
By: **Delegate Branch**

Introduced and read first time: January 20, 2000

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Child Support - Modification of Award**

3 FOR the purpose of requiring the Child Support Enforcement Administration or a
4 local support enforcement office to inform a child support obligor of the obligor's
5 right to file for a modification of a child support award under certain
6 circumstances; and generally relating to the modification of a child support
7 award.

8 BY repealing and reenacting, with amendments,
9 Article - Family Law
10 Section 10-108
11 Annotated Code of Maryland
12 (1999 Replacement Volume and 1999 Supplement)

13 BY repealing and reenacting, without amendments,
14 Article - Family Law
15 Section 12-104
16 Annotated Code of Maryland
17 (1999 Replacement Volume and 1999 Supplement)

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

20 **Article - Family Law**

21 10-108.

22 (a) The Administration shall:

23 (1) coordinate a statewide program for support enforcement;

24 (2) maintain a central registry of records on absent parents as required
25 under § 12-105 of this article;

26 (3) locate absent parents;

1 (4) determine the ability of an absent parent to pay child support;

2 (5) accept assignment of right, title, or interest in child support made
3 under Article 88A, § 50(b)(2) of the Code;

4 (6) in any case in which an assignment is made under Article 88A, §
5 50(b)(2) of the Code, prosecute and maintain any legal or equitable action available to
6 establish each absent parent's obligation to pay child support;

7 (7) cooperate with other states in establishing and enforcing child
8 support obligations;

9 (8) collect and disburse support payments through the State
10 disbursement unit established under § 10-108.5 of this subtitle; and

11 (9) use established legal processes to enforce court orders to pay support.

12 (b) Except in a county that has a local support enforcement office, the
13 Administration is the agency that is responsible for support enforcement in all cases
14 where a court orders an obligor to make support payments to a public agency:

15 (1) as the payee; or

16 (2) as collection agent for the payee.

17 (c) (1) In this subsection, "notice of arrearage" means a written notice
18 provided by the Administration:

19 (i) to an obligor who is in arrears in making child support
20 payments; and

21 (ii) relating to the arrearage.

22 (2) If the Administration sends a notice of arrearage within the first 120
23 days that the obligor is in arrears in making child support payments, the
24 Administration shall include notice that continued arrearage may result in revocation
25 or denial of a license under § 10-119.3 of this subtitle.

26 (D) IN A CASE IN WHICH THE ADMINISTRATION OR A LOCAL SUPPORT
27 ENFORCEMENT OFFICE IS PROVIDING CHILD SUPPORT SERVICES, THE
28 ADMINISTRATION OR LOCAL SUPPORT ENFORCEMENT OFFICE SHALL INFORM A
29 CHILD SUPPORT OBLIGOR OF THE OBLIGOR'S RIGHT TO FILE A MOTION FOR
30 MODIFICATION OF A CHILD SUPPORT AWARD UNDER § 12-104 OF THIS ARTICLE UPON
31 A SHOWING OF A MATERIAL CHANGE OF CIRCUMSTANCE, INCLUDING A MATERIAL
32 CHANGE IN THE OBLIGOR'S FINANCIAL CONDITION, SINCE THE ENTRY OF THE
33 ORIGINAL AWARD.

34 12-104.

35 (a) The court may modify a child support award subsequent to the filing of a
36 motion for modification and upon a showing of a material change of circumstance.

1 (b) The court may not retroactively modify a child support award prior to the
2 date of the filing of the motion for modification.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2000.