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1999 Regular Session
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By: **Senators Hughes, Mitchell, and Forehand**
Introduced and read first time: February 5, 1999
Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 23, 1999

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CHAPTER_____

1 AN ACT concerning

2   **Child Support Enforcement - State Case Registry**

3 FOR the purpose of requiring the Child Support Enforcement Administration of the
4   Department of Human Resources to establish a State Case Registry containing
5   records for each child support order established or modified on or after a certain
6   date; authorizing the Administration to request certain information and
7   assistance from State agencies, political subdivisions, employers, and labor
8   unions; requiring the State Case Registry to include standardized data elements
9   and case status for certain cases and support orders; specifying the standardized
10   data elements; requiring the case record for certain cases to include certain
11   information; requiring certain case records to be updated and monitored on the
12   basis of certain information; requiring circuit court clerks to request, record, and
13   transmit to the State Case Registry identifying information on all ~~parties~~
14   persons involved in support orders established or modified on or after a certain
15   date; defining certain terms; and generally relating to the establishment and
16   maintenance of a State Case Registry.

17 ~~BY repealing~~
18   ~~Article - Family Law~~
19   ~~Section 12-105~~
20   ~~Annotated Code of Maryland~~
21   ~~(1999 Replacement Volume)~~

22 BY adding to
23   Article - Family Law
24   Section ~~12-105~~ 12-105.1
25   Annotated Code of Maryland

1   (1999 Replacement Volume)

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

4   **Article - Family Law**

5   [12-105.

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

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

13   (b)   In accordance with subsections (c) and (d) of this section, to carry out the
14 purposes of this section, the Child Support Enforcement Administration may receive
15 from any agency of this State, political subdivision of this State, employer, public
16 service company, energy provider, or labor union information and assistance that will
17 enable the Child Support Enforcement Administration, the local enforcement office,
18 or the State's Attorney for the county involved:

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

21   (2)   to enforce the liability of the parent for the support of a child of the
22 parent; or

23   (3)   to obtain other financial and location information concerning parents
24 and putative fathers needed by the Administration to carry out its responsibilities
25 under State and federal law.

26   (c)   (1)   Upon written request by the Child Support Enforcement
27 Administration, any agency of this State, political subdivision of this State, employer,
28 or labor union shall provide, if available, a person's:

29   (i)   Social Security account number;

30   (ii)   date of birth;

31   (iii)   last known residence or mailing address;

32   (iv)   present or last known employer;

33   (v)   length of employment;

34   (vi)   job classification;

1   (vii)   ~~name of person to be notified in case of emergency and the~~
2 ~~person's residence;~~

3   ~~(viii)   work hours;~~

4   ~~(ix)   amounts of wages or other assets; and~~

5   ~~(x)   medical insurance provider.~~

6   ~~(2)   As to individuals who were employed within the 3 years preceding a~~
7 ~~request for information by the Child Support Enforcement Administration, the State~~
8 ~~agency, political subdivision, employer, or labor union shall provide whatever~~
9 ~~information is available.~~

10   ~~(3)   (i)   Upon request and a showing of cause by the Child Support~~
11 ~~Enforcement Administration, a circuit court may issue an order requiring an~~
12 ~~employer or labor union to comply with a request for information under this section.~~

13   ~~(ii)   If an employer or labor union refuses to provide information~~
14 ~~from its employee or member files as required by an order by a circuit court issued~~
15 ~~under this paragraph, the employer or labor union shall be in contempt of court.~~

16   ~~(d)   (1)   In accordance with a subpoena issued by the Administration under §~~
17 ~~10-108.4 of this article, a public service company or energy provider shall provide, if~~
18 ~~available:~~

19   ~~(i)   a person's name and address; and~~

20   ~~(ii)   the name and address of the person's employer.~~

21   ~~(2)   If a public service company or energy provider fails to comply with a~~
22 ~~subpoena issued by the Administration, the Administration shall have available the~~
23 ~~remedies provided under § 10-108.4 of this article.~~

24   ~~(e)   An employer, public service company, energy provider, or labor union that~~
25 ~~complies with a request from the Administration made under this section is not liable~~
26 ~~under State law to any person for any:~~

27   ~~(1)   disclosure of information to the Administration under this section; or~~

28   ~~(2)   other action taken in good faith to comply with the requirements of~~
29 ~~this section.~~

30   ~~(f)   Any record compiled from information provided under this section shall be~~
31 ~~available only to:~~

32   ~~(1)   an authorized representative of this State or of a local department of~~
33 ~~this State; or~~

34   ~~(2)   a person who has a statutory right to the records in an official~~
35 ~~capacity.]~~

1   ~~12-105~~ <u>12-105.1</u>.

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

4   (2)   "ADMINISTRATION" MEANS THE CHILD SUPPORT ENFORCEMENT
5   ADMINISTRATION OF THE DEPARTMENT OF HUMAN RESOURCES.

6   (3)   "ADMINISTRATION CASE" MEANS A CASE IN WHICH CHILD SUPPORT
7   SERVICES ARE BEING PROVIDED BY THE ADMINISTRATION UNDER THE STATE PLAN
8   UNDER ~~42 U.S.C. § 654~~ <u>TITLE IV, PART D, OF THE SOCIAL SECURITY ACT</u>.

9   (B)   THE ADMINISTRATION SHALL ESTABLISH A STATE CASE REGISTRY ~~IN ITS~~
10 ~~CHILD SUPPORT ENFORCEMENT AUTOMATED SYSTEM~~ CONTAINING RECORDS FOR
11 EACH CHILD SUPPORT ORDER ESTABLISHED OR MODIFIED ON OR AFTER OCTOBER 1,
12 1998.

13   (C)   ~~TO CARRY OUT THE PURPOSES OF THIS SECTION, THE ADMINISTRATION~~
14 ~~MAY REQUEST FROM ANY AGENCY OF THIS STATE, ANY POLITICAL SUBDIVISION OF~~
15 ~~THIS STATE, ANY EMPLOYER, OR ANY LABOR UNION, INFORMATION AND ASSISTANCE~~
16 ~~THAT WILL ENABLE THE ADMINISTRATION, THE LOCAL ENFORCEMENT OFFICE, OR~~
17 ~~THE STATE'S ATTORNEY FOR THE COUNTY INVOLVED TO:~~

18   ~~(1)   LOCATE CUSTODIAL OR NONCUSTODIAL PARENTS;~~

19   ~~(2)   ENFORCE THE LIABILITY OF A NONCUSTODIAL PARENT FOR THE~~
20 ~~SUPPORT OF A CHILD OF THE NONCUSTODIAL PARENT; OR~~

21   ~~(3)   OBTAIN INFORMATION.~~

22   ~~(D)~~   (1)   THE STATE CASE REGISTRY SHALL INCLUDE STANDARDIZED DATA
23 ELEMENTS AND CASE STATUS FOR ADMINISTRATION CASES AND SUPPORT ORDERS
24 RECEIVED FROM THE COURTS.

25   (2)   THE STANDARDIZED DATA ELEMENTS FOR EACH CUSTODIAL AND
26 NONCUSTODIAL PARENT AND CHILD ASSOCIATED WITH AN ADMINISTRATION CASE
27 OR A SUPPORT ORDER RECEIVED FROM A COURT SHALL INCLUDE:

28   (I)   NAME;

29   (II)   SOCIAL SECURITY NUMBER OR OTHER UNIFORM
30 IDENTIFICATION NUMBER;

31   (III)   DATE OF BIRTH; AND

32   (IV)   ANY OTHER INFORMATION REQUIRED BY THE SECRETARY OF
33 HEALTH AND HUMAN SERVICES~~, SUCH AS CASE STATUS~~.

34   (3)   THE CASE RECORD FOR EACH ADMINISTRATION CASE IN THE STATE
35 CASE REGISTRY SHALL INCLUDE:

1   (I)   THE AMOUNT OF MONTHLY SUPPORT OR OTHER PERIODIC
2 SUPPORT OWED, AND OTHER AMOUNTS DUE~~, INCLUDING ARREARAGES, INTEREST~~
3 ~~OR LATE PAYMENTS, AND FEES~~;

4   (II)   ANY AMOUNTS COLLECTED;

5   (III)   THE DISTRIBUTION OF COLLECTED AMOUNTS;

6   (IV)   THE CHILD'S NAME AND DATE OF BIRTH;

7   (V)   BEGINNING NOT LATER THAN OCTOBER 1, 1999, THE CHILD'S
8 SOCIAL SECURITY NUMBER; AND

9   (VI)   THE AMOUNT OF ANY LIEN IMPOSED.

10   (4)   ADMINISTRATION CASE RECORDS SHALL BE UPDATED AND
11 MONITORED ON THE BASIS OF:

12   (I)   ADMINISTRATIVE ACTIONS;

13   (II)   ADMINISTRATIVE AND JUDICIAL PROCEEDINGS;

14   (III)   ORDERS RELATING TO PATERNITY AND SUPPORT;

15   (IV)   SHARING AND TRACKING OF INFORMATION OBTAINED FROM
16 COMPARISONS WITH FEDERAL, STATE, OR LOCAL SOURCES;

17   (V)   SUPPORT COLLECTIONS AND DISTRIBUTIONS; AND

18   (VI)   ANY OTHER RELEVANT INFORMATION.

19   ~~(E)~~   (D)   ~~CLERKS OF THE COURTS~~ THE CLERK OF EACH CIRCUIT COURT
20 SHALL REQUEST, RECORD, AND TRANSMIT TO THE STATE CASE REGISTRY
21 IDENTIFYING INFORMATION ON ALL ~~PARTIES~~ PERSONS INVOLVED IN SUPPORT
22 ORDERS ESTABLISHED OR MODIFIED ON OR AFTER OCTOBER 1, ~~1998~~ 1999.

23   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 July 1, 1999.