

SENATE BILL 38

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2000 Regular Session
0lr0032

(PRE-FILED)

By: **Chairman, Judicial Proceedings Committee (Departmental - Human Resources)**

Requested: November 15, 1999

Introduced and read first time: January 12, 2000

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Child Support Enforcement - Conciliation Conferences**

3 FOR the purpose of authorizing the Child Support Enforcement Privatization Pilot
4 Program and any demonstration site to conduct conciliation conferences;
5 authorizing a court to order parties in an action to enforce or modify a duty of
6 support to appear and produce documents at a conciliation conference conducted
7 by the Pilot Program or a demonstration site; authorizing the Pilot Program or
8 a demonstration site to apply to a court for a body attachment if a party fails to
9 appear or fails to produce documents at a conciliation conference; authorizing a
10 court to issue a body attachment or compel compliance when a party fails to
11 appear or produce documents at a conciliation conference; defining certain
12 terms; and generally relating to conciliation conferences conducted by the Pilot
13 Program and demonstration sites.

14 BY repealing and reenacting, with amendments,
15 Article - Family Law
16 Section 10-119.1 and 10-119.2
17 Annotated Code of Maryland
18 (1999 Replacement Volume and 1999 Supplement)

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

21 **Article - Family Law**

22 10-119.1.

23 (a) IN THIS SECTION, "CONCILIATION CONFERENCE" MEANS A CONFERENCE
24 CONDUCTED AT A SITE DESIGNATED BY THE PILOT PROGRAM ESTABLISHED UNDER
25 SUBSECTION (B) OF THIS SECTION TO PROVIDE AN OPPORTUNITY FOR THE PARTIES
26 TO RESOLVE ISSUES ASSOCIATED WITH AN ACTION TO MODIFY OR ENFORCE A DUTY
27 OF SUPPORT PRIOR TO GOING TO A COURT PROCEEDING.

1 (B) (1) Notwithstanding § 13-405 of the State Personnel and Pensions
2 Article, there is a Child Support Enforcement Privatization Pilot Program within the
3 Department.

4 (2) The Pilot Program shall operate in Baltimore City and Queen Anne's
5 County.

6 [(b)] (C) The purpose of the Pilot Program is to authorize the Secretary of the
7 Department to enter into contracts with private companies to privatize all aspects of
8 child support enforcement functions of the Department, including:

9 (1) locating absent parents;

10 (2) establishing paternities;

11 (3) establishing support orders;

12 (4) collecting and disbursing support payments;

13 (5) reviewing and modifying child support orders; and

14 (6) except for legal representation in accordance with § 10-115 of the
15 Family Law Article and as otherwise provided by law, enforcing support obligations.

16 [(c)] (D) Subject to subsection [(g)] (H) of this section, the Secretary shall:

17 (1) adopt regulations that:

18 (i) require the transfer of all aspects of child support enforcement
19 to one or more private contractors by November 1, 1996;

20 (ii) provide for the reimbursement of any private contractor;

21 (iii) prohibit the cost of transferring child support enforcement to
22 private contractors as defined in item (ii) of this paragraph from exceeding the fiscal
23 year 1995 administrative cost per child support dollar collected by the Child Support
24 Enforcement Administration in the Pilot Program areas;

25 (iv) require any private contractor to offer employment upon terms
26 deemed by the Secretary to be fair and equitable to any former State employees
27 working for an existing contractor who are affected by the transfer of child support
28 enforcement responsibilities under this section and to retain any employees who
29 accept the offer:

30 1. for the duration of the Pilot Program unless there is cause
31 for dismissal; and

32 2. at a salary and benefit level comparable to the salary and
33 benefits to which they were entitled at the time of the transfer;

1 (v) require any private contractor to adopt a grievance procedure
2 for employees who are retained by the private contractor under item (iv) of this item;
3 and

4 (vi) prohibit the reimbursement of any private contractor from child
5 support collections; and

6 (2) assist an employee who declines an offer of employment with a
7 private contractor to identify a comparable position in the State Personnel
8 Management System to which the employee may transfer.

9 [(d)] (E) A request for proposal to transfer child support collection activities
10 issued under this section shall:

11 (1) comply with the provisions of Division II of the State Finance and
12 Procurement Article;

13 (2) set forth the goals of the privatization; and

14 (3) specify the incentives which will be available to the contractor.

15 [(e)] (F) (1) On or before October 1, 1996, and annually thereafter, the
16 Secretary shall report to the Governor and, subject to § 2-1246 of the State
17 Government Article, the General Assembly on the operation and performance of the
18 Pilot Program.

19 (2) The report shall assess the Pilot Program for its effectiveness and
20 success in enhancing child support collection through the privatization of child
21 support enforcement in Baltimore City and Queen Anne's County in the State.

22 (3) The Secretary shall include in the report the plans for improving the
23 effectiveness and success of the Pilot Program in achieving the objective.

24 [(f)] (G) The Secretary shall adopt any other regulations necessary to carry
25 out the provisions of this section.

26 [(g)] (H) A former State employee who declines an offer of employment with a
27 private contractor under this section shall be considered laid off and shall be entitled
28 to all rights specified under Title 11, Subtitle 2 of the State Personnel and Pensions
29 Article.

30 (I) IN ACCORDANCE WITH SUBSECTION (J) OF THIS SECTION, THE PILOT
31 PROGRAM MAY CONDUCT A CONCILIATION CONFERENCE.

32 (J) (1) IF A COMPLAINT IS FILED TO MODIFY OR ENFORCE A DUTY OF
33 SUPPORT IN A CIRCUIT COURT OF THE JURISDICTION IN WHICH THE PILOT
34 PROGRAM IS LOCATED, THE COURT MAY ISSUE A WRIT OF SUMMONS TO ORDER THE
35 PARTIES TO APPEAR AND TO PRODUCE DOCUMENTS AT A CONCILIATION
36 CONFERENCE.

1 (2) IF A PARTY FAILS TO APPEAR OR FAILS TO PRODUCE THE
2 DOCUMENTS REQUIRED UNDER THIS SUBSECTION, THE PILOT PROGRAM MAY APPLY,
3 UPON AFFIDAVIT, TO THE COURT FOR A BODY ATTACHMENT.

4 (3) IF A PARTY FAILS OR REFUSES TO OBEY A COURT ORDER TO APPEAR
5 OR PRODUCE THE DOCUMENTS REQUIRED UNDER THIS SUBSECTION AT A
6 CONCILIATION CONFERENCE, THE COURT MAY ISSUE A BODY ATTACHMENT OR
7 COMPEL COMPLIANCE IN ANY OTHER MANNER AVAILABLE TO THE COURT TO
8 ENFORCE ITS ORDER.

9 10-119.2.

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

12 (2) "CONCILIATION CONFERENCE" MEANS A CONFERENCE CONDUCTED
13 AT ANY DEMONSTRATION SITE TO PROVIDE AN OPPORTUNITY FOR THE PARTIES TO
14 RESOLVE ISSUES ASSOCIATED WITH AN ACTION TO MODIFY OR ENFORCE A DUTY OF
15 SUPPORT PRIOR TO GOING TO A COURT PROCEEDING.

16 (3) ["demonstration] "DEMONSTRATION site" means [the] ANY
17 jurisdiction selected by the Secretary of Human Resources, in consultation with the
18 director of the local department of social services in the jurisdiction, to compete
19 against privatized jurisdictions in providing child support enforcement services.

20 (b) The Secretary shall establish a child support enforcement demonstration
21 site in at least one but not more than six jurisdictions for the purpose of competing
22 against a privatized jurisdiction as established in § 10-119.1 of this subtitle.

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

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

30 (1) location of parents;

31 (2) establishing paternities;

32 (3) establishing child support orders;

33 (4) collecting and disbursing support payments;

34 (5) reviewing and modifying child support orders;

35 (6) enforcing support obligations;

1 (7) providing legal representation to [clients] THE ADMINISTRATION;
2 and

3 (8) establishing contractual agreements with private or public entities to
4 provide child support services.

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

9 (f) (1) Notwithstanding any other provision of law, all employees hired in a
10 demonstration site after its designation as a demonstration site shall be in the
11 management service or special appointments in the State Personnel Management
12 System.

13 (2) If a position in a demonstration site is held by a classified service
14 employee prior to its designation as a demonstration site, the position remains a
15 classified service position or its equivalent in the State Personnel Management
16 System until the position becomes vacant, at which time the position shall become a
17 management service or special appointment position.

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

20 (H) IN ACCORDANCE WITH SUBSECTION (I) OF THIS SECTION, A
21 DEMONSTRATION SITE MAY CONDUCT A CONCILIATION CONFERENCE.

22 (I) (1) IF A COMPLAINT IS FILED TO MODIFY OR ENFORCE A DUTY OF
23 SUPPORT IN A CIRCUIT COURT OF THE JURISDICTION IN WHICH A DEMONSTRATION
24 SITE IS LOCATED, THE COURT MAY ISSUE A WRIT OF SUMMONS TO ORDER THE
25 PARTIES TO APPEAR AND TO PRODUCE DOCUMENTS AT A CONCILIATION
26 CONFERENCE.

27 (2) IF A PARTY FAILS TO APPEAR OR FAILS TO PRODUCE THE
28 DOCUMENTS REQUIRED UNDER THIS SUBSECTION, THE DEMONSTRATION SITE MAY
29 APPLY, UPON AFFIDAVIT, TO THE COURT FOR A BODY ATTACHMENT.

30 (3) IF A PARTY FAILS OR REFUSES TO OBEY A COURT ORDER TO APPEAR
31 OR PRODUCE THE DOCUMENTS REQUIRED UNDER THIS SUBSECTION AT A
32 CONCILIATION CONFERENCE, THE COURT MAY ISSUE A BODY ATTACHMENT OR
33 COMPEL COMPLIANCE IN ANY OTHER MANNER AVAILABLE TO THE COURT TO
34 ENFORCE ITS ORDER.

35 [(h)] (J) The powers of the Secretary to carry out the provisions of this section
36 shall be construed liberally.

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