8 jurisdiction over that order under the law of that state.

9 ~~[10-307.] 10-309.~~

10 (a) A tribunal of this State may serve as an initiating tribunal to request a tribunal
 11 of another state to enforce or modify a support order issued in that state.

12 (b) A tribunal of this State having continuing, exclusive jurisdiction over a support
 13 order may act as a responding tribunal to enforce or modify the order. If a party subject
 14 to the continuing, exclusive jurisdiction of the tribunal no longer resides in the issuing
 15 state, in subsequent proceedings the tribunal may apply [~~§ 10-325~~] ~~§ 10-328 OF THIS~~
 16 ~~SUBTITLE (SPECIAL RULES OF EVIDENCE AND PROCEDURE) TO RECEIVE EVIDENCE~~
 17 ~~FROM ANOTHER STATE AND § 10-330 of this subtitle (Assistance with discovery) to~~
 18 obtain discovery through a tribunal of another state.

19 (c) A tribunal of this State which lacks continuing, exclusive jurisdiction over a
 20 spousal support order may not serve as a responding tribunal to modify a spousal support
 21 order of another state.

22 ~~Subpart [B.] C. Reconciliation [With] OF MULTIPLE Orders [of Other States].~~

23 ~~[10-308.] 10-310.~~

24 (a) If a proceeding is brought under this subtitle[,] and [one or more child
 25 support orders have been issued in this or another state with regard to an obligor and a
 26 child, a tribunal of this State shall apply the following rules in determining which order to
 27 recognize for purposes of continuing, exclusive jurisdiction:

28 (1) if] only one tribunal has issued a child support order, the order of that
 29 tribunal ~~CONTROLS AND~~ must be ~~SO~~ recognized.

30 (B) ~~IF A PROCEEDING IS BROUGHT UNDER THIS SUBTITLE, AND TWO OR~~
 31 ~~MORE CHILD SUPPORT ORDERS HAVE BEEN ISSUED BY TRIBUNALS OF THIS STATE~~
 32 ~~OR ANOTHER STATE WITH REGARD TO THE SAME OBLIGOR AND CHILD, A~~
 33 ~~TRIBUNAL OF THIS STATE SHALL APPLY THE FOLLOWING RULES IN DETERMINING~~
 34 ~~WHICH ORDER TO RECOGNIZE FOR PURPOSES OF CONTINUING, EXCLUSIVE~~
 35 ~~JURISDICTION:~~

36 [(2)] (1) if [two or more tribunals have issued child support orders for the
 37 same obligor and child, and] only one of the tribunals would have continuing, exclusive
 38 jurisdiction under this subtitle, the order of that tribunal ~~CONTROLS AND~~ must be ~~SO~~
 39 recognized.

1 ~~{(3)} (2) if [two or more tribunals have issued child support orders for the~~
 2 ~~same obligor and child, and] more than one of the tribunals would have continuing,~~
 3 ~~exclusive jurisdiction under this subtitle, an order issued by a tribunal in the current home~~
 4 ~~state of the child CONTROLS AND must be SO recognized, but if an order has not been~~
 5 ~~issued in the current home state of the child, the order most recently issued CONTROLS~~
 6 ~~AND must be SO recognized.~~

7 ~~{(4)} (3) if [two or more tribunals have issued child support orders for the~~
 8 ~~same obligor and child, and] none of the tribunals would have continuing, exclusive~~
 9 ~~jurisdiction under this subtitle, the tribunal of this State [may] HAVING JURISDICTION~~
 10 ~~OVER THE PARTIES SHALL issue a child support order, which CONTROLS AND must be~~
 11 ~~SO recognized.~~

12 ~~(C) IF TWO OR MORE CHILD SUPPORT ORDERS HAVE BEEN ISSUED FOR THE~~
 13 ~~SAME OBLIGOR AND CHILD AND IF THE OBLIGOR OR THE INDIVIDUAL OBLIGEE~~
 14 ~~RESIDES IN THIS STATE, A PARTY MAY REQUEST A TRIBUNAL OF THIS STATE TO~~
 15 ~~DETERMINE WHICH ORDER CONTROLS AND MUST BE RECOGNIZED UNDER~~
 16 ~~SUBSECTION (B) OF THIS SECTION. THE REQUEST MUST BE ACCOMPANIED BY A~~
 17 ~~CERTIFIED COPY OF EVERY SUPPORT ORDER IN EFFECT. EACH PARTY WHOSE~~
 18 ~~RIGHTS MAY BE AFFECTED BY A DETERMINATION OF THE CONTROLLING ORDER~~
 19 ~~MUST BE GIVEN NOTICE OF THE REQUEST FOR THAT DETERMINATION.~~

20 ~~{(b)} (D) The tribunal that [has] issued [an] THE CONTROLLING order~~
 21 ~~[recognized] under subsection (a), (B), OR (C) of this section is the tribunal [having]~~
 22 ~~THAT HAS continuing, exclusive jurisdiction UNDER § 10-308 OF THIS SUBTITLE.~~

23 ~~(E) A TRIBUNAL OF THIS STATE THAT DETERMINES BY ORDER THE IDENTITY~~
 24 ~~OF THE CONTROLLING CHILD SUPPORT ORDER UNDER SUBSECTION (B)(1) OR (2) OF~~
 25 ~~THIS SECTION OR THAT ISSUES A NEW CONTROLLING CHILD SUPPORT ORDER~~
 26 ~~UNDER SUBSECTION (B)(3) OF THIS SECTION SHALL INCLUDE IN THAT ORDER THE~~
 27 ~~BASIS UPON WHICH THE TRIBUNAL MADE ITS DETERMINATION.~~

28 ~~(F) WITHIN 30 DAYS AFTER ISSUANCE OF THE ORDER DETERMINING THE~~
 29 ~~IDENTITY OF THE CONTROLLING ORDER, THE PARTY OBTAINING THAT ORDER~~
 30 ~~SHALL FILE A CERTIFIED COPY OF IT WITH EACH TRIBUNAL THAT HAD ISSUED OR~~
 31 ~~REGISTERED AN EARLIER ORDER OF CHILD SUPPORT. FAILURE OF THE PARTY~~
 32 ~~OBTAINING THE ORDER TO FILE A CERTIFIED COPY AS REQUIRED SUBJECTS THAT~~
 33 ~~PARTY TO APPROPRIATE SANCTIONS BY A TRIBUNAL IN WHICH THE ISSUE OF~~
 34 ~~FAILURE TO FILE ARISES, BUT THAT FAILURE HAS NO EFFECT ON THE VALIDITY OR~~
 35 ~~ENFORCEABILITY OF THE CONTROLLING ORDER.~~

36 ~~[10-309.] 10-311.~~

37 ~~In responding to multiple registrations or requests for enforcement of two or more~~
 38 ~~child support orders in effect at the same time with regard to the same obligor and~~
 39 ~~different individual obligees, at least one of which was issued by a tribunal of another~~
 40 ~~state, a tribunal of this State shall enforce those orders in the same manner as if the~~
 41 ~~multiple orders had been issued by a tribunal of this State.~~

34

1 ~~[10-310.]10-312.~~

2 Amounts collected and credited for a particular period pursuant to a support order
3 issued by a tribunal of another state must be credited against the amounts accruing or
4 accrued for the same period under a support order issued by the tribunal of this State.

5 Part III. Civil Provisions of General Application.

6 ~~[10-311.]10-313.~~

7 (a) Except as otherwise provided in this subtitle, this Part III applies to all
8 proceedings under this subtitle.

9 (b) This subtitle provides for the following proceedings:

10 (1) establishment of an order for spousal support or child support pursuant
11 to Part IV of this subtitle;

12 (2) enforcement of a support order and income withholding order of
13 another state without registration pursuant to Part V of this subtitle;

14 (3) registration of an order for spousal support or child support of another
15 state for enforcement pursuant to Part VI of this subtitle;

16 (4) modification of an order for child support or spousal support issued by a
17 tribunal of this State pursuant to Part II, Subpart [A] B of this subtitle;

18 (5) registration of an order for child support of another state for
19 modification pursuant to Part VI of this subtitle; [and]

20 (6) determination of parentage pursuant to Part VII of this subtitle; AND

21 (7) ASSERTION OF JURISDICTION OVER NONRESIDENTS PURSUANT TO
22 PART II, SUBPART A OF THIS SUBTITLE.

23 (c) An individual or a support enforcement agency may commence a proceeding
24 authorized under this subtitle by filing a complaint in an initiating tribunal for forwarding
25 to a responding tribunal or by filing a complaint or a comparable pleading directly in a
26 tribunal of another state which has or can obtain personal jurisdiction over the defendant.

27 ~~[10-312.]10-314.~~

28 A minor parent, or a guardian or other legal representative of a minor parent, may
29 maintain a proceeding on behalf of or for the benefit of the minor's child.

30 ~~[10-313.]10-315.~~

31 Except as otherwise provided by this subtitle, a responding tribunal of this State:

32 (1) shall apply the procedural and substantive law, including the rules on
33 choice of law, generally applicable to similar proceedings originating in this State and may
34 exercise all powers and provide all remedies available in those proceedings; and

35 (2) shall determine the duty of support and the amount payable in
36 accordance with the law and support guidelines of this State.

1 ~~{10-314.} 10-316.~~

2 (A) ~~Upon the filing of a complaint authorized by this subtitle, an initiating tribunal~~
3 ~~of this State shall forward three copies of the complaint and its accompanying documents:~~

4 (1) ~~to the responding tribunal or appropriate support enforcement agency in~~
5 ~~the responding state; or~~

6 (2) ~~if the identity of the responding tribunal is unknown, to the state~~
7 ~~information agency of the responding state with a request that they be forwarded to the~~
8 ~~appropriate tribunal and that receipt be acknowledged.~~

9 ~~(B) IF A RESPONDING STATE HAS NOT ENACTED THIS SUBTITLE OR A LAW OR~~
10 ~~PROCEDURE SUBSTANTIALLY SIMILAR TO THIS SUBTITLE, A TRIBUNAL OF THIS~~
11 ~~STATE MAY ISSUE A CERTIFICATE OR OTHER DOCUMENTS AND MAKE FINDINGS~~
12 ~~REQUIRED BY THE LAW OF THE RESPONDING STATE. IF THE RESPONDING STATE IS~~
13 ~~A FOREIGN JURISDICTION, THE TRIBUNAL MAY SPECIFY THE AMOUNT OF SUPPORT~~
14 ~~SOUGHT AND PROVIDE OTHER DOCUMENTS NECESSARY TO SATISFY THE~~
15 ~~REQUIREMENTS OF THE RESPONDING STATE.~~

16 ~~{10-315.} 10-317.~~

17 (a) ~~When a responding tribunal of this State receives a complaint or comparable~~
18 ~~pleading from an initiating tribunal or directly pursuant to § {10-311} 10-313 of this~~
19 ~~subtitle (Proceedings under this subtitle), it shall cause the complaint or pleading to be~~
20 ~~filed and notify the plaintiff [by first class mail] where and when it was filed.~~

21 (b) ~~A responding tribunal of this State, to the extent otherwise authorized by law,~~
22 ~~may do one or more of the following:~~

23 (1) ~~issue or enforce a support order, modify a child support order, or render~~
24 ~~a judgment to determine parentage;~~

25 (2) ~~order an obligor to comply with a support order, specifying the amount~~
26 ~~and the manner of compliance;~~

27 (3) ~~order income withholding;~~

28 (4) ~~determine the amount of any arrearages and specify a method of~~
29 ~~payment;~~

30 (5) ~~enforce orders by civil or criminal contempt, or both;~~

31 (6) ~~set aside property for satisfaction of the support order;~~

32 (7) ~~place liens and order execution on the obligor's property;~~

33 (8) ~~order an obligor to keep the tribunal informed of the obligor's current~~
34 ~~residential address, telephone number, employer, address of employment, and telephone~~
35 ~~number at the place of employment;~~

36 (9) ~~issue a bench warrant for an obligor who has failed after proper notice~~
37 ~~to appear at a hearing ordered by the tribunal and enter the bench warrant in any local~~
38 ~~and State computer systems for criminal warrants;~~

36

1 ~~(10) order the obligor to seek appropriate employment by specified methods;~~

2 ~~(11) award reasonable attorney's fees and other fees and costs; and~~

3 ~~(12) grant any other available remedy.~~

4 ~~(c) A responding tribunal of this State shall include in a support order issued~~
 5 ~~under this subtitle, or in the documents accompanying the order, the calculations on~~
 6 ~~which the support order is based.~~

7 ~~(d) A responding tribunal of this State may not condition the payment of a~~
 8 ~~support order issued under this subtitle upon compliance by a party with provisions for~~
 9 ~~visitation.~~

10 ~~(e) If a responding tribunal of this State issues an order under this subtitle, the~~
 11 ~~tribunal shall send a copy of the order [by first class mail] to the plaintiff and the~~
 12 ~~defendant and to the initiating tribunal, if any.~~

13 ~~[10-316.] 10-318.~~

14 ~~If a complaint or comparable pleading is received by an inappropriate tribunal of~~
 15 ~~this State, it shall forward the pleading and accompanying documents to an appropriate~~
 16 ~~tribunal in this State or another state and notify the plaintiff [by first class mail] where~~
 17 ~~and when the pleading was sent.~~

18 ~~[10-317.]10-319.~~

19 ~~(a) A support enforcement agency of this State, upon request, shall provide~~
 20 ~~services to a plaintiff in a proceeding under this subtitle.~~

21 ~~(b) A support enforcement agency that is providing services to the plaintiff as~~
 22 ~~appropriate shall:~~

23 ~~(1) take all steps necessary to enable an appropriate tribunal in this State or~~
 24 ~~another state to obtain jurisdiction over the defendant;~~

25 ~~(2) request an appropriate tribunal to set a date, time, and place for a~~
 26 ~~hearing;~~

27 ~~(3) make a reasonable effort to obtain all relevant information, including~~
 28 ~~information as to income and property of the parties;~~

29 ~~(4) within 2 days, exclusive of Saturdays, Sundays, and legal holidays, after~~
 30 ~~receipt of a written notice from an initiating, responding, or registering tribunal, send a~~
 31 ~~copy of the notice [by first class mail] to the plaintiff;~~

32 ~~(5) within 2 days, exclusive of Saturdays, Sundays, and legal holidays, after~~
 33 ~~receipt of a written communication from the defendant or the defendant's attorney, send~~
 34 ~~a copy of the communication [by first class mail] to the plaintiff; and~~

35 ~~(6) notify the plaintiff if jurisdiction over the defendant cannot be obtained.~~

36 ~~(c) This subtitle does not create a relationship of attorney and client or other~~
 37 ~~fiduciary relationship between a support enforcement agency or the attorney for the~~
 38 ~~agency and the individual being assisted by the agency. The attorney representing the~~

37

1 support enforcement agency shall advise the person being assisted by the agency that the
2 attorney's representation of the Administration does not create an attorney-client
3 relationship between the attorney and that person.

4 ~~10-320. DUTY OF ATTORNEY GENERAL.~~

5 ~~IF THE ATTORNEY GENERAL DETERMINES THAT THE SUPPORT ENFORCEMENT~~
6 ~~AGENCY IS NEGLECTING OR REFUSING TO PROVIDE SERVICES TO AN INDIVIDUAL,~~
7 ~~THE ATTORNEY GENERAL MAY ORDER THE AGENCY TO PERFORM ITS DUTIES~~
8 ~~UNDER THIS SUBTITLE OR MAY PROVIDE THOSE SERVICES DIRECTLY TO THE~~
9 ~~INDIVIDUAL.~~

10 ~~[10-318.] 10-321.~~

11 ~~An individual may employ private counsel to represent the individual in proceedings~~
12 ~~authorized by this subtitle.~~

13 ~~[10-319.] 10-322.~~

14 ~~(a) The Child Support Enforcement Administration is the State information~~
15 ~~agency under this subtitle.~~

16 ~~(b) The State information agency shall:~~

17 ~~(1) compile and maintain a current list, including addresses, other tribunals~~
18 ~~in this State which have jurisdiction under this subtitle, and any support enforcement~~
19 ~~agencies in this State and transmit a copy to the state information agency of every other~~
20 ~~state;~~

21 ~~(2) maintain a register of tribunals and support enforcement agencies~~
22 ~~received from other states;~~

23 ~~(3) forward to the appropriate tribunal in the place in this State in which the~~
24 ~~individual obligee or the obligor resides, or in which the obligor's property is believed to~~
25 ~~be located, all documents concerning a proceeding under this subtitle received from an~~
26 ~~initiating tribunal or the state information agency of the initiating state; and~~

27 ~~(4) obtain information concerning the location of the obligor and the~~
28 ~~obligor's property within this State not exempt from execution, by such means as postal~~
29 ~~verification and federal or state locator services, examination of telephone directories,~~
30 ~~requests for the obligor's address from employers, and examination of governmental~~
31 ~~records, including, to the extent not prohibited by other law, those relating to real~~
32 ~~property, vital statistics, law enforcement, taxation, motor vehicles, drivers' licenses, and~~
33 ~~Social Security.~~

34 ~~[10-320.] 10-323.~~

35 ~~(a) A plaintiff seeking to establish or modify a support order or to determine~~
36 ~~parentage in a proceeding under this subtitle must verify the complaint. Unless otherwise~~
37 ~~ordered under § [10-321] 10-324 of this subtitle (Nondisclosure of information in~~
38 ~~exceptional circumstances), the plaintiff or accompanying documents must provide, so far~~
39 ~~as known, the name, residential address, and Social Security numbers of the obligor and~~
40 ~~the obligee and the name, sex, residential address, Social Security number, and date of~~
41 ~~birth of each child for whom support is sought. The complaint must be accompanied by a~~

38

1 certified copy of any support order in effect. The complaint may include any other
2 information that may assist in locating or identifying the defendant.

3 (b) The complaint must specify the relief sought. The complaint and
4 accompanying documents must conform substantially with the requirements imposed by
5 the forms mandated by federal law for use in cases filed by a support enforcement agency.

6 ~~[10-321.] 10-324.~~

7 Upon a finding, which may be made ex parte, that the health, safety, or liberty of a
8 party or child would be unreasonably put at risk by the disclosure of identifying
9 information, or if an existing order so provides, a tribunal shall order that the address of
10 the child or party or other identifying information not be disclosed in a pleading or other
11 document filed in a proceeding under this subtitle.

12 ~~[10-322.] 10-325.~~

13 (a) The plaintiff may not be required to pay a filing fee or other costs.

14 (b) If an obligee prevails, a responding tribunal may assess against an obligor
15 filing fees, reasonable attorney's fees, other costs, and necessary travel and other
16 reasonable expenses incurred by the obligee and the obligee's witnesses. The tribunal may
17 not assess fees, costs, or expenses against the obligee or the support enforcement agency
18 of either the initiating or the responding state, except as provided by other law. Attorney's
19 fees may be taxed as costs, and may be ordered paid directly to the attorney, who may
20 enforce the order in the attorney's own name. Payment of support owed to the obligee has
21 priority over fees, costs, and expenses.

22 (c) The tribunal [may] SHALL order the payment of costs and reasonable
23 attorney's fees if it determines that a hearing was requested primarily for delay. IN A
24 PROCEEDING UNDER PART VI OF THIS SUBTITLE (ENFORCEMENT AND
25 MODIFICATION OF SUPPORT ORDER AFTER REGISTRATION) A HEARING IS
26 PRESUMED TO HAVE BEEN REQUESTED PRIMARILY FOR DELAY IF A REGISTERED
27 SUPPORT ORDER IS CONFIRMED OR ENFORCED WITHOUT CHANGE.

28 ~~[10-323.] 10-326.~~

29 (a) Participation by a plaintiff in a proceeding before a responding tribunal,
30 whether in person, by private attorney, or through services provided by the support
31 enforcement agency, does not confer personal jurisdiction over the plaintiff in another
32 proceeding.

33 (b) A plaintiff is not amenable to service of civil process while physically present
34 in this State to participate in a proceeding under this subtitle.

35 (c) The immunity granted by this section does not extend to civil litigation based
36 on acts unrelated to a proceeding under this subtitle committed by a party while present
37 in this State to participate in the proceeding.

38 ~~10-327. NONPARENTAGE AS DEFENSE.~~

39 A PARTY WHOSE PARENTAGE OF A CHILD HAS BEEN PREVIOUSLY
40 DETERMINED BY OR PURSUANT TO LAW MAY NOT PLEAD NONPARENTAGE AS A
41 DEFENSE TO A PROCEEDING UNDER THIS SUBTITLE.

39

1 ~~[10-324.] 10-328.~~

2 (a) ~~The physical presence of the plaintiff in a responding tribunal of this State is~~
 3 ~~not required for the establishment, enforcement, or modification of a support order or~~
 4 ~~the rendition of a judgment determining parentage.~~

5 (b) ~~A verified complaint, affidavit, document substantially complying with~~
 6 ~~federally mandated forms, and a document incorporated by reference in any of them, not~~
 7 ~~excluded under the hearsay rule if given in person, is admissible in evidence if given under~~
 8 ~~oath by a party or witness residing in another state.~~

9 (c) ~~A copy of the record of child support payments certified as a true copy of the~~
 10 ~~original by the custodian of the record may be forwarded to a responding tribunal. The~~
 11 ~~copy is evidence of facts asserted in it, and is admissible to show whether payments were~~
 12 ~~made.~~

13 (d) ~~Copies of bills for testing for parentage, and for prenatal and postnatal health~~
 14 ~~care of the mother and child, furnished to the adverse party at least 10 days before trial,~~
 15 ~~are admissible in evidence to prove the amount of the charges billed and that the charges~~
 16 ~~were reasonable, necessary, and customary.~~

17 ~~(E) DOCUMENTARY EVIDENCE TRANSMITTED FROM ANOTHER STATE TO A~~
 18 ~~TRIBUNAL OF THIS STATE BY TELEPHONE, TELECOPIER, OR OTHER MEANS THAT DO~~
 19 ~~NOT PROVIDE AN ORIGINAL WRITING MAY NOT BE EXCLUDED FROM EVIDENCE ON~~
 20 ~~AN OBJECTION BASED ON THE MEANS OF TRANSMISSION.~~

21 ~~[(e)] (F) In a proceeding under this subtitle, a tribunal of this State may permit a~~
 22 ~~party or witness residing in another state to be deposed or to testify by telephone,~~
 23 ~~audiovisual means, or other electronic means at a designated tribunal or other location in~~
 24 ~~that state. A tribunal of this State shall cooperate with tribunals of other states in~~
 25 ~~designating an appropriate location for the deposition or testimony.~~

26 ~~(G) IF A PARTY CALLED TO TESTIFY AT A CIVIL HEARING REFUSES TO~~
 27 ~~ANSWER ON THE GROUND THAT THE TESTIMONY MAY BE SELF INCRIMINATING,~~
 28 ~~THE TRIER OF FACT MAY DRAW AN ADVERSE INFERENCE FROM THE REFUSAL.~~

29 ~~[(f)] (H) Laws attaching a privilege against the disclosure of communications~~
 30 ~~between husband and wife do not apply to proceedings under this subtitle.~~

31 ~~[(g)] (I) In proceedings under this subtitle, husband and wife are competent~~
 32 ~~witnesses and may be compelled to testify to any relevant matter, including marriage and~~
 33 ~~parentage.~~

34 ~~[10-325.] 10-329.~~

35 ~~A tribunal of this State may communicate with a tribunal of another state in writing,~~
 36 ~~or by telephone or other means, to obtain information concerning the laws of that state,~~
 37 ~~the legal effect of a judgment, decree, or order of that tribunal, and the status of a~~
 38 ~~proceeding in the other state. A tribunal of this State may furnish similar information by~~
 39 ~~similar means to a tribunal of another state.~~

40

1 ~~[10-326.] 10-330.~~

2 A tribunal of this State may:

3 (1) request a tribunal of another state to assist in obtaining discovery; and

4 (2) upon request, compel a person over whom it has jurisdiction to respond
5 to a discovery order issued by a tribunal of another state.

6 ~~[10-327.] 10-331.~~

7 A support enforcement agency or tribunal of this State shall disburse promptly any
8 amounts received pursuant to a support order, as directed by the order. The agency or
9 tribunal shall furnish to a requesting party or tribunal of another state a certified
10 statement by the custodian of the record of the amounts and dates of all payments
11 received.

12 Part IV. Establishment of Support Order.

13 ~~[10-328.] 10-332.~~

14 (a) If a support order entitled to recognition under this subtitle has not been
15 issued, a responding tribunal of this State may issue a support order if:

16 (1) the individual seeking the order resides in another state; or

17 (2) the support enforcement agency seeking the order is located in another
18 state.

19 (b) The tribunal may issue a temporary child support order if:

20 (1) the defendant has signed a verified statement acknowledging parentage;

21 (2) the defendant has been determined by or pursuant to law to be the
22 parent; or

23 (3) there is other clear and convincing evidence that the defendant is the
24 child's parent.

25 (c) Upon finding, after notice and opportunity to be heard, that an obligor owes a
26 duty of support, the tribunal shall issue a support order directed to the obligor and may
27 issue other orders pursuant to § ~~[10-315]~~ 10-317 of this subtitle (Duties and powers of
28 responding tribunal).

29 Part V. ~~[Direct]~~ Enforcement of Order of Another State Without Registration.

30 ~~[10-329.] 10-333.~~

31 ~~[(a)]~~ An income withholding order issued in another state may be sent ~~[by~~
32 ~~first class mail]~~ to the person or entity defined as the obligor's employer under Subtitle
33 4 of this title without first filing a request for service of the order or comparable pleading
34 or registering the order with a tribunal of this State. ~~[Upon receipt of the order, the~~
35 ~~employer shall:~~

41

1 ~~(1) treat an income withholding order issued in another state which appears~~
2 ~~regular on its face as if it had been issued by a tribunal of this State;~~

3 ~~(2) immediately provide a copy of the order to the obligor; and~~

4 ~~(3) distribute the funds as directed in the withholding order.~~

5 ~~(b) An obligor may contest the validity or enforcement of an income withholding~~
6 ~~order issued in another state in the same manner as if the order had been issued by a~~
7 ~~tribunal of this State. Section 10-334 of this subtitle (Choice of law) applies to the~~
8 ~~contest. The obligor shall give notice of the contest to any support enforcement agency~~
9 ~~providing services to the obligee and to:~~

10 ~~(1) the person or agency designated to receive payment in the income~~
11 ~~withholding order; or~~

12 ~~(2) if no person or agency is designated, the obligee.}~~

13 ~~10-334. EMPLOYER'S COMPLIANCE WITH INCOME WITHHOLDING ORDER OF~~
14 ~~ANOTHER STATE.~~

15 ~~(A) UPON RECEIPT OF AN INCOME WITHHOLDING ORDER, THE OBLIGOR'S~~
16 ~~EMPLOYER SHALL IMMEDIATELY PROVIDE A COPY OF THE ORDER TO THE~~
17 ~~OBLIGOR.~~

18 ~~(B) THE EMPLOYER SHALL TREAT AN INCOME WITHHOLDING ORDER ISSUED~~
19 ~~IN ANOTHER STATE WHICH APPEARS REGULAR ON ITS FACE AS IF IT HAD BEEN~~
20 ~~ISSUED BY A TRIBUNAL OF THIS STATE.~~

21 ~~(C) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (D) OF THIS SECTION~~
22 ~~AND § 10-335 OF THIS SUBTITLE, THE EMPLOYER SHALL WITHHOLD AND DISTRIBUTE~~
23 ~~THE FUNDS AS DIRECTED IN THE WITHHOLDING ORDER BY COMPLYING WITH~~
24 ~~TERMS OF THE ORDER WHICH SPECIFY:~~

25 ~~(1) THE DURATION AND THE AMOUNT OF PERIODIC PAYMENTS OF~~
26 ~~CURRENT CHILD SUPPORT, STATED AS A SUM CERTAIN;~~

27 ~~(2) THE PERSON OR AGENCY DESIGNATED TO RECEIVE PAYMENT AND~~
28 ~~THE ADDRESS TO WHICH THE PAYMENTS ARE TO BE FORWARDED;~~

29 ~~(3) MEDICAL SUPPORT, WHETHER IN THE FORM OF PERIODIC CASH~~
30 ~~PAYMENT, STATED AS A SUM CERTAIN, OR ORDERING THE OBLIGOR TO PROVIDE~~
31 ~~HEALTH INSURANCE COVERAGE FOR THE CHILD UNDER A POLICY AVAILABLE~~
32 ~~THROUGH THE OBLIGOR'S EMPLOYMENT;~~

33 ~~(4) THE AMOUNT OF PERIODIC PAYMENTS OF FEES AND COSTS FOR A~~
34 ~~SUPPORT ENFORCEMENT AGENCY, THE ISSUING TRIBUNAL, AND THE OBLIGEE'S~~
35 ~~ATTORNEY, STATED AS SUMS CERTAIN; AND~~

36 ~~(5) THE AMOUNT OF PERIODIC PAYMENTS OF ARREARAGES AND~~
37 ~~INTEREST ON ARREARAGES, STATED AS SUMS CERTAIN.~~

1 ~~(D) AN EMPLOYER SHALL COMPLY WITH THE LAW OF THE STATE OF THE~~
2 ~~OBLIGOR'S PRINCIPAL PLACE OF EMPLOYMENT FOR WITHHOLDING FROM INCOME~~
3 ~~WITH RESPECT TO:~~

4 ~~(1) THE EMPLOYER'S FEE FOR PROCESSING AN INCOME WITHHOLDING~~
5 ~~ORDER;~~

6 ~~(2) THE MAXIMUM AMOUNT PERMITTED TO BE WITHHELD FROM THE~~
7 ~~OBLIGOR'S INCOME; AND~~

8 ~~(3) THE TIME PERIODS WITHIN WHICH THE EMPLOYER MUST~~
9 ~~IMPLEMENT THE WITHHOLDING ORDER AND FORWARD THE CHILD SUPPORT~~
10 ~~PAYMENT.~~

11 ~~40-335. COMPLIANCE WITH MULTIPLE INCOME WITHHOLDING ORDERS.~~

12 ~~IF THE OBLIGOR'S EMPLOYER RECEIVES MULTIPLE ORDERS TO WITHHOLD~~
13 ~~SUPPORT FROM THE EARNINGS OF THE SAME OBLIGOR, THE EMPLOYER SHALL BE~~
14 ~~DEEMED TO HAVE SATISFIED THE TERMS OF THE MULTIPLE ORDERS IF THE LAW OF~~
15 ~~THE STATE OF THE OBLIGOR'S PRINCIPAL PLACE OF EMPLOYMENT TO ESTABLISH~~
16 ~~THE PRIORITIES FOR WITHHOLDING AND ALLOCATING INCOME WITHHELD FOR~~
17 ~~MULTIPLE CHILD SUPPORT OBLIGEEES IS COMPLIED WITH.~~

18 ~~40-336. IMMUNITY FROM CIVIL LIABILITY.~~

19 ~~AN EMPLOYER WHO COMPLIES WITH AN INCOME WITHHOLDING ORDER~~
20 ~~ISSUED IN ANOTHER STATE IN ACCORDANCE WITH THIS SUBTITLE IS NOT SUBJECT~~
21 ~~TO CIVIL LIABILITY TO ANY INDIVIDUAL OR AGENCY WITH REGARD TO THE~~
22 ~~EMPLOYER'S WITHHOLDING CHILD SUPPORT FROM THE OBLIGOR'S INCOME.~~

23 ~~40-337. PENALTIES FOR NONCOMPLIANCE.~~

24 ~~AN EMPLOYER WHO WILLFULLY FAILS TO COMPLY WITH AN INCOME~~
25 ~~WITHHOLDING ORDER ISSUED BY ANOTHER STATE AND RECEIVED FOR~~
26 ~~ENFORCEMENT IS SUBJECT TO THE SAME PENALTIES THAT MAY BE IMPOSED FOR~~
27 ~~NONCOMPLIANCE WITH AN ORDER ISSUED BY A TRIBUNAL OF THIS STATE.~~

28 ~~40-338. CONTEST BY OBLIGOR.~~

29 ~~(A) AN OBLIGOR MAY CONTEST THE VALIDITY OR ENFORCEMENT OF AN~~
30 ~~INCOME WITHHOLDING ORDER ISSUED IN ANOTHER STATE AND RECEIVED~~
31 ~~DIRECTLY BY AN EMPLOYER IN THIS STATE IN THE SAME MANNER AS IF THE ORDER~~
32 ~~HAD BEEN ISSUED BY A TRIBUNAL OF THIS STATE. SECTION 10-343 OF THIS SUBTITLE~~
33 ~~(CHOICE OF LAW) APPLIES TO THE CONTEST.~~

34 ~~(B) THE OBLIGOR SHALL GIVE NOTICE OF THE CONTEST TO:~~

35 ~~(1) A SUPPORT ENFORCEMENT AGENCY PROVIDING SERVICES TO THE~~
36 ~~OBLIGEE;~~

37 ~~(2) EACH EMPLOYER THAT HAS DIRECTLY RECEIVED AN INCOME~~
38 ~~WITHHOLDING ORDER; AND~~

1 ~~(3) THE PERSON OR AGENCY DESIGNATED TO RECEIVE PAYMENTS IN~~
2 ~~THE INCOME WITHHOLDING ORDER OR, IF NO PERSON OR AGENCY IS DESIGNATED,~~
3 ~~TO THE OBLIGEE.~~

4 ~~[10-330.] 10-339.~~

5 ~~(a) A party seeking to enforce a support order or an income withholding order, or~~
6 ~~both, issued by a tribunal of another state may send the documents required for~~
7 ~~registering the order to a support enforcement agency of this State.~~

8 ~~(b) Upon receipt of the documents, the support enforcement agency, without~~
9 ~~initially seeking to register the order, shall consider and, if appropriate, use any~~
10 ~~administrative procedure authorized by the law of this State to enforce a support order or~~
11 ~~an income withholding order, or both. If the obligor does not contest administrative~~
12 ~~enforcement, the order need not be registered. If the obligor contests the validity or~~
13 ~~administrative enforcement of the order, the support enforcement agency shall register~~
14 ~~the order pursuant to this subtitle.~~

15 ~~Part VI. Enforcement and Modification of Support Order After Registration.~~

16 ~~Subpart A. Registration and Enforcement of Support Order.~~

17 ~~[10-331.] 10-340.~~

18 ~~A support order or an income withholding order issued by a tribunal of another~~
19 ~~state may be registered in this State for enforcement.~~

20 ~~[10-332.] 10-341.~~

21 ~~(a) A support order or income withholding order of another state may be~~
22 ~~registered in this State by sending the following documents and information to the~~
23 ~~appropriate tribunal in this State:~~

24 ~~(1) a letter of transmittal to the tribunal requesting registration and~~
25 ~~enforcement;~~

26 ~~(2) two copies, including one certified copy, of all orders to be registered,~~
27 ~~including any modification of an order;~~

28 ~~(3) a sworn statement by the party seeking registration or a certified~~
29 ~~statement by the custodian of the records showing the amount of any arrearage;~~

30 ~~(4) the name of the obligor and, if known:~~

31 ~~(i) the obligor's address and Social Security number;~~

32 ~~(ii) the name and address of the obligor's employer and any other~~
33 ~~source of income of the obligor; and~~

34 ~~(iii) a description and the location of property of the obligor in this~~
35 ~~State not exempt from execution; and~~

36 ~~(5) the name and address of the obligee and, if applicable, the agency or~~
37 ~~person to whom support payments are to be remitted.~~

1 (b) On receipt of a request for registration, the registering tribunal shall cause the
2 order to be filed as a foreign judgment, together with one copy of the documents and
3 information, regardless of their form.

4 (c) A complaint or comparable pleading seeking a remedy that must be
5 affirmatively sought under other law of this State may be filed at the same time as the
6 request for registration or later. The pleading must specify the grounds for the remedy
7 sought.

8 ~~{10-333.} 10-342.~~

9 (a) A support order or income withholding order issued in another state is
10 registered when the order is filed in the registering tribunal of this State.

11 (b) A registered order issued in another state is enforceable in the same manner
12 and is subject to the same procedures as an order issued by a tribunal of this State.

13 (c) Except as otherwise provided in this article, a tribunal of this State shall
14 recognize and enforce, but may not modify, a registered order if the issuing tribunal had
15 jurisdiction.

16 ~~{10-334.} 10-343.~~

17 (a) The law of the issuing state governs the nature, extent, amount, and duration
18 of current payments and other obligations of support and the payment of arrearages
19 under the order.

20 (b) In a proceeding for arrearages, the statute of limitation under the laws of this
21 State or of the issuing state, whichever is longer, applies.

22 Subpart B. Contest of Validity or Enforcement.

23 ~~{10-335.} 10-344.~~

24 (a) When a support order or income withholding order issued in another state is
25 registered, the registering tribunal shall notify the nonregistering party. [Notice must be
26 given by first class, certified, or registered mail or by any means of personal service
27 authorized by the law of this State.] The notice must be accompanied by a copy of the
28 registered order and the documents and relevant information accompanying the order.

29 (b) The notice must inform the nonregistering party:

30 (1) that a registered order is enforceable as of the date of registration in the
31 same manner as an order issued by a tribunal of this State;

32 (2) that a hearing to contest the validity or enforcement of the registered
33 order must be requested within 20 days after the date of mailing or personal service of the
34 notice;

35 (3) that failure to contest the validity or enforcement of the registered order
36 in a timely manner will result in confirmation of the order and enforcement of the order
37 and the alleged arrearages and precludes further contest of that order with respect to any
38 matter that could have been asserted; and

45

1 ~~(4) of the amount of any alleged arrearages.~~

2 ~~(c) Upon registration of an income withholding order for enforcement, the~~
3 ~~registering tribunal shall notify the obligor's employer pursuant to Subtitle 1 of this title.~~

4 ~~[10-336.] 10-345.~~

5 ~~(a) A nonregistering party seeking to contest the validity or enforcement of a~~
6 ~~registered order in this State shall request a hearing within 20 days after the date of~~
7 ~~mailing or personal service of notice of the registration. The nonregistering party may~~
8 ~~seek to vacate the registration, to assert any defense to an allegation of noncompliance~~
9 ~~with the registered order, or to contest the remedies being sought or the amount of any~~
10 ~~alleged arrearages pursuant to § [10-337] 10-346 of this subtitle (Contest of registration~~
11 ~~or enforcement).~~

12 ~~(b) If the nonregistering party fails to contest the validity or enforcement of the~~
13 ~~registered order in a timely manner, the order is confirmed by operation of law.~~

14 ~~(c) If a nonregistering party requests a hearing to contest the validity or~~
15 ~~enforcement of the registered order, the registering tribunal shall schedule the matter for~~
16 ~~hearing and give notice to the parties [by first class mail] of the date, time, and place of~~
17 ~~the hearing.~~

18 ~~[10-337.] 10-346.~~

19 ~~(a) A party contesting the validity or enforcement of a registered order or seeking~~
20 ~~to vacate the registration has the burden of proving one or more of the following~~
21 ~~defenses:~~

22 ~~(1) the issuing tribunal lacked personal jurisdiction over the contesting~~
23 ~~party;~~

24 ~~(2) the order was obtained by fraud;~~

25 ~~(3) the order has been vacated, suspended, or modified by a later order;~~

26 ~~(4) the issuing tribunal has stayed the order pending appeal;~~

27 ~~(5) there is a defense under the law of this State to the remedy sought;~~

28 ~~(6) full or partial payment has been made; or~~

29 ~~(7) the statute of limitation under § [10-334] 10-343 of this subtitle~~
30 ~~(Choice of law) precludes enforcement of some or all of the arrearages.~~

31 ~~(b) If a party presents evidence establishing a full or partial defense under~~
32 ~~subsection (a) of this section, a tribunal may stay enforcement of the registered order,~~
33 ~~continue the proceeding to permit production of additional relevant evidence, and issue~~
34 ~~other appropriate orders. An uncontested portion of the registered order may be~~
35 ~~enforced by all remedies available under the law of this State.~~

36 ~~(c) If the contesting party does not establish a defense under subsection (a) of~~
37 ~~this section to the validity or enforcement of the order, the registering tribunal shall issue~~
38 ~~an order confirming the order.~~

46

1 ~~[10-338.]10-347.~~

2 Confirmation of a registered order, whether by operation of law or after notice and
3 hearing, precludes further contest of the order with respect to any matter that could have
4 been asserted at the time of registration.

5 ~~Subpart C. Registration and Modification of Child Support Order.~~

6 ~~[10-339.]10-348.~~

7 A party or support enforcement agency seeking to modify, or to modify and enforce,
8 a child support order issued in another state shall register that order in this State in the
9 same manner provided in Subpart A of this part if the order has not been registered. A
10 complaint for modification may be filed at the same time as a request for registration, or
11 later. The pleading must specify the grounds for modification.

12 ~~[10-340.]10-349.~~

13 A tribunal of this State may enforce a child support order of another state
14 registered for purposes of modification, in the same manner as if the order had been
15 issued by a tribunal of this State, but the registered order may be modified only if the
16 requirements of § [10-341]10-350 of this subtitle (Modification of child support order
17 of another state) have been met.

18 ~~[10-341.]10-350.~~

19 (a) After a child support order issued in another state has been registered in this
20 State, the responding tribunal of this State may modify that order only if § 10-352 OF THIS
21 SUBTITLE DOES NOT APPLY AND, after notice and hearing, it finds that:

22 (1) the following requirements are met:

23 (i) the child, the individual obligee, and the obligor do not reside in
24 the issuing state;

25 (ii) a plaintiff who is a nonresident of this State seeks modification;
26 and

27 (iii) the defendant is subject to the personal jurisdiction of the tribunal
28 of this State; or

29 (2) ~~[an individual party or] the child OR A PARTY WHO IS AN~~
30 ~~INDIVIDUAL is subject to the personal jurisdiction of the tribunal OF THIS STATE and all~~
31 ~~of the [individual] parties WHO ARE INDIVIDUALS have filed [a] written [consent]~~
32 ~~CONSENTS in the issuing tribunal [providing that] FOR a tribunal of this State [may]~~
33 ~~TO modify the support order and assume continuing, exclusive jurisdiction over the order.~~
34 ~~HOWEVER, IF THE ISSUING STATE IS A FOREIGN JURISDICTION THAT HAS NOT~~
35 ~~ENACTED A LAW OR ESTABLISHED PROCEDURES SUBSTANTIALLY SIMILAR TO THE~~
36 ~~PROCEDURES UNDER THIS SUBTITLE, THE CONSENT OTHERWISE REQUIRED OF AN~~
37 ~~INDIVIDUAL RESIDING IN THIS STATE IS NOT REQUIRED FOR THE TRIBUNAL TO~~
38 ~~ASSUME JURISDICTION TO MODIFY THE CHILD SUPPORT ORDER.~~

1 (b) Modification of a registered child support order is subject to the same
2 requirements, procedures, and defenses that apply to the modification of an order issued
3 by a tribunal of this State, and the order may be enforced and satisfied in the same
4 manner.

5 (c) A tribunal of this State may not modify any aspect of a child support order
6 that may not be modified under the law of the issuing state. IF TWO OR MORE
7 TRIBUNALS HAVE ISSUED CHILD SUPPORT ORDERS FOR THE SAME OBLIGOR AND
8 CHILD, THE ORDER THAT CONTROLS AND MUST BE SO RECOGNIZED UNDER THE
9 PROVISIONS OF § 10-310 OF THIS SUBTITLE ESTABLISHES THE ASPECTS OF THE
10 SUPPORT ORDER WHICH ARE NONMODIFIABLE.

11 (d) On issuance of an order modifying a child support order issued in another
12 state, a tribunal of this State becomes the tribunal of continuing, exclusive jurisdiction.

13 ~~[(e) Within 30 days after issuance of a modified child support order, the party
14 obtaining the modification shall file a certified copy of the order with the issuing tribunal
15 which had continuing, exclusive jurisdiction over the earlier order, and in each tribunal in
16 which the party knows that earlier order has been registered.]~~

17 ~~[10-342.] 10-351.~~

18 A tribunal of this State shall recognize a modification of its earlier child support
19 order by a tribunal of another state which assumed jurisdiction pursuant to THIS
20 SUBTITLE OR a law substantially similar to this subtitle and, upon request, except as
21 otherwise provided in this subtitle, shall:

22 (1) enforce the order that was modified only as to amounts accruing before
23 the modification;

24 (2) enforce only nonmodifiable aspects of that order;

25 (3) provide other appropriate relief only for violations of that order which
26 occurred before the effective date of the modification; and

27 (4) recognize the modifying order of the other state, upon registration, for
28 the purpose of enforcement.

29 ~~10-352. JURISDICTION TO MODIFY CHILD SUPPORT ORDER OF ANOTHER STATE
30 WHEN INDIVIDUAL PARTIES RESIDE IN THIS STATE.~~

31 ~~(A) IF ALL OF THE PARTIES WHO ARE INDIVIDUALS RESIDE IN THIS STATE
32 AND THE CHILD DOES NOT RESIDE IN THE ISSUING STATE, A TRIBUNAL OF THIS
33 STATE HAS JURISDICTION TO ENFORCE AND TO MODIFY THE ISSUING STATE'S
34 CHILD SUPPORT ORDER IN A PROCEEDING TO REGISTER THAT ORDER.~~

35 ~~(B) A TRIBUNAL OF THIS STATE EXERCISING JURISDICTION UNDER THIS
36 SECTION SHALL APPLY THE PROVISIONS OF PARTS I AND II OF THIS SUBTITLE, THIS
37 PART, AND THE PROCEDURAL AND SUBSTANTIVE LAW OF THIS STATE TO THE
38 PROCEEDING FOR ENFORCEMENT OR MODIFICATION. PARTS III, IV, V, VII, AND VIII
39 OF THIS SUBTITLE DO NOT APPLY.~~

1 ~~10-353. NOTICE TO ISSUING TRIBUNAL OF MODIFICATION.~~

2 ~~WITHIN 30 DAYS AFTER ISSUANCE OF A MODIFIED CHILD SUPPORT ORDER,~~
 3 ~~THE PARTY OBTAINING THE MODIFICATION SHALL FILE A CERTIFIED COPY OF THE~~
 4 ~~ORDER WITH THE ISSUING TRIBUNAL THAT HAD CONTINUING, EXCLUSIVE~~
 5 ~~JURISDICTION OVER THE EARLIER ORDER, AND IN EACH TRIBUNAL IN WHICH THE~~
 6 ~~PARTY KNOWS THE EARLIER ORDER HAS BEEN REGISTERED. A PARTY WHO~~
 7 ~~OBTAINS THE ORDER AND FAILS TO FILE A CERTIFIED COPY IS SUBJECT TO~~
 8 ~~APPROPRIATE SANCTIONS BY A TRIBUNAL IN WHICH THE ISSUE OF FAILURE TO FILE~~
 9 ~~ARISES, BUT THE FAILURE TO FILE DOES NOT AFFECT THE VALIDITY OR~~
 10 ~~ENFORCEABILITY OF THE MODIFIED ORDER OF THE NEW TRIBUNAL HAVING~~
 11 ~~CONTINUING, EXCLUSIVE JURISDICTION.~~

12 ~~Part VII. Determination of Parentage.~~

13 ~~[10-343.] 10-354.~~

14 ~~(a) A tribunal of this State may serve as an initiating or responding tribunal in a~~
 15 ~~proceeding brought under this subtitle or a law OR PROCEDURE substantially similar to~~
 16 ~~this subtitle, the Uniform Reciprocal Enforcement of Support Act, or the Revised~~
 17 ~~Uniform Reciprocal Enforcement of Support Act to determine that the plaintiff is a~~
 18 ~~parent of a particular child or to determine that a defendant is a parent of that child.~~

19 ~~(b) In a proceeding to determine parentage, a responding tribunal of this State~~
 20 ~~shall apply the procedural and substantive law of this State and the rules of this State on~~
 21 ~~choice of law.~~

22 ~~Part VIII. Interstate Rendition.~~

23 ~~[10-344.] 10-355.~~

24 ~~(a) For purposes of this Part VIII, "governor" includes an individual performing~~
 25 ~~the functions of governor or the executive authority of a state covered by this subtitle.~~

26 ~~(b) The Governor of this State may:~~

27 ~~(1) demand that the governor of another state surrender an individual found~~
 28 ~~in the other state who is charged criminally in this State with having failed to provide for~~
 29 ~~the support of an obligee; or~~

30 ~~(2) on the demand by the governor of another state, surrender an individual~~
 31 ~~found in this State who is charged criminally in the other state with having failed to~~
 32 ~~provide for the support of an obligee.~~

33 ~~(c) A provision for extradition of individuals not inconsistent with this subtitle~~
 34 ~~applies to the demand even if the individual whose surrender is demanded was not in the~~
 35 ~~demanding state when the crime was allegedly committed and has not fled therefrom.~~

36 ~~[10-345.] 10-356.~~

37 ~~(a) Before making demand that the governor of another state surrender an~~
 38 ~~individual charged criminally in this State with having failed to provide for the support of~~
 39 ~~an obligee, the Governor of this State may require a prosecutor of this State to~~

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~~1 demonstrate that at least 60 days previously the obligee had initiated proceedings for
2 support pursuant to this subtitle or that the proceeding would be of no avail.~~

~~3 (b) If, under this subtitle or a law substantially similar to this subtitle, the
4 Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal
5 Enforcement of Support Act, the governor of another state makes a demand that the
6 Governor of this State surrender an individual charged criminally in that state with having
7 failed to provide for the support of a child or other individual to whom a duty of support
8 is owed, the Governor may require a prosecutor to investigate the demand and report
9 whether a proceeding for support has been initiated or would be effective. If it appears
10 that a proceeding would be effective but has not been initiated, the Governor may delay
11 honoring the demand for a reasonable time to permit the initiation of a proceeding.~~

~~12 (c) If a proceeding for support has been initiated and the individual whose
13 rendition is demanded prevails, the Governor may decline to honor the demand. If the
14 plaintiff prevails and the individual whose rendition is demanded is subject to a support
15 order, the Governor may decline to honor the demand if the individual is complying with
16 the support order.~~

~~17 [10-346.] 10-357.~~

~~18 This subtitle shall be applied and construed to effectuate its general purpose to
19 make uniform the law with respect to the subject of this subtitle among states enacting it.~~

~~20 [10-347.] 10-358.~~

~~21 If any provision of this subtitle or its application to any person or circumstance is
22 held invalid, the invalidity does not affect other provisions or applications of this subtitle
23 which can be given effect without the invalid provision or application, and to this end the
24 provisions of this subtitle are severable.~~

~~25 [10-348.] 10-359.~~

~~26 This subtitle may be cited as the Maryland Uniform Interstate Family Support Act.~~

~~27 12-101.~~

28 (a) (1) Unless the court finds from the evidence that the amount of the award
29 will produce an inequitable result, for an initial pleading that requests child support
30 pendente lite, the court shall award child support for a period from the filing of the
31 pleading that requests child support.

32 (2) Notwithstanding paragraph (1) of this subsection, unless the court finds
33 from the evidence that the amount of the award will produce an inequitable result, for an
34 initial pleading filed by a child support agency that requests child support, the court shall
35 award child support for a period from the filing of the pleading that requests child
36 support.

37 (3) For any other pleading that requests child support, the court may award
38 child support for a period from the filing of the pleading that requests child support.

39 (b) The court shall give credit for payments that the court finds have been made
40 during the period beginning from the filing of the pleading that requests child support.

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1 (C) ANY SUPPORT ORDER OR MODIFICATION OF A SUPPORT ORDER THAT IS
2 PASSED ON OR AFTER JULY 1, 1997 SHALL INCLUDE A STATEMENT THAT:

3 (1) EACH PARTY IS REQUIRED TO NOTIFY THE COURT AND ANY
4 SUPPORT ENFORCEMENT AGENCY ORDERED TO RECEIVE PAYMENTS, WITHIN 10
5 DAYS OF ANY CHANGE OF ADDRESS OR EMPLOYMENT; AND

6 (2) FAILURE TO COMPLY WITH PARAGRAPH (1) OF THIS SUBSECTION
7 MAY RESULT IN A PARTY NOT RECEIVING NOTICE OF THE INITIATION OF A
8 PROCEEDING TO MODIFY OR ENFORCE A SUPPORT ORDER.

9 [(c)] (D) (1) The court may order either parent to pay all or part of:

10 [(1)] (I) the mother's medical and hospital expenses for pregnancy,
11 confinement, and recovery; and

12 [(2)] (II) medical support for the child, including neonatal expenses.

13 (2) SUBJECT TO THE RIGHT OF ANY PARTY TO SUBPOENA A CUSTODIAN
14 OF RECORDS AT LEAST 10 DAYS BEFORE TRIAL, ANY RECORDS RELATING TO THE
15 COST OF THE MOTHER'S MEDICAL AND HOSPITAL EXPENSES FOR PREGNANCY,
16 CONFINEMENT, AND RECOVERY AND ANY NEONATAL EXPENSES OF THE CHILD
17 SHALL BE ADMISSIBLE IN EVIDENCE WITHOUT THE PRESENCE OF A CUSTODIAN OF
18 RECORD AND SHALL CONSTITUTE PRIMA FACIE EVIDENCE OF THE AMOUNT OF
19 EXPENSES INCURRED.

20 12-105.

21 (A) IN THIS SECTION, "FINANCIAL INSTITUTION" MEANS:

22 (1) A DEPOSITORY INSTITUTION AS DEFINED IN THE FEDERAL DEPOSIT
23 INSURANCE ACT AT 12 U.S.C. § 1813(C);

24 (2) A FEDERAL CREDIT UNION OR STATE CREDIT UNION, AS DEFINED
25 IN THE FEDERAL CREDIT UNION ACT AT 12 U.S.C. § 1752; OR

26 (3) A BENEFIT ASSOCIATION, INSURANCE COMPANY, SAFE DEPOSIT
27 COMPANY, MONEY-MARKET MUTUAL FUND, OR SIMILAR ENTITY DOING BUSINESS
28 IN THE STATE THAT HOLDS PROPERTY OR MAINTAINS ACCOUNTS REFLECTING
29 PROPERTY BELONGING TO OTHERS.

30 ~~(a)~~ (B) [(1)] The Child Support Enforcement Administration of the
31 Department of Human Resources shall maintain ~~fa~~ central registry of ~~f~~ records of ~~fall~~
32 identifying information that relates to parents ~~f~~who have deserted or who appear to have
33 deserted their children.

34 (2) The Child Support Enforcement Administration shall list these parents
35 in the registry ~~f~~ whether or not their children are likely to become recipients of public
36 assistance or foster care.

37 ~~(b)~~ (C) ~~To~~ PURSUANT TO SUBSECTIONS (D) AND (E) OF THIS SECTION, TO
38 carry out the purposes of this section, the Child Support Enforcement Administration
39 may request from any agency of this State, any political subdivision of this State, any
40 employer, ~~ANY PUBLIC UTILITY, ANY PUBLIC SERVICE COMPANY, ENERGY~~

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1 PROVIDER, FINANCIAL INSTITUTION, or any labor union information and assistance
 2 that will enable the Child Support Enforcement Administration, the local enforcement
 3 office, or the State's Attorney for the county involved:

4 (1) to locate an absent parent or a parent who has deserted or appears to
 5 have deserted a child; [or]

6 (2) to enforce the liability of the parent for the support of a child of the
 7 parent[.]; OR

8 (3) TO OBTAIN OTHER FINANCIAL AND LOCATION INFORMATION
 9 CONCERNING PARENTS AND PUTATIVE FATHERS NEEDED BY THE ADMINISTRATION
 10 TO CARRY OUT ITS RESPONSIBILITIES UNDER STATE AND FEDERAL LAW.

11 ~~(D)~~ (1) Upon WRITTEN request by the Child Support Enforcement
 12 Administration, ~~an~~ ANY AGENCY OF THIS STATE, POLITICAL SUBDIVISION OF THIS
 13 STATE, employer, ~~PUBLIC UTILITY~~, FINANCIAL INSTITUTION, or labor union shall
 14 provide[, with respect to a present employee, the employee's], IF AVAILABLE A
 15 PERSON'S:

16 (i) Social Security account number;

17 (ii) date of birth;

18 (iii) last known residence or mailing address;

19 (iv) present or last known employer;

20 (v) length of employment;

21 (vi) job classification;

22 (vii) name of person to be notified in case of emergency and the
 23 person's residence;

24 (viii) work hours;

25 (ix) amounts of wages OR OTHER ASSETS, ~~IF KNOWN~~; and

26 (x) medical insurance provider.

27 (2) As to individuals who were employed within the 3 years preceding a
 28 request for information by the Child Support Enforcement Administration, an employer
 29 or labor union shall provide whatever information is available.

30 (3) (i) Upon request AND A SHOWING OF CAUSE by the Child Support
 31 Enforcement Administration, a circuit court may issue an order requiring an employer,
 32 ~~PUBLIC UTILITY~~, FINANCIAL INSTITUTION, or labor union to comply with a request for
 33 information under this section.

34 (ii) If an employer or labor union refuses to ~~obey~~ PROVIDE
 35 INFORMATION FROM ITS EMPLOYEE, CUSTOMER, OR MEMBER FILES AS REQUIRED
 36 BY an order by a circuit court issued under this paragraph, the employer, ~~PUBLIC~~
 37 ~~UTILITY~~, FINANCIAL INSTITUTION, or labor union shall be in contempt of court.

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1 ~~(d) Each agency of this State and each political subdivision of this State shall give~~
2 ~~the Child Support Enforcement Administration any information and help the Child~~
3 ~~Support Enforcement Administration requests under this section.~~

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

7 (I) NAME AND ADDRESS; AND

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

9 (2) IF A PUBLIC SERVICE COMPANY OR ENERGY PROVIDER FAILS TO
10 COMPLY WITH A SUBPOENA ISSUED BY THE ADMINISTRATION, THE
11 ADMINISTRATION SHALL HAVE AVAILABLE THE REMEDIES PROVIDED UNDER §
12 10-108.4 OF THIS ARTICLE.

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

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

19 (2) OTHER ACTION TAKEN IN GOOD FAITH TO COMPLY WITH THE
20 REQUIREMENTS OF THIS SECTION.

21 ~~(e)~~ (G) Any record compiled FROM INFORMATION PROVIDED under this
22 section shall be available only to:

23 (1) an authorized representative of this State or of a local department of
24 this State; or

25 (2) a person who has a STATUTORY right to the records in an official
26 capacity.

27 **Article - Financial Institutions**

28 1-302.

29 Except as otherwise expressly provided in this subtitle, a fiduciary institution, its
30 officers, employees, agents, and directors:

31 (1) May not disclose to any person any financial record relating to a
32 customer of the institution unless:

33 (i) The customer has authorized the disclosure to that person;

34 (ii) Proceedings have been instituted for appointment of a guardian of
35 the property or of the person of the customer, and court-appointed counsel presents to
36 the fiduciary institution an order of appointment or a certified copy of the order issued by
37 or under the direction or supervision of the court or an officer of the court;

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1 (iii) The customer is disabled and a guardian is appointed or qualified
2 by a court, and the guardian presents to the fiduciary institution an order of appointment
3 or a certified copy of the order issued by or under the direction or supervision of the court
4 or an officer of the court;

5 (iv) The customer is deceased and a personal representative is
6 appointed or qualified by a court, and the personal representative presents to the
7 fiduciary institution letters of administration issued by or under the direction or
8 supervision of the court or an officer of the court; [or]

9 (v) The Department of Human Resources requests the financial
10 record in the course of verifying the individual's eligibility for public assistance; [and]
11 OR

12 (VI) THE INSTITUTION RECEIVED A REQUEST FOR INFORMATION
13 FROM THE CHILD SUPPORT ENFORCEMENT ADMINISTRATION OF THE DEPARTMENT
14 OF HUMAN RESOURCES UNDER ~~§ 10-108.1~~ § 10-108.2 OF THE FAMILY LAW ARTICLE;
15 AND

16 (2) Shall disclose any information requested in writing by the Department of
17 Human Resources relative to moneys held in a savings deposit, time deposit, demand
18 deposit, or any other deposit held by the fiduciary institution in the name of the
19 individual who is a recipient or applicant for public assistance.

20 **Article - Labor and Employment**

21 8-626.1.

22 (a) In this section[,] THE FOLLOWING WORDS HAVE THE MEANINGS
23 INDICATED.

24 (B) ["date] "DATE of employment" means the date on which an employee
25 commences working for an employer.

26 (C) "EMPLOYING UNIT" INCLUDES A LABOR ORGANIZATION.

27 [(b)] (D) [Within] EXCEPT AS PROVIDED IN SUBSECTION (E)(2) OF THIS
28 SECTION, WITHIN 20 days of an employee's beginning employment, the employee's
29 employing unit shall submit to the Secretary [the Social Security number of the
30 employee, the employing unit's unemployment insurance employer identification number,
31 and the date of employment]:

32 (1) THE SOCIAL SECURITY NUMBER OF THE EMPLOYEE;

33 (2) THE NAME OF THE EMPLOYEE;

34 (3) THE ADDRESS OF THE EMPLOYEE;

35 (4) THE DATE OF EMPLOYMENT;

36 (5) THE EMPLOYING UNIT'S NAME AND ADDRESS;

37 (6) THE FEDERAL EMPLOYER IDENTIFICATION NUMBER OF THE
38 EMPLOYING UNIT; AND

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1 (7) THE UNEMPLOYMENT INSURANCE EMPLOYER IDENTIFICATION
2 NUMBER OF THE EMPLOYING UNIT.

3 [(c)] (E) (1) The employing unit shall report the required information by [mail
4 or other means]:

5 (I) MAIL; OR

6 (II) MAGNETICALLY OR ELECTRONICALLY.

7 (2) IF AN EMPLOYING UNIT TRANSMITS A REPORT MAGNETICALLY OR
8 ELECTRONICALLY, THE EMPLOYING UNIT MAY SUBMIT THE REPORT:

9 (I) TWICE A MONTH; AND

10 (II) NOT LESS THAN 12 DAYS OR MORE THAN 16 DAYS APART.

11 (3) (I) AN EMPLOYING UNIT THAT HAS EMPLOYEES IN TWO OR MORE
12 STATES AND THAT TRANSMITS REPORTS MAGNETICALLY OR ELECTRONICALLY
13 MAY DESIGNATE ONE STATE IN WHICH TO TRANSMIT THE REPORT.

14 (II) AN EMPLOYING UNIT THAT CHOOSES TO TRANSMIT THE DATA
15 TO ANOTHER STATE SHALL PROVIDE THE SECRETARY WITH THE NAME OF THE
16 STATE RECEIVING THE REPORT.

17 [(d)] (F) (1) Any employing unit that fails to report as required:

18 (i) shall be given a written warning for the first violation; and

19 (ii) shall be subject to a civil penalty of [\$200 per month] \$20 for each
20 month in which a subsequent violation occurs, OR \$500 IF THE FAILURE IS THE RESULT
21 OF A CONSPIRACY BETWEEN THE EMPLOYER AND THE EMPLOYEE TO NOT SUPPLY
22 THE REQUIRED REPORT OR TO SUPPLY A FALSE OR INCOMPLETE REPORT, unless the
23 Secretary waives the penalty for cause.

24 (2) All violations occurring in a single month to the same employing unit
25 shall be considered a single violation.

26 [(e)] (G) An assessment under this section is final unless, within 15 days after the
27 mailing of the assessment, an employing unit applies to the Secretary for a hearing. The
28 Secretary may forward the application to the Office of Administrative Hearings for
29 adjudication.

30 [(f)] (H) The Department of Human Resources shall reimburse the Secretary for
31 all costs incurred to carry out this section.

32 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 5-1027 through
33 5-1028.1, respectively, of Article - Family Law of the Annotated Code of Maryland be
34 renumbered to be Section(s) 5-1026 through 5-1028, respectively.

35 SECTION 3. AND BE IT FURTHER ENACTED, That the captions contained
36 in this Act are not law and may not be considered to have been enacted as a part of this
37 Act.

1 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 July 1, 1997.