

CF 7r1374

By: Senators Baker, Green, Ruben, Bromwell, Kelley, and Madden

Introduced and read first time: January 31, 1997

Assigned to: Judicial Proceedings

A BILL ENTITLED

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; granting certain powers to the Child Support Enforcement Administration in a
7 paternity proceeding; requiring certain notices to unmarried mothers and fathers
8 before they sign an affidavit of parentage; providing for the effect of an affidavit of
9 parentage; requiring the State's Attorney to notify the parties in writing before
10 conducting a pretrial inquiry in a paternity proceeding; authorizing the Child
11 Support Enforcement Administration to file a motion for a blood or genetic test
12 under certain circumstances; requiring the court to issue a temporary support order
13 under certain circumstances; authorizing the admission into evidence of certain
14 records under certain circumstances and establishing that certain records constitute
15 prima facie evidence of certain expenses; requiring certain reports to be made by
16 financial institutions under certain circumstances; authorizing the Child Support
17 Enforcement Administration to require a parent to pay support through a support
18 enforcement agency under certain circumstances; authorizing certain licenses to
19 engage in certain businesses, occupations, professions, and recreational activities to
20 be suspended or denied for a failure to pay child support; establishing procedures
21 for certain appeals; authorizing the Child Support Enforcement Administration to
22 serve earnings withholding orders on employers; creating certain liens against all
23 real and personal property of an obligor failing to pay child support; providing for
24 the effect of certain liens; requiring certain parties to a child support proceeding to
25 receive certain notices under certain circumstances; authorizing a tribunal of this
26 State to exercise personal jurisdiction over a nonresident under certain
27 circumstances; establishing that certain laws and procedures apply when a tribunal
28 of this State exercises personal jurisdiction over a nonresident; altering certain
29 procedures relating to reconciliation of child support orders issued by two or more
30 states; authorizing the Attorney General to order a child support agency to perform
31 certain duties or to perform certain services under certain circumstances; providing
32 that certain hearings are presumed to have been requested primarily for delay
33 under certain circumstances; establishing that nonparentage is not a defense to
34 certain proceedings under certain circumstances; repealing certain requirements
35 that certain notices be given by first-class mail; establishing certain requirements
36 for certain employers concerning income withholding orders; granting a tribunal of

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1 this State jurisdiction to enforce and modify certain out-of-state child support
 2 orders under certain circumstances; authorizing the Child Support Enforcement
 3 Administration to receive certain information from financial institutions and public
 4 utilities; requiring financial institutions to provide certain information to the Child
 5 Support Enforcement Administration; altering certain definitions; making certain
 6 technical and conforming changes; and generally relating to child support and the
 7 enforcement of child support obligations.

8 BY repealing and reenacting, with amendments,

9 Article - Family Law
 10 Section 2-402, 5-1002, 5-1010, 5-1011, 5-1020, 5-1027, 5-1028.1, 5-1029, 5-1032,
 11 5-1033, 5-1039, 5-1048, 10-101, 10-111, 10-131, 10-301(h), (q), and (t);
 12 10-304 through 10-307 to be under the amended subpart "Subpart B.
 13 Proceedings Involving Two or More States"; 10-308 through 10-310 to be
 14 under the amended subpart "Subpart C. Reconciliation of Multiple Orders";
 15 10-311 through 10-328; 10-329 and 10-330 to be under the amended part
 16 "Part V. Enforcement of Order of Another State Without Registration";
 17 10-331 through 10-348, 12-101, and 12-105
 18 Annotated Code of Maryland
 19 (1991 Replacement Volume and 1996 Supplement)

20 BY repealing

21 Article - Family Law
 22 Section 5-1026
 23 Annotated Code of Maryland
 24 (1991 Replacement Volume and 1996 Supplement)

25 BY adding to

26 Article - Family Law
 27 Section 10-108.2, 10-108.3, 10-108.4, 10-119.3, and 10-122.1; 10-140 through
 28 10-144, inclusive, to be under the new part "Part IV. Child Support Liens";
 29 10-304 and 10-305 to be under the new subpart "Subpart A. Extended
 30 Personal Jurisdiction"; 10-320, 10-327, 10-334 through 10-338, 10-352, and
 31 10-353
 32 Annotated Code of Maryland
 33 (1991 Replacement Volume and 1996 Supplement)

34 BY repealing and reenacting, with amendments,

35 Article - Financial Institutions
 36 Section 1-302
 37 Annotated Code of Maryland
 38 (1992 Replacement Volume and 1996 Supplement)

39 BY repealing and reenacting, with amendments,

40 Article - Labor and Employment
 41 Section 8-626.1

3

1 Annotated Code of Maryland
2 (1991 Volume and 1996 Supplement)
3 (As enacted by Chapter 351 of the Acts of the General Assembly of 1996)

4 BY renumbering

5 Article - Family Law
6 Section 5-1027 through 5-1028.1, respectively
7 to be Section 5-1026 through 5-1028, respectively
8 Annotated Code of Maryland
9 (1991 Replacement Volume and 1996 Supplement)

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

12 **Article - Family Law**

13 2-402.

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

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

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

20 (i) the full name of each party;

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

22 (iii) the age of each party;

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

25 (v) the marital status of each party; [and]

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

28 (VII) THE SOCIAL SECURITY NUMBER OF EACH PARTY; AND

29 (2) sign the application form.

30 (c) (1) The license application shall provide spaces for the [voluntary]
31 disclosure of the Social Security numbers of the parties.

32 (2) The clerk shall place Social Security numbers [that are disclosed under
33 this subsection] on the marriage license certificate forms required under § 2-403 of this
34 subtitle.

4

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

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

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

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

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

12 5-1002.

13 (a) The General Assembly finds that:

14 (1) this State has a duty to improve the deprived social and economic status
15 of children born out of wedlock; and

16 (2) the policies and procedures in this subtitle are socially necessary and
17 desirable.

18 (b) The purpose of this subtitle is:

19 (1) to promote the general welfare and best interests of children born out of
20 wedlock by securing for them, as nearly as practicable, the same rights to support, care,
21 and education as children born in wedlock;

22 (2) to impose on the mothers and fathers of children born out of wedlock
23 the basic obligations and responsibilities of parenthood; and

24 (3) to simplify the procedures for determining paternity, custody,
25 guardianship, and responsibility for the support of children born out of wedlock.

26 (C) NOTHING IN THIS SUBTITLE IS INTENDED TO LIMIT THE RIGHT OF A
27 PUTATIVE FATHER TO FILE A COMPLAINT TO ESTABLISH HIS PATERNITY OF A
28 CHILD.

29 5-1010.

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

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

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

33 [(d) The complaint shall be accompanied by a notice to the alleged father that:

34 (1) he has the right to a jury trial on the issue of paternity;

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

5

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

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

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

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

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

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

11 (i) is dead;

12 (ii) refuses to file a complaint;

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

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

15 (v) refuses to make the oath.

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

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

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

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

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

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

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

28 1. finds that the complaint is meritorious; and

29 2. rules that the consent is not required.

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

32 5-1011.

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

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1 (1) the Attorney General;

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

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

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

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

10 (d) If the Attorney General or a qualified lawyer appointed by the Attorney
11 General represents the complainant under this section, the Attorney General or the
12 lawyer has the SAME powers granted to the State's Attorney under [§§ 5-1016, 5-1019,
13 5-1020, and 5-1021 of] this subtitle.

14 5-1020.

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

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

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

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

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

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

26 [5-1026.

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

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

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

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

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

7

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

3 5-1027.

4 (A) THE COURT SHALL HEAR THE COMPLAINT WITHOUT A JURY.

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

8 (1) the summoning of jurors;

9 (2) the empaneling of a jury;

10 (3) jury trial proceedings, including instructions to the jury;

11 (4) motions for new trial;

12 (5) judgment N.O.V.; and

13 (6) matters that may be considered on appeal].

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

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

18 5-1028.1.

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

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

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

25 [(1)] (I) in ten point boldface type a statement that the affidavit is a legal
26 document and constitutes a rebuttable presumption of parentage in a paternity
27 proceeding;

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

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

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

31 [(5)] (V) the signatures of the father and the mother of the child attesting,
32 under penalty of perjury, that the information provided on the affidavit is true and
33 correct;

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

8

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

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

4 (2) BEFORE COMPLETING AN AFFIDAVIT OF PARENTAGE FORM, THE
5 UNMARRIED MOTHER AND THE FATHER SHALL BE ADVISED ORALLY AND IN
6 WRITING OF THE LEGAL CONSEQUENCES OF EXECUTING THE AFFIDAVIT.

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

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

13 1. 60 DAYS AFTER EXECUTING THE AFFIDAVIT; OR

14 2. THE DATE OF ANY ADMINISTRATIVE OR JUDICIAL
15 PROCEEDING RELATING TO THE CHILD IN WHICH THE SIGNATORY IS A PARTY.

16 (II) A PARTY CHALLENGING A LEGAL FINDING OF PATERNITY
17 UNDER THIS SECTION HAS THE BURDEN OF PROOF OF SHOWING THAT THE
18 AFFIDAVIT OF PARENTAGE WAS EXECUTED BECAUSE OF FRAUD, DURESS, OR A
19 MATERIAL MISTAKE OF FACT.

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

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

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

29 5-1029.

30 (A) (1) IN CONNECTION WITH CARRYING OUT ITS RESPONSIBILITIES
31 UNDER STATE AND FEDERAL LAW, THE ADMINISTRATION MAY ISSUE A DIRECTIVE
32 THAT REQUIRES ANY INDIVIDUAL TO SUBMIT TO BLOOD OR GENETIC TESTS.

33 (2) IF A PERSON FAILS TO OBEY A DIRECTIVE FROM THE
34 ADMINISTRATION, THE ADMINISTRATION MAY APPLY TO THE CIRCUIT COURT FOR
35 AN ORDER THAT DIRECTS THE INDIVIDUAL TO SUBMIT TO THE TESTS.

36 [(a)] (B) On the motion of THE ADMINISTRATION, a party to the proceeding, or
37 on its own motion, the court shall order the mother, child, and alleged father to submit to
38 blood or genetic tests to determine whether the alleged father can be excluded as being
39 the father of the child.

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

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

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

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

9 (i) definite exclusion is established; or

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

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

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

19 1. is signed by the doctor or technician who prepared or verified
20 the report; and

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

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

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

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

32 (1) shall be disclosed to the court [and jury]; and

33 (2) may be commented on [by the court or] by counsel.

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

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

6 (3) SUBJECT TO THE RIGHT OF ANY PARTY TO SUBPOENA A CUSTODIAN
 7 OF RECORDS AT LEAST 10 DAYS BEFORE TRIAL, A WRITTEN STATEMENT FROM THE
 8 LABORATORY THAT PREPARED THE REPORT OF THE BLOOD OR GENETIC TEST
 9 CONCERNING THE COST OF THE TEST AND THE COST ASSOCIATED WITH THE COURT
 10 APPEARANCE SHALL BE ADMISSIBLE IN EVIDENCE WITHOUT THE PRESENCE OF A
 11 CUSTODIAN OF RECORDS AND SHALL CONSTITUTE PRIMA FACIE EVIDENCE OF THE
 12 COSTS.

13 (I) UPON MOTION OF THE ADMINISTRATION OR ANY PARTY TO THE
 14 PROCEEDING, THE COURT SHALL PASS A TEMPORARY ORDER FOR THE SUPPORT OF
 15 THE CHILD IF:

16 (1) A LABORATORY REPORT ESTABLISHES A STATISTICAL PROBABILITY
 17 OF PATERNITY OF AT LEAST 99.0%; AND

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

20 5-1032.

21 (a) If the court [or jury, as appropriate,] finds that the alleged father is the
 22 father, the court shall pass an order that:

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

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

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

27 (i) the child becomes an adult;

28 (ii) the child dies;

29 (iii) the child marries; or

30 (iv) the child becomes self-supporting.

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

34 (c) Any money that is due for child support under this subtitle and is unpaid at
 35 the time the child becomes an adult, dies, marries, or becomes self-supporting is a
 36 continuing obligation of any party bound by the order of court until the money is paid.

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

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1 (2) The father's employer:

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

4 (ii) shall pay the deductions directly to the recipient designated by the
5 court; and

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

10 5-1033.

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

13 (1) the support of the child;

14 (2) the mother's medical and hospital expenses for pregnancy, confinement,
15 and recovery; and

16 (3) the funeral expenses of the child.

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

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

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

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

29 5-1039.

30 (a) If the court [or jury, as appropriate,] finds that the alleged father is not the
31 father, the court may:

32 (1) retain jurisdiction; and

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

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

36 (1) enter an appropriate order against the mother for the support of the
37 child;

12

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

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

3 5-1048.

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

8 IF:

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

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

15 10-101.

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

17 (b) "Administration" means the Child Support Enforcement Administration of
18 the Department of Human Resources.

19 (c) "Earnings" includes:

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

21 (i) an annuity;

22 (ii) a pension;

23 (iii) Social Security payments;

24 (iv) workers' compensation payments; and

25 (v) unemployment insurance benefits; and

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

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

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

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

32 (1) a county agency; or

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

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

13

1 (2) "OBLIGEE" INCLUDES A STATE.

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

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

5 (1) child support;

6 (2) spousal support;

7 (3) support of destitute adult children; and

8 (4) support of destitute parents.

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

11 (1) the Administration; or

12 (2) a local support enforcement office.

13 10-108.2.

14 (A) IN THIS SECTION "FINANCIAL INSTITUTION" HAS THE MEANING STATED
15 IN § 1-101 OF THE FINANCIAL INSTITUTIONS ARTICLE.

16 (B) TO CARRY OUT THE PURPOSES OF THIS SECTION, THE ADMINISTRATION
17 MAY REQUEST FROM ANY FINANCIAL INSTITUTION INFORMATION AND ASSISTANCE
18 TO ENABLE THE ADMINISTRATION TO ENFORCE THE LIABILITY OF A PARENT TO
19 SUPPORT A CHILD OF THE PARENT.

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

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

26 (I) CONTAIN:

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

29 2. THE SOCIAL SECURITY NUMBER OR OTHER TAXPAYER
30 IDENTIFICATION NUMBER OF THE OBLIGOR; AND

31 (II) BE TRANSMITTED TO THE FINANCIAL INSTITUTION IN AN
32 ELECTRONIC FORMAT UNLESS THE FINANCIAL INSTITUTION SPECIFICALLY ASKS
33 THE ADMINISTRATION TO SUBMIT THE REQUEST IN WRITING.

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

14

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

4 (I) THE FULL NAME OF THE OBLIGOR;

5 (II) THE ADDRESS OF THE OBLIGOR;

6 (III) THE SOCIAL SECURITY OR OTHER TAXPAYER IDENTIFICATION
7 NUMBER OF THE OBLIGOR;

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

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

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

14 (4) THE ADMINISTRATION MAY INSTITUTE CIVIL PROCEEDINGS TO
15 ENFORCE THIS SECTION.

16 10-108.3.

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

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

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

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

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

31 10-108.4.

32 (A) TO CARRY OUT ITS RESPONSIBILITIES UNDER STATE AND FEDERAL LAW,
33 THE ADMINISTRATION MAY ISSUE SUBPOENAS TO COMPEL THE PRODUCTION OF
34 DOCUMENTS AND OTHER TANGIBLE ITEMS.

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

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

15

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

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

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

4 (1) HAND DELIVERY;

5 (2) CERTIFIED MAIL; OR

6 (3) REGULAR MAIL.

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

9 (1) REISSUE THE SUBPOENA;

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

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

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

18 10-111.

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

21 (1) establishing paternity;

22 (2) establishing liability for support;

23 (3) collecting support; or

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

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

29 10-119.3.

30 (A) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
31 INDICATED.

32 (1) "LICENSE" MEANS ANY LICENSE, CERTIFICATE, REGISTRATION,
33 PERMIT, OR OTHER AUTHORIZATION THAT:

34 (I) IS ISSUED BY A LICENSING AUTHORITY;

16

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

3 (III) IS NECESSARY FOR AN INDIVIDUAL TO:

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

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

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

11 (II) "LICENSING AUTHORITY" INCLUDES:

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

14 2. THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE;

15 3. THE DEPARTMENT OF HUMAN RESOURCES;

16 4. THE DEPARTMENT OF TRANSPORTATION;

17 5. THE DEPARTMENT OF THE ENVIRONMENT;

18 6. THE COMPTROLLER OF THE TREASURY;

19 7. THE DEPARTMENT OF AGRICULTURE;

20 8. THE MARYLAND INSURANCE ADMINISTRATION;

21 9. THE PUBLIC SERVICE COMMISSION;

22 10. THE SECRETARY OF STATE;

23 11. THE STATE DEPARTMENT OF EDUCATION;

24 12. THE DEPARTMENT OF NATURAL RESOURCES;

25 13. THE OFFICE OF THE ATTORNEY GENERAL;

26 14. THE ATTORNEY GRIEVANCE COMMISSION; AND

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

30 (B) A LICENSING AUTHORITY SHALL:

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

33 (2) RECORD THE APPLICANT'S SOCIAL SECURITY NUMBER ON THE
34 APPLICATION.

17

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

5 (2) A REQUEST FOR INFORMATION BY THE ADMINISTRATION UNDER
6 PARAGRAPH (1) OF THIS SUBSECTION:

7 (I) SHALL CONTAIN:

8 1. THE FULL NAME OF THE OBLIGOR; AND

9 2. THE SOCIAL SECURITY NUMBER OF THE OBLIGOR; AND

10 (II) MAY BE TRANSMITTED TO A LICENSING AUTHORITY USING AN
11 ELECTRONIC FORMAT.

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

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

18 (I) THE FULL NAME OF THE OBLIGOR;

19 (II) THE ADDRESS OF THE OBLIGOR, IF KNOWN;

20 (III) THE SOCIAL SECURITY NUMBER OF THE OBLIGOR, IF KNOWN;

21 AND

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

23 (3) THE REPORT MAY BE TRANSMITTED TO THE ADMINISTRATION IN
24 AN ELECTRONIC FORMAT.

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

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

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

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

35 B. THE RECIPIENT OF SUPPORT PAYMENTS HAS FILED AN
36 APPLICATION FOR SUPPORT ENFORCEMENT SERVICES WITH THE ADMINISTRATION;
37 OR

18

1 (II) THE INDIVIDUAL HAS FAILED TO COMPLY WITH A SUBPOENA
2 ISSUED BY THE ADMINISTRATION UNDER § 10-108.4 OF THIS SUBTITLE.

3 (2) UPON NOTIFICATION BY THE ADMINISTRATION UNDER THIS
4 SECTION, A LICENSING AUTHORITY SHALL:

5 (I) SUSPEND AN INDIVIDUAL'S LICENSE; AND

6 (II) DENY THE LICENSE OF AN INDIVIDUAL WHO IS AN APPLICANT
7 FOR A LICENSE FROM THE LICENSING AUTHORITY.

8 (F) (1) BEFORE DIRECTING A LICENSING AUTHORITY TO SUSPEND OR
9 DENY A LICENSE, THE ADMINISTRATION SHALL:

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

14 (II) GIVE THE INDIVIDUAL A REASONABLE OPPORTUNITY TO
15 CONTEST THE ACCURACY OF THE INFORMATION.

16 (2) (I) UPON RECEIPT OF A REQUEST FOR INVESTIGATION FROM AN
17 INDIVIDUAL WHOSE LICENSE IS SUBJECT TO SUSPENSION, THE ADMINISTRATION
18 SHALL CONDUCT AN INVESTIGATION.

19 (II) UPON COMPLETION OF THE INVESTIGATION, THE
20 ADMINISTRATION SHALL NOTIFY THE INDIVIDUAL OF THE RESULT OF THE
21 INVESTIGATION AND THE INDIVIDUAL'S RIGHT TO APPEAL TO THE OFFICE OF
22 ADMINISTRATIVE HEARINGS.

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

25 (II) AN APPEAL SHALL BE MADE IN WRITING AND SHALL BE
26 RECEIVED BY THE OFFICE OF ADMINISTRATIVE HEARINGS WITHIN 20 DAYS AFTER
27 THE NOTICE TO THE INDIVIDUAL WHOSE LICENSE IS SUBJECT TO SUSPENSION OF
28 THE RESULTS OF THE INVESTIGATION.

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

33 (G) THE ADMINISTRATION MAY NOT SEND A NOTIFICATION ABOUT AN
34 INDIVIDUAL TO A LICENSING AUTHORITY IF:

35 (1) WITH RESPECT TO AN INDIVIDUAL WITH A CHILD SUPPORT
36 ARREARAGE:

37 (I) THE ADMINISTRATION REACHES AN AGREEMENT WITH THE
38 INDIVIDUAL REGARDING A SCHEDULED PAYMENT OF THE CHILD SUPPORT

19

1 ARREARAGE OR A COURT ISSUES AN ORDER FOR A SCHEDULED PAYMENT OF THE
2 CHILD SUPPORT ARREARAGE; AND

3 (II) THE INDIVIDUAL IS COMPLYING WITH THE AGREEMENT OR
4 COURT ORDER; OR

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

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

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

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

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

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

24 (2) WITH RESPECT TO AN INDIVIDUAL WITH A CHILD SUPPORT
25 ARREARAGE, THE INDIVIDUAL HAS:

26 (I) PAID THE SUPPORT ARREARAGE IN FULL; OR

27 (II) DEMONSTRATED GOOD FAITH BY PAYING THE ORDERED
28 AMOUNT OF SUPPORT FOR 6 CONSECUTIVE MONTHS; OR

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

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

35 (1) NOTIFIED BY THE ADMINISTRATION THAT THE LICENSE SHOULD BE
36 REINSTATED; AND

37 (2) THE INDIVIDUAL OTHERWISE QUALIFIES FOR THE LICENSE.

20

1 10-122.1.

2 (A) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION AND
3 NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART III, THE
4 ADMINISTRATION MAY SERVE A WITHHOLDING ORDER ON AN EMPLOYER OF AN
5 OBLIGOR WHEN:

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

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

10 (III) AN ARREARS OF SUPPORT PAYMENTS HAS ACCRUED UNDER A
11 SUPPORT ORDER; OR

12 (2) AN OBLIGOR REQUESTS THE SERVICE OF AN EARNINGS
13 WITHHOLDING ORDER.

14 (B) THE ADMINISTRATION MAY SERVE AN EMPLOYER WITH AN EARNINGS
15 WITHHOLDING ORDER USING AN ELECTRONIC FORMAT IF THE EMPLOYER HAS
16 ENTERED INTO AN AGREEMENT WITH THE ADMINISTRATION TO ACCEPT SERVICE
17 OF EARNINGS WITHHOLDING ORDERS IN THIS MANNER.

18 (C) WHEN THE ADMINISTRATION SERVES AN EMPLOYER WITH AN EARNINGS
19 WITHHOLDING ORDER UNDER THIS SECTION, THE ADMINISTRATION SHALL SEND
20 TO THE OBLIGOR, BY REGULAR MAIL, AT THE OBLIGOR'S LAST KNOWN HOME
21 ADDRESS OR, IF THE HOME ADDRESS IS UNKNOWN, THE PLACE OF EMPLOYMENT
22 LAST REPORTED TO THE COURT:

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

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

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

28 (4) A STATEMENT OF THE OBLIGOR'S RIGHT TO CONTEST SERVICE OF
29 AN EARNINGS WITHHOLDING ORDER BY MOVING FOR A STAY OF THE ORDER NO
30 LATER THAN 15 DAYS AFTER A COPY OF THE WITHHOLDING ORDER IS MAILED TO
31 THE OBLIGOR UNDER THIS SECTION.

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

34 (1) WHETHER AN ARREARAGE IN ANY AMOUNT EXISTED;

35 (2) THE IDENTITY OF THE OBLIGOR; AND

36 (3) THAT THE AMOUNT OF THE WITHHOLDING ORDER EXCEEDS THE
37 LIMITS OF THE FEDERAL CONSUMER CREDIT PROTECTION ACT.

21

1 10-131.

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

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

7 (1) shall be under oath;

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

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

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

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

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

19 (1) whether the alleged arrearage existed;

20 (2) the amount of the arrearage;

21 (3) the identity of the obligor; and

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

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

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

31 (h) If the court finds that the amount of the withholding order exceeds the limits
32 of the Federal Consumer Credit Protection Act, the court shall alter the amount of the
33 earnings withholding to the maximum allowed under the Federal Consumer Credit
34 Protection Act.

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

22

1 10-137. RESERVED.

2 10-138. RESERVED.

3 10-139. RESERVED.

4 PART IV. CHILD SUPPORT LIENS.

5 10-140.

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

9 (2) THE ADMINISTRATION SHALL NOTIFY THE OBLIGOR AND OBLIGEE
10 OF ANY CHILD SUPPORT LIEN ESTABLISHED UNDER PARAGRAPH (1) OF THIS
11 SUBSECTION.

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

15 (1) SATISFIED;

16 (2) RELEASED BY THE ADMINISTRATION BECAUSE THE CHILD SUPPORT
17 LIEN IS:

18 (I) UNENFORCEABLE; OR

19 (II) UNCOLLECTIBLE; OR

20 (3) RELEASED BY ORDER OF THE COURT.

21 10-141.

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

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

26 (I) RECORD AND INDEX THE LIEN; AND

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

28 (2) THE DOCKET ENTRY SHALL INCLUDE:

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

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

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

23

1 10-142.

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

5 (B) THE FOLLOWING PERSONS SHALL BE MADE PARTIES TO THE
6 PROCEEDING:

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

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

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

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

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

16 (D) IF THE CLAIM OF THE OBLIGEE IS ESTABLISHED, THE COURT MAY
17 ORDER:

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

19 (2) A DISTRIBUTION OF ANY PROCEEDS OF SALE TO THE
20 ADMINISTRATION OR OBLIGEE.

21 10-143.

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

25 10-144.

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

28 Part I. General Provisions.

29 10-301.

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

36 (q) "Responding state" means a state [to] IN which a proceeding IS FILED OR
37 TO WHICH A PROCEEDING is forwarded FOR FILING FROM AN INITIATING STATE

24

1 under this subtitle or a law OR PROCEDURE substantially similar to this subtitle, the
2 Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal
3 Enforcement of Support Act.

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

7 (2) "State" includes:

8 (i) an Indian tribe; and

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

14 Part II. Jurisdiction.

15 SUBPART A. EXTENDED PERSONAL JURISDICTION.

16 10-304. BASES FOR JURISDICTION OVER NONRESIDENT.

17 IN A PROCEEDING TO ESTABLISH, ENFORCE, OR MODIFY A SUPPORT ORDER
18 OR TO DETERMINE PARENTAGE, A TRIBUNAL OF THIS STATE MAY EXERCISE
19 PERSONAL JURISDICTION OVER A NONRESIDENT INDIVIDUAL OR THE
20 INDIVIDUAL'S GUARDIAN OR CONSERVATOR IF:

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

22 (2) THE INDIVIDUAL SUBMITS TO THE JURISDICTION OF THIS STATE BY
23 CONSENT, BY ENTERING A GENERAL APPEARANCE, OR BY FILING A RESPONSIVE
24 DOCUMENT HAVING THE EFFECT OF WAIVING ANY CONTEST TO PERSONAL
25 JURISDICTION;

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

27 (4) THE INDIVIDUAL RESIDED IN THIS STATE AND PROVIDED
28 PRENATAL EXPENSES OR SUPPORT FOR THE CHILD;

29 (5) THE CHILD RESIDES IN THIS STATE AS RESULT OF THE ACTS OR
30 DIRECTIVES OF THE INDIVIDUAL;

31 (6) THE INDIVIDUAL ENGAGED IN SEXUAL INTERCOURSE IN THIS
32 STATE AND THE CHILD MAY HAVE BEEN CONCEIVED BY THAT ACT OF
33 INTERCOURSE; OR

34 (7) THERE IS ANY OTHER BASIS CONSISTENT WITH THE CONSTITUTIONS
35 OF THIS STATE AND THE UNITED STATES FOR THE EXERCISE OF PERSONAL
36 JURISDICTION.

1 10-305. PROCEDURE WHEN EXERCISING JURISDICTION OVER NONRESIDENT.

2 A TRIBUNAL OF THIS STATE EXERCISING PERSONAL JURISDICTION OVER A
3 NONRESIDENT UNDER § 10-304 OF THIS SUBTITLE MAY APPLY § 10-328 OF THIS
4 SUBTITLE (SPECIAL RULES OF EVIDENCE AND PROCEDURE) TO RECEIVE EVIDENCE
5 FROM ANOTHER STATE, AND § 10-330 OF THIS SUBTITLE (ASSISTANCE WITH
6 DISCOVERY) TO OBTAIN DISCOVERY THROUGH A TRIBUNAL OF ANOTHER STATE. IN
7 ALL OTHER RESPECTS, PARTS III THROUGH VII OF THIS SUBTITLE DO NOT APPLY
8 AND THE TRIBUNAL SHALL APPLY THE PROCEDURAL AND SUBSTANTIVE LAW OF
9 THIS STATE, INCLUDING THE RULES ON CHOICE OF LAW OTHER THAN THOSE
10 ESTABLISHED BY THIS SUBTITLE.

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

12 [10-304.] 10-306.

13 Under this subtitle, a tribunal of this State may serve as an initiating tribunal to
14 forward proceedings to another state and as a responding tribunal for proceedings
15 initiated in another state.

16 [10-305.] 10-307.

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

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

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

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

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

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

32 (2) the contesting party timely challenges the exercise of jurisdiction in this
33 State; and

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

35 [10-306.] 10-308.

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

26

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

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

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

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

15 (1) enforce the order that was modified as to amounts accruing before the
16 modification;

17 (2) enforce nonmodifiable aspects of that order; and

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

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

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

26 (f) A tribunal of this State issuing a support order consistent with the law of this
27 State has continuing, exclusive jurisdiction over a spousal support order throughout the
28 existence of the support obligation. A tribunal of this State may not modify a spousal
29 support order issued by a tribunal of another state having continuing, exclusive
30 jurisdiction over that order under the law of that state.

31 [10-307.] 10-309.

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

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

27

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

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

5 [10-308.] 10-310.

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

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

12 (B) IF A PROCEEDING IS BROUGHT UNDER THIS SUBTITLE, AND TWO OR
 13 MORE CHILD SUPPORT ORDERS HAVE BEEN ISSUED BY TRIBUNALS OF THIS STATE
 14 OR ANOTHER STATE WITH REGARD TO THE SAME OBLIGOR AND CHILD, A
 15 TRIBUNAL OF THIS STATE SHALL APPLY THE FOLLOWING RULES IN DETERMINING
 16 WHICH ORDER TO RECOGNIZE FOR PURPOSES OF CONTINUING, EXCLUSIVE
 17 JURISDICTION:

18 [(2)] (1) if [two or more tribunals have issued child support orders for the
 19 same obligor and child, and] only one of the tribunals would have continuing, exclusive
 20 jurisdiction under this subtitle, the order of that tribunal CONTROLS AND must be SO
 21 recognized.

22 [(3)] (2) if [two or more tribunals have issued child support orders for the
 23 same obligor and child, and] more than one of the tribunals would have continuing,
 24 exclusive jurisdiction under this subtitle, an order issued by a tribunal in the current home
 25 state of the child CONTROLS AND must be SO recognized, but if an order has not been
 26 issued in the current home state of the child, the order most recently issued CONTROLS
 27 AND must be SO recognized.

28 [(4)] (3) if [two or more tribunals have issued child support orders for the
 29 same obligor and child, and] none of the tribunals would have continuing, exclusive
 30 jurisdiction under this subtitle, the tribunal of this State [may] HAVING JURISDICTION
 31 OVER THE PARTIES SHALL issue a child support order, which CONTROLS AND must be
 32 SO recognized.

33 (C) IF TWO OR MORE CHILD SUPPORT ORDERS HAVE BEEN ISSUED FOR THE
 34 SAME OBLIGOR AND CHILD AND IF THE OBLIGOR OR THE INDIVIDUAL OBLIGEE
 35 RESIDES IN THIS STATE, A PARTY MAY REQUEST A TRIBUNAL OF THIS STATE TO
 36 DETERMINE WHICH ORDER CONTROLS AND MUST BE RECOGNIZED UNDER
 37 SUBSECTION (B) OF THIS SECTION. THE REQUEST MUST BE ACCOMPANIED BY A
 38 CERTIFIED COPY OF EVERY SUPPORT ORDER IN EFFECT. EACH PARTY WHOSE
 39 RIGHTS MAY BE AFFECTED BY A DETERMINATION OF THE CONTROLLING ORDER
 40 MUST BE GIVEN NOTICE OF THE REQUEST FOR THAT DETERMINATION.

28

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

4 (E) A TRIBUNAL OF THIS STATE THAT DETERMINES BY ORDER THE IDENTITY
 5 OF THE CONTROLLING CHILD SUPPORT ORDER UNDER SUBSECTION (B)(1) OR (2) OF
 6 THIS SECTION OR THAT ISSUES A NEW CONTROLLING CHILD SUPPORT ORDER
 7 UNDER SUBSECTION (B)(3) OF THIS SECTION SHALL INCLUDE IN THAT ORDER THE
 8 BASIS UPON WHICH THE TRIBUNAL MADE ITS DETERMINATION.

9 (F) WITHIN 30 DAYS AFTER ISSUANCE OF THE ORDER DETERMINING THE
 10 IDENTITY OF THE CONTROLLING ORDER, THE PARTY OBTAINING THAT ORDER
 11 SHALL FILE A CERTIFIED COPY OF IT WITH EACH TRIBUNAL THAT HAD ISSUED OR
 12 REGISTERED AN EARLIER ORDER OF CHILD SUPPORT. FAILURE OF THE PARTY
 13 OBTAINING THE ORDER TO FILE A CERTIFIED COPY AS REQUIRED SUBJECTS THAT
 14 PARTY TO APPROPRIATE SANCTIONS BY A TRIBUNAL IN WHICH THE ISSUE OF
 15 FAILURE TO FILE ARISES, BUT THAT FAILURE HAS NO EFFECT ON THE VALIDITY OR
 16 ENFORCEABILITY OF THE CONTROLLING ORDER.

17 [10-309.] 10-311.

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

23 [10-310.] 10-312.

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

27 Part III. Civil Provisions of General Application.

28 [10-311.] 10-313.

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

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

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

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

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

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

29

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

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

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

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

10 [10-312.] 10-314.

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

13 [10-313.] 10-315.

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

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

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

20 [10-314.] 10-316.

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

23 (1) to the responding tribunal or appropriate support enforcement agency in
24 the responding state; or

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

28 (B) IF A RESPONDING STATE HAS NOT ENACTED THIS SUBTITLE OR A LAW OR
29 PROCEDURE SUBSTANTIALLY SIMILAR TO THIS SUBTITLE, A TRIBUNAL OF THIS
30 STATE MAY ISSUE A CERTIFICATE OR OTHER DOCUMENTS AND MAKE FINDINGS
31 REQUIRED BY THE LAW OF THE RESPONDING STATE. IF THE RESPONDING STATE IS
32 A FOREIGN JURISDICTION, THE TRIBUNAL MAY SPECIFY THE AMOUNT OF SUPPORT
33 SOUGHT AND PROVIDE OTHER DOCUMENTS NECESSARY TO SATISFY THE
34 REQUIREMENTS OF THE RESPONDING STATE.

35 [10-315.] 10-317.

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

30

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

3 (1) issue or enforce a support order, modify a child support order, or render
4 a judgment to determine parentage;

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

7 (3) order income withholding;

8 (4) determine the amount of any arrearages and specify a method of
9 payment;

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

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

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

13 (8) order an obligor to keep the tribunal informed of the obligor's current
14 residential address, telephone number, employer, address of employment, and telephone
15 number at the place of employment;

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

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

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

21 (12) grant any other available remedy.

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

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

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

31 [10-316.] 10-318.

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

31

1 [10-317.]10-319.

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

4 (b) A support enforcement agency that is providing services to the plaintiff as
5 appropriate shall:

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

8 (2) request an appropriate tribunal to set a date, time, and place for a
9 hearing;

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

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

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

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

19 (c) This subtitle does not create a relationship of attorney and client or other
20 fiduciary relationship between a support enforcement agency or the attorney for the
21 agency and the individual being assisted by the agency. The attorney representing the
22 support enforcement agency shall advise the person being assisted by the agency that the
23 attorney's representation of the Administration does not create an attorney-client
24 relationship between the attorney and that person.

25 10-320. DUTY OF ATTORNEY GENERAL.

26 IF THE ATTORNEY GENERAL DETERMINES THAT THE SUPPORT ENFORCEMENT
27 AGENCY IS NEGLECTING OR REFUSING TO PROVIDE SERVICES TO AN INDIVIDUAL,
28 THE ATTORNEY GENERAL MAY ORDER THE AGENCY TO PERFORM ITS DUTIES
29 UNDER THIS SUBTITLE OR MAY PROVIDE THOSE SERVICES DIRECTLY TO THE
30 INDIVIDUAL.

31 [10-318.] 10-321.

32 An individual may employ private counsel to represent the individual in proceedings
33 authorized by this subtitle.

34 [10-319.] 10-322.

35 (a) The Child Support Enforcement Administration is the State information
36 agency under this subtitle.

37 (b) The State information agency shall:

32

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

5 (2) maintain a register of tribunals and support enforcement agencies
6 received from other states;

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

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

18 [10-320.] 10-323.

19 (a) A plaintiff seeking to establish or modify a support order or to determine
20 parentage in a proceeding under this subtitle must verify the complaint. Unless otherwise
21 ordered under § [10-321] 10-324 of this subtitle (Nondisclosure of information in
22 exceptional circumstances), the plaintiff or accompanying documents must provide, so far
23 as known, the name, residential address, and Social Security numbers of the obligor and
24 the obligee and the name, sex, residential address, Social Security number, and date of
25 birth of each child for whom support is sought. The complaint must be accompanied by a
26 certified copy of any support order in effect. The complaint may include any other
27 information that may assist in locating or identifying the defendant.

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

31 [10-321.] 10-324.

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

37 [10-322.] 10-325.

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

39 (b) If an obligee prevails, a responding tribunal may assess against an obligor
40 filing fees, reasonable attorney's fees, other costs, and necessary travel and other
41 reasonable expenses incurred by the obligee and the obligee's witnesses. The tribunal may
42 not assess fees, costs, or expenses against the obligee or the support enforcement agency

33

1 of either the initiating or the responding state, except as provided by other law. Attorney's
2 fees may be taxed as costs, and may be ordered paid directly to the attorney, who may
3 enforce the order in the attorney's own name. Payment of support owed to the obligee has
4 priority over fees, costs, and expenses.

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

11 [10-323.] 10-326.

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

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

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

21 10-327. NONPARENTAGE AS DEFENSE.

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

25 [10-324.] 10-328.

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

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

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

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

34

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

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

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

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

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

18 [10-325.] 10-329.

19 A tribunal of this State may communicate with a tribunal of another state in writing,
 20 or by telephone or other means, to obtain information concerning the laws of that state,
 21 the legal effect of a judgment, decree, or order of that tribunal, and the status of a
 22 proceeding in the other state. A tribunal of this State may furnish similar information by
 23 similar means to a tribunal of another state.

24 [10-326.] 10-330.

25 A tribunal of this State may:

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

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

29 [10-327.] 10-331.

30 A support enforcement agency or tribunal of this State shall disburse promptly any
 31 amounts received pursuant to a support order, as directed by the order. The agency or
 32 tribunal shall furnish to a requesting party or tribunal of another state a certified
 33 statement by the custodian of the record of the amounts and dates of all payments
 34 received.

35 Part IV. Establishment of Support Order.

36 [10-328.] 10-332.

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

35

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

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

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

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

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

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

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

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

15 [10-329.] 10-333.

16 [(a)] An income withholding order issued in another state may be sent [by
17 first-class mail] to the person or entity defined as the obligor's employer under Subtitle
18 1 of this title without first filing a request for service of the order or comparable pleading
19 or registering the order with a tribunal of this State. [Upon receipt of the order, the
20 employer shall:

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

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

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

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

30 (1) the person or agency designated to receive payment in the income
31 withholding order; or

32 (2) if no person or agency is designated, the obligee.]

33 10-334. EMPLOYER'S COMPLIANCE WITH INCOME WITHHOLDING ORDER OF
34 ANOTHER STATE.

35 (A) UPON RECEIPT OF AN INCOME WITHHOLDING ORDER, THE OBLIGOR'S
36 EMPLOYER SHALL IMMEDIATELY PROVIDE A COPY OF THE ORDER TO THE
37 OBLIGOR.

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

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

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

10 (2) THE PERSON OR AGENCY DESIGNATED TO RECEIVE PAYMENT AND
11 THE ADDRESS TO WHICH THE PAYMENTS ARE TO BE FORWARDED;

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

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

19 (5) THE AMOUNT OF PERIODIC PAYMENTS OF ARREARAGES AND
20 INTEREST ON ARREARAGES, STATED AS SUMS CERTAIN.

21 (D) AN EMPLOYER SHALL COMPLY WITH THE LAW OF THE STATE OF THE
22 OBLIGOR'S PRINCIPAL PLACE OF EMPLOYMENT FOR WITHHOLDING FROM INCOME
23 WITH RESPECT TO:

24 (1) THE EMPLOYER'S FEE FOR PROCESSING AN INCOME WITHHOLDING
25 ORDER;

26 (2) THE MAXIMUM AMOUNT PERMITTED TO BE WITHHELD FROM THE
27 OBLIGOR'S INCOME; AND

28 (3) THE TIME PERIODS WITHIN WHICH THE EMPLOYER MUST
29 IMPLEMENT THE WITHHOLDING ORDER AND FORWARD THE CHILD SUPPORT
30 PAYMENT.

31 10-335. COMPLIANCE WITH MULTIPLE INCOME WITHHOLDING ORDERS.

32 IF THE OBLIGOR'S EMPLOYER RECEIVES MULTIPLE ORDERS TO WITHHOLD
33 SUPPORT FROM THE EARNINGS OF THE SAME OBLIGOR, THE EMPLOYER SHALL BE
34 DEEMED TO HAVE SATISFIED THE TERMS OF THE MULTIPLE ORDERS IF THE LAW OF
35 THE STATE OF THE OBLIGOR'S PRINCIPAL PLACE OF EMPLOYMENT TO ESTABLISH
36 THE PRIORITIES FOR WITHHOLDING AND ALLOCATING INCOME WITHHELD FOR
37 MULTIPLE CHILD SUPPORT OBLIGEES IS COMPLIED WITH.

38 10-336. IMMUNITY FROM CIVIL LIABILITY.

39 AN EMPLOYER WHO COMPLIES WITH AN INCOME WITHHOLDING ORDER
40 ISSUED IN ANOTHER STATE IN ACCORDANCE WITH THIS SUBTITLE IS NOT SUBJECT

37

1 TO CIVIL LIABILITY TO ANY INDIVIDUAL OR AGENCY WITH REGARD TO THE
2 EMPLOYER'S WITHHOLDING CHILD SUPPORT FROM THE OBLIGOR'S INCOME.

3 10-337. PENALTIES FOR NONCOMPLIANCE.

4 AN EMPLOYER WHO WILLFULLY FAILS TO COMPLY WITH AN INCOME
5 WITHHOLDING ORDER ISSUED BY ANOTHER STATE AND RECEIVED FOR
6 ENFORCEMENT IS SUBJECT TO THE SAME PENALTIES THAT MAY BE IMPOSED FOR
7 NONCOMPLIANCE WITH AN ORDER ISSUED BY A TRIBUNAL OF THIS STATE.

8 10-338. CONTEST BY OBLIGOR.

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

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

15 (1) A SUPPORT ENFORCEMENT AGENCY PROVIDING SERVICES TO THE
16 OBLIGEE;

17 (2) EACH EMPLOYER THAT HAS DIRECTLY RECEIVED AN INCOME
18 WITHHOLDING ORDER; AND

19 (3) THE PERSON OR AGENCY DESIGNATED TO RECEIVE PAYMENTS IN
20 THE INCOME WITHHOLDING ORDER OR, IF NO PERSON OR AGENCY IS DESIGNATED,
21 TO THE OBLIGEE.

22 [10-330.] 10-339.

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

26 (b) Upon receipt of the documents, the support enforcement agency, without
27 initially seeking to register the order, shall consider and, if appropriate, use any
28 administrative procedure authorized by the law of this State to enforce a support order or
29 an income withholding order, or both. If the obligor does not contest administrative
30 enforcement, the order need not be registered. If the obligor contests the validity or
31 administrative enforcement of the order, the support enforcement agency shall register
32 the order pursuant to this subtitle.

33 Part VI. Enforcement and Modification of Support Order After Registration.

34 Subpart A. Registration and Enforcement of Support Order.

35 [10-331.] 10-340.

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

38

1 [10-332.] 10-341.

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

5 (1) a letter of transmittal to the tribunal requesting registration and
6 enforcement;

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

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

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

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

13 (ii) the name and address of the obligor's employer and any other
14 source of income of the obligor; and

15 (iii) a description and the location of property of the obligor in this
16 State not exempt from execution; and

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

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

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

26 [10-333.] 10-342.

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

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

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

34 [10-334.] 10-343.

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

39

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

3 Subpart B. Contest of Validity or Enforcement.

4 [10-335.] 10-344.

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

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

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

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

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

20 (4) of the amount of any alleged arrearages.

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

23 [10-336.] 10-345.

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

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

33 (c) If a nonregistering party requests a hearing to contest the validity or
34 enforcement of the registered order, the registering tribunal shall schedule the matter for
35 hearing and give notice to the parties [by first-class mail] of the date, time, and place of
36 the hearing.

40

1 [10-337.] 10-346.

2 (a) A party contesting the validity or enforcement of a registered order or seeking
3 to vacate the registration has the burden of proving one or more of the following
4 defenses:

5 (1) the issuing tribunal lacked personal jurisdiction over the contesting
6 party;

7 (2) the order was obtained by fraud;

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

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

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

11 (6) full or partial payment has been made; or

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

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

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

22 [10-338.] 10-347.

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

26 Subpart C. Registration and Modification of Child Support Order.

27 [10-339.] 10-348.

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

33 [10-340.] 10-349.

34 A tribunal of this State may enforce a child support order of another state
35 registered for purposes of modification, in the same manner as if the order had been
36 issued by a tribunal of this State, but the registered order may be modified only if the

41

1 requirements of § [10-341] 10-350 of this subtitle (Modification of child support order
2 of another state) have been met.

3 [10-341.] 10-350.

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

7 (1) the following requirements are met:

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

10 (ii) a plaintiff who is a nonresident of this State seeks modification;
11 and

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

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

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

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

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

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

42

1 [10-342.] 10-351.

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

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

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

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

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

13 10-352. JURISDICTION TO MODIFY CHILD SUPPORT ORDER OF ANOTHER STATE
14 WHEN INDIVIDUAL PARTIES RESIDE IN THIS STATE.

15 (A) IF ALL OF THE PARTIES WHO ARE INDIVIDUALS RESIDE IN THIS STATE
16 AND THE CHILD DOES NOT RESIDE IN THE ISSUING STATE, A TRIBUNAL OF THIS
17 STATE HAS JURISDICTION TO ENFORCE AND TO MODIFY THE ISSUING STATE'S
18 CHILD SUPPORT ORDER IN A PROCEEDING TO REGISTER THAT ORDER.

19 (B) A TRIBUNAL OF THIS STATE EXERCISING JURISDICTION UNDER THIS
20 SECTION SHALL APPLY THE PROVISIONS OF PARTS I AND II OF THIS SUBTITLE, THIS
21 PART, AND THE PROCEDURAL AND SUBSTANTIVE LAW OF THIS STATE TO THE
22 PROCEEDING FOR ENFORCEMENT OR MODIFICATION. PARTS III, IV, V, VII, AND VIII
23 OF THIS SUBTITLE DO NOT APPLY.

24 10-353. NOTICE TO ISSUING TRIBUNAL OF MODIFICATION.

25 WITHIN 30 DAYS AFTER ISSUANCE OF A MODIFIED CHILD SUPPORT ORDER,
26 THE PARTY OBTAINING THE MODIFICATION SHALL FILE A CERTIFIED COPY OF THE
27 ORDER WITH THE ISSUING TRIBUNAL THAT HAD CONTINUING, EXCLUSIVE
28 JURISDICTION OVER THE EARLIER ORDER, AND IN EACH TRIBUNAL IN WHICH THE
29 PARTY KNOWS THE EARLIER ORDER HAS BEEN REGISTERED. A PARTY WHO
30 OBTAINS THE ORDER AND FAILS TO FILE A CERTIFIED COPY IS SUBJECT TO
31 APPROPRIATE SANCTIONS BY A TRIBUNAL IN WHICH THE ISSUE OF FAILURE TO FILE
32 ARISES, BUT THE FAILURE TO FILE DOES NOT AFFECT THE VALIDITY OR
33 ENFORCEABILITY OF THE MODIFIED ORDER OF THE NEW TRIBUNAL HAVING
34 CONTINUING, EXCLUSIVE JURISDICTION.

35 Part VII. Determination of Parentage.

36 [10-343.] 10-354.

37 (a) A tribunal of this State may serve as an initiating or responding tribunal in a
38 proceeding brought under this subtitle or a law OR PROCEDURE substantially similar to
39 this subtitle, the Uniform Reciprocal Enforcement of Support Act, or the Revised

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1 Uniform Reciprocal Enforcement of Support Act to determine that the plaintiff is a
2 parent of a particular child or to determine that a defendant is a parent of that child.

3 (b) In a proceeding to determine parentage, a responding tribunal of this State
4 shall apply the procedural and substantive law of this State and the rules of this State on
5 choice of law.

6 Part VIII. Interstate Rendition.

7 [10-344.] 10-355.

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

10 (b) The Governor of this State may:

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

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

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

20 [10-345.] 10-356.

21 (a) Before making demand that the governor of another state surrender an
22 individual charged criminally in this State with having failed to provide for the support of
23 an obligee, the Governor of this State may require a prosecutor of this State to
24 demonstrate that at least 60 days previously the obligee had initiated proceedings for
25 support pursuant to this subtitle or that the proceeding would be of no avail.

26 (b) If, under this subtitle or a law substantially similar to this subtitle, the
27 Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal
28 Enforcement of Support Act, the governor of another state makes a demand that the
29 Governor of this State surrender an individual charged criminally in that state with having
30 failed to provide for the support of a child or other individual to whom a duty of support
31 is owed, the Governor may require a prosecutor to investigate the demand and report
32 whether a proceeding for support has been initiated or would be effective. If it appears
33 that a proceeding would be effective but has not been initiated, the Governor may delay
34 honoring the demand for a reasonable time to permit the initiation of a proceeding.

35 (c) If a proceeding for support has been initiated and the individual whose
36 rendition is demanded prevails, the Governor may decline to honor the demand. If the
37 plaintiff prevails and the individual whose rendition is demanded is subject to a support
38 order, the Governor may decline to honor the demand if the individual is complying with
39 the support order.

44

1 [10-346.] 10-357.

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

4 [10-347.] 10-358.

5 If any provision of this subtitle or its application to any person or circumstance is
6 held invalid, the invalidity does not affect other provisions or applications of this subtitle
7 which can be given effect without the invalid provision or application, and to this end the
8 provisions of this subtitle are severable.

9 [10-348.] 10-359.

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

11 12-101.

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

16 (2) Notwithstanding paragraph (1) of this subsection, unless the court finds
17 from the evidence that the amount of the award will produce an inequitable result, for an
18 initial pleading filed by a child support agency that requests child support, the court shall
19 award child support for a period from the filing of the pleading that requests child
20 support.

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

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

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

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

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

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

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

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

37 (2) SUBJECT TO THE RIGHT OF ANY PARTY TO SUBPOENA A CUSTODIAN
38 OF RECORDS AT LEAST 10 DAYS BEFORE TRIAL, ANY RECORDS RELATING TO THE

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1 COST OF THE MOTHER'S MEDICAL AND HOSPITAL EXPENSES FOR PREGNANCY,
2 CONFINEMENT, AND RECOVERY AND ANY NEONATAL EXPENSES OF THE CHILD
3 SHALL BE ADMISSIBLE IN EVIDENCE WITHOUT THE PRESENCE OF A CUSTODIAN OF
4 RECORD AND SHALL CONSTITUTE PRIMA FACIE EVIDENCE OF THE AMOUNT OF
5 EXPENSES INCURRED.

6 12-105.

7 (a) [(1)] The Child Support Enforcement Administration of the Department of
8 Human Resources shall maintain [a central registry of] records of [all] identifying
9 information that relates to parents [who have deserted or who appear to have deserted
10 their children.

11 (2) The Child Support Enforcement Administration shall list these parents
12 in the registry] whether or not their children are likely to become recipients of public
13 assistance or foster care.

14 (b) To carry out the purposes of this section, the Child Support Enforcement
15 Administration may request from any agency of this State, any political subdivision of this
16 State, any employer, ANY PUBLIC UTILITY, ANY FINANCIAL INSTITUTION, or any labor
17 union information and assistance that will enable the Child Support Enforcement
18 Administration, the local enforcement office, or the State's Attorney for the county
19 involved:

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

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

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

27 (c) (1) Upon request by the Child Support Enforcement Administration, an
28 employer, PUBLIC UTILITY, FINANCIAL INSTITUTION, or labor union shall provide[,
29 with respect to a present employee, the employee's] A PERSON'S:

30 (i) Social Security account number;

31 (ii) date of birth;

32 (iii) last known residence or mailing address;

33 (iv) present or last known employer;

34 (v) length of employment;

35 (vi) job classification;

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

38 (viii) work hours;

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

2 (x) medical insurance provider.

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

6 (3) (i) Upon request by the Child Support Enforcement Administration, a
7 circuit court may issue an order requiring an employer, PUBLIC UTILITY, FINANCIAL
8 INSTITUTION, or labor union to comply with a request for information under this section.

9 (ii) If an employer or labor union refuses to obey an order by a circuit
10 court issued under this paragraph, the employer, PUBLIC UTILITY, FINANCIAL
11 INSTITUTION, or labor union shall be in contempt of court.

12 (d) Each agency of this State and each political subdivision of this State shall give
13 the Child Support Enforcement Administration any information and help the Child
14 Support Enforcement Administration requests under this section.

15 (e) Any record compiled under this section shall be available only to:

16 (1) an authorized representative of this State or of a local department of
17 this State; or

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

19 **Article - Financial Institutions**

20 1-302.

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

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

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

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

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

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

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

4 (VI) THE INSTITUTION RECEIVED A REQUEST FOR INFORMATION
5 FROM THE CHILD SUPPORT ENFORCEMENT ADMINISTRATION OF THE DEPARTMENT
6 OF HUMAN RESOURCES UNDER § 10-108.1 OF THE FAMILY LAW ARTICLE; AND

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

11 **Article - Labor and Employment**

12 8-626.1.

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

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

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

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

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

24 (2) THE NAME OF THE EMPLOYEE;

25 (3) THE ADDRESS OF THE EMPLOYEE;

26 (4) THE DATE OF EMPLOYMENT;

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

28 (6) THE FEDERAL EMPLOYER IDENTIFICATION NUMBER OF THE
29 EMPLOYING UNIT; AND

30 (7) THE UNEMPLOYMENT INSURANCE EMPLOYER IDENTIFICATION
31 NUMBER OF THE EMPLOYING UNIT.

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

34 (I) MAIL; OR

35 (II) MAGNETICALLY OR ELECTRONICALLY.

48

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

3 (I) TWICE A MONTH; AND

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

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

8 (II) AN EMPLOYING UNIT THAT CHOOSES TO TRANSMIT THE DATA
9 TO ANOTHER STATE SHALL PROVIDE THE SECRETARY WITH THE NAME OF THE
10 STATE RECEIVING THE REPORT.

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

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

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

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

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

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

26 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 5-1027 through
27 5-1028.1, respectively, of Article - Family Law of the Annotated Code of Maryland be
28 renumbered to be Section(s) 5-1026 through 5-1028, respectively.

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

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