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By: **Washington County Delegation**

Introduced and read first time: February 2, 1998

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Child Support Enforcement Demonstration Site - Conciliation Conferences**

3 FOR the purpose of authorizing a court to order parties in an action to establish,  
4 modify, or enforce a duty of support to appear and produce documents at a  
5 conciliation conference conducted by the child support enforcement  
6 demonstration site; authorizing the director of child support services for the  
7 demonstration site to apply to the court for a body attachment under certain  
8 circumstances; authorizing a court to compel compliance with an order by  
9 certain means; defining certain terms; and generally relating to conciliation  
10 conferences conducted by the child support enforcement demonstration site.

11 BY repealing and reenacting, with amendments,  
12 Article - Family Law  
13 Section 10-119.2  
14 Annotated Code of Maryland  
15 (1991 Replacement Volume and 1997 Supplement)

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

18 **Article - Family Law**

19 10-119.2.

20 (a) (1) In this section[,] THE FOLLOWING WORDS HAVE THE MEANINGS  
21 INDICATED.

22 (2) "CONCILIATION CONFERENCE" MEANS A CONFERENCE CONDUCTED  
23 AT THE DEMONSTRATION SITE TO PROVIDE AN OPPORTUNITY FOR THE PARTIES TO  
24 RESOLVE ISSUES ASSOCIATED WITH AN ACTION TO ESTABLISH, MODIFY, OR  
25 ENFORCE A DUTY OF SUPPORT PRIOR TO A COURT PROCEEDING.

26 (3) ["demonstration site"] "DEMONSTRATION SITE" means the  
27 jurisdiction selected by the Secretary of Human Resources to compete against  
28 privatized jurisdictions in providing child support enforcement services.

1 (b) The Secretary shall establish a child support enforcement demonstration  
2 site in one jurisdiction for the purpose of competing against a privatized jurisdiction  
3 as established in § 10-119.1 of this subtitle.

4 (c) Notwithstanding any other provision of law, the Secretary shall appoint a  
5 director of child support services in the demonstration site who shall report directly to  
6 the Executive Director of the Child Support Enforcement Administration of the  
7 Department.

8 (d) Notwithstanding any other provision of law, the Secretary shall have sole  
9 authority over the child support enforcement functions in the demonstration site,  
10 including but not limited to:

- 11 (1) location of parents;
- 12 (2) establishing paternities;
- 13 (3) establishing child support orders;
- 14 (4) collecting and disbursing support payments;
- 15 (5) reviewing and modifying child support orders;
- 16 (6) enforcing support obligations;
- 17 (7) providing legal representation to clients; and
- 18 (8) establishing contractual agreements with private or public entities to  
19 provide child support services.

20 (e) Notwithstanding any other provision of law and for the purpose of carrying  
21 out the provisions of this section, the Secretary shall have the authority to sever  
22 contractual agreements with a State's Attorney and hire private counsel to provide  
23 legal representation for the Child Support Enforcement Administration.

24 (f) (1) Notwithstanding any other provision of law, all employees hired in  
25 the demonstration site after October 1, 1995 shall be in the management service or  
26 special appointments in the State Personnel Management System.

27 (2) If a position in the demonstration site is held by a classified service  
28 employee on September 30, 1995, the position remains a classified service position or  
29 its equivalent in the State Personnel Management System until the position becomes  
30 vacant, at which time the position shall become a management service or special  
31 appointment position.

32 (g) The Secretary shall establish a performance incentive program to provide  
33 pay incentives for employees in the demonstration site.

34 (H) (1) IF A COMPLAINT IS FILED TO ESTABLISH, MODIFY, OR ENFORCE A  
35 DUTY OF SUPPORT IN THE CIRCUIT COURT OF THE COUNTY IN WHICH THE

1 DEMONSTRATION SITE IS LOCATED, THE COURT MAY ORDER THE PARTIES TO  
2 APPEAR AND PRODUCE DOCUMENTS AT A CONCILIATION CONFERENCE.

3           (2)       IF A PARTY FAILS TO APPEAR OR PRODUCE THE REQUIRED  
4 DOCUMENTS AT A CONCILIATION CONFERENCE, THE DIRECTOR OF CHILD SUPPORT  
5 SERVICES FOR THE DEMONSTRATION SITE MAY APPLY, UPON AFFIDAVIT, TO THE  
6 COURT FOR A BODY ATTACHMENT.

7           (3)       IF A PARTY FAILS OR REFUSES TO OBEY A COURT ORDER TO APPEAR  
8 OR PRODUCE THE REQUIRED DOCUMENTS, THE COURT MAY ISSUE A BODY  
9 ATTACHMENT OR COMPEL COMPLIANCE IN ANY OTHER MANNER AVAILABLE TO THE  
10 COURT TO ENFORCE ITS OWN ORDER.

11       [(h)] (I) The powers of the Secretary to carry out the provisions of this section  
12 shall be construed liberally.

13       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
14 October 1, 1998.