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By: Delegates Montague, Menes, Cole, Petzold, and Gladden

Introduced and read first time: February 9, 2001

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 Family Law - Child and Spousal Support - Earnings Withholding

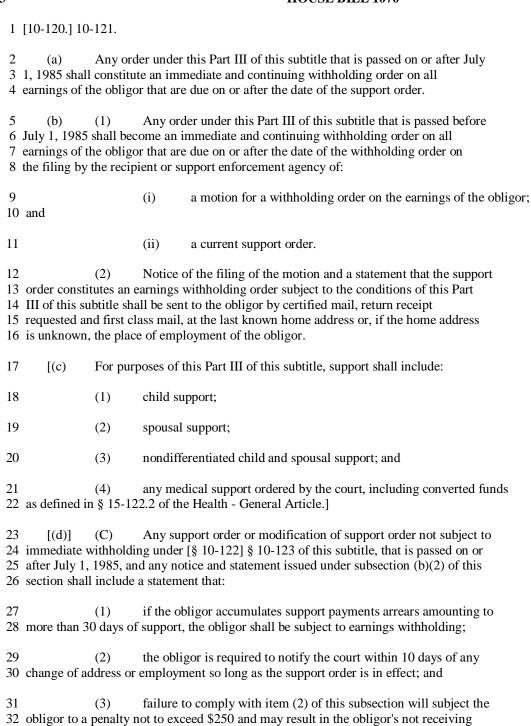
3 FOR the purpose of authorizing the Child Support Enforcement Administra	ration to
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- 4 serve an earnings withholding notice on an employer of an obligor under certain
- 5 circumstances; altering provisions relating to the amount of earnings
- 6 withholding under an earnings withholding order or earnings withholding
- 7 notice; altering provisions relating to the right of an obligor to contest an
- 8 earnings withholding notice; establishing a certain criminal offense and
- 9 imposing a certain penalty; altering the circumstances under which a court may
- terminate earnings withholding; requiring the Administration to notify an
- employer to terminate earnings withholding under certain circumstances;
- making certain conforming changes; defining certain terms; and generally
- relating to support enforcement and earnings withholding.

14 BY renumbering

- 15 Article Family Law
- 16 Section 10-124, 10-128, 10-129, 10-130, 10-133, 10-135, and 10-136,
- 17 respectively
- 18 to be Section 10-126, 10-130, 10-131, 10-132, 10-135, 10-137, and 10-138,
- 19 respectively
- 20 Annotated Code of Maryland
- 21 (1999 Replacement Volume and 2000 Supplement)
- 22 BY repealing and reenacting, with amendments,
- 23 Article Family Law
- 24 Section 10-120, 10-121, 10-122, 10-122.1, 10-123, 10-125, 10-126, 10-127,
- 25 10-131, 10-132, and 10-134
- 26 Annotated Code of Maryland
- 27 (1999 Replacement Volume and 2000 Supplement)
- 28 BY adding to
- 29 Article Family Law
- 30 Section 10-120

- 1 Annotated Code of Maryland
- 2 (1999 Replacement Volume and 2000 Supplement)
- 3 BY repealing and reenacting, without amendments,
- 4 Article Family Law
- 5 Section 10-301(x)
- 6 Annotated Code of Maryland
- 7 (1999 Replacement Volume and 2000 Supplement)
- 8 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
- 9 MARYLAND, That Section(s) 10-124, 10-128, 10-129, 10-130, 10-133, 10-135, and
- 10 10-136, respectively, of Article Family Law of the Annotated Code of Maryland be
- 11 renumbered to be Section(s) 10-126, 10-130, 10-131, 10-132, 10-135, 10-137, and
- 12 10-138, respectively.
- 13 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
- 14 read as follows:
- 15 Article Family Law
- 16 10-120.
- 17 (A) IN THIS PART III OF THIS SUBTITLE THE FOLLOWING WORDS HAVE THE 18 MEANINGS INDICATED.
- 19 (B) "EARNINGS WITHHOLDING NOTICE" MEANS A NOTICE IN A FORMAT
- 20 PRESCRIBED BY FEDERAL LAW ISSUED BY THE ADMINISTRATION TO AN EMPLOYER
- 21 REQUIRING THE EMPLOYER TO DEDUCT SUPPORT PAYMENTS FROM THE EARNINGS
- 22 OF AN OBLIGOR.
- 23 (C) "EARNINGS WITHHOLDING ORDER" MEANS AN ORDER IN A FORMAT
- 24 PRESCRIBED BY FEDERAL LAW ISSUED BY A TRIBUNAL TO AN EMPLOYER REQUIRING
- 25 THE EMPLOYER TO DEDUCT SUPPORT PAYMENTS FROM THE EARNINGS OF AN
- 26 OBLIGOR.
- 27 (D) "SUPPORT" INCLUDES:
- 28 (1) CHILD SUPPORT;
- 29 (2) SPOUSAL SUPPORT;
- 30 (3) NONDIFFERENTIATED CHILD AND SPOUSAL SUPPORT; AND
- 31 (4) ANY MEDICAL SUPPORT ORDERED BY THE COURT, INCLUDING
- 32 CONVERTED FUNDS AS DEFINED IN § 15-122.2 OF THE HEALTH GENERAL ARTICLE.
- 33 (E) "TRIBUNAL" HAS THE MEANING STATED IN § 10-301(X) OF THIS TITLE.



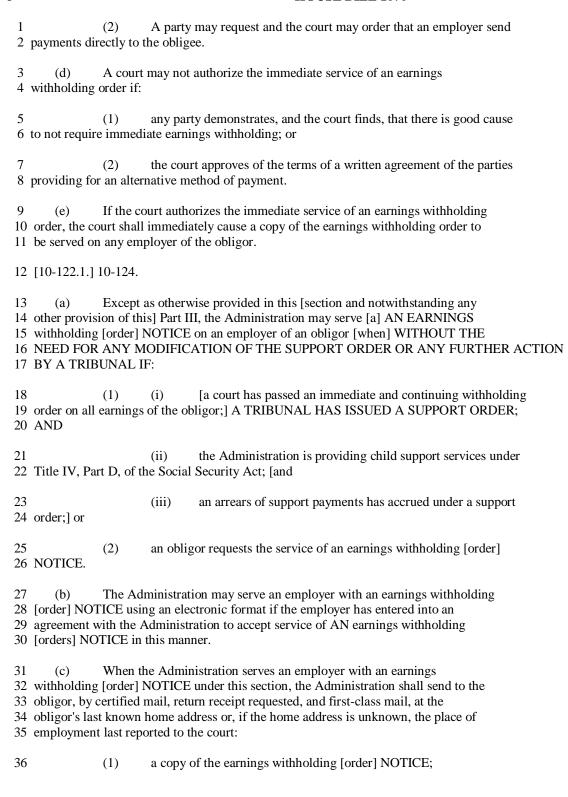
34 [10-121.] 10-122.

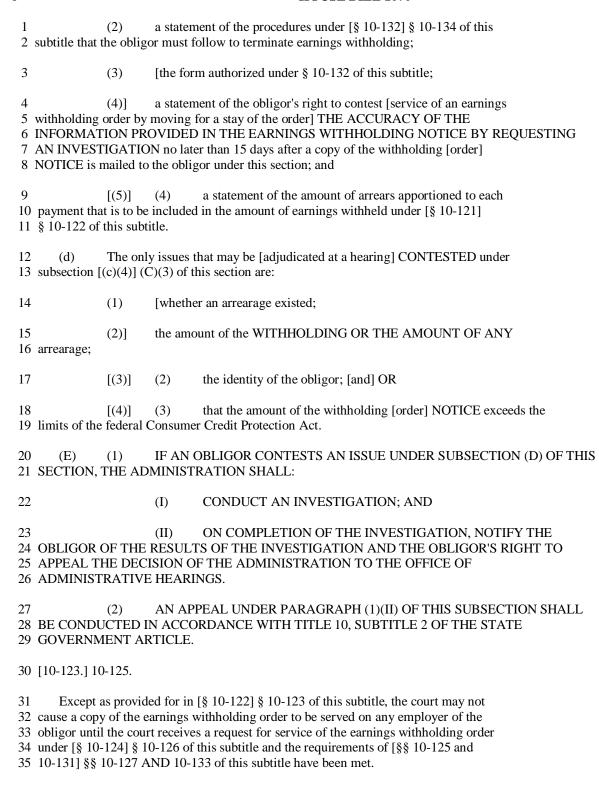
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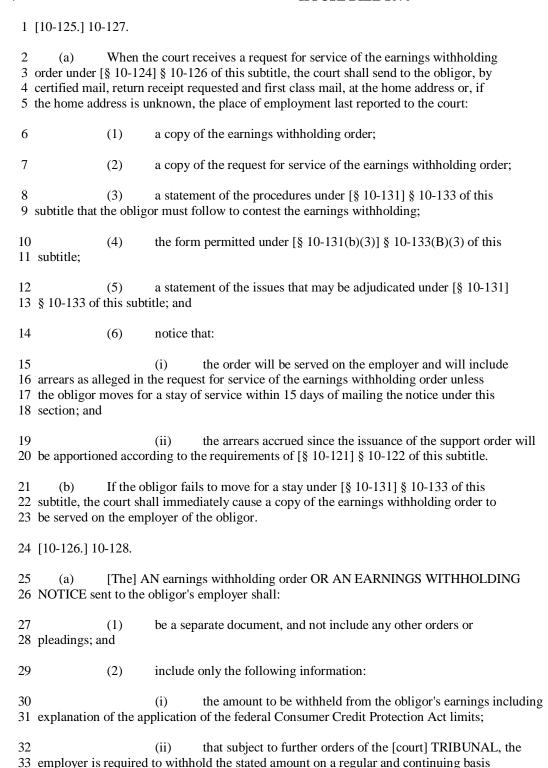
(a) The amount of the earnings withholding shall:

33 notice of proceedings for earnings withholding.

1 2	(1) payments required by		gh to pay the support and any arrearage included in the ort order; and				
3	(2)	include	any arrearage accrued since the support order.				
6		ırrearage	When arrearages under subsection (a)(2) of this section are part ler OR EARNINGS WITHHOLDING NOTICE, [the court withheld SHALL BE in [1] ONE lump-sum payment f time.				
	SUBPARAGRAPH (OR THE ADMINIS		THE AMOUNT OF THE ARREARAGE WITHHELD UNDER IIS PARAGRAPH SHALL BE DETERMINED BY THE TRIBUNAL N.				
13 14	current support paym	payment nent] CO	ount of arrears under subsection (a)(2) of this section [shall be at least 10% but not more than 25% of the MBINED WITH THE CURRENT SUPPORT OBLIGATION IMITS OF THE FEDERAL CONSUMER CREDIT PROTECTION				
16	[10-122.] 10-123.						
	7 (a) Except as otherwise provided for in this section and notwithstanding any 8 other provision of this Part III, a court shall immediately authorize service of an 9 earnings withholding order when:						
20 21	(1) after April 9, 1991;	(i)	a support order or modification of support order is passed on or				
22		(ii)	a case is being enforced by a support enforcement agency; and				
23 24	an earnings withhold	(iii) ling order	the recipient or support enforcement agency requests service of ; or				
25 26	(2) earnings withholding		artment of Health and Mental Hygiene requests service of an r court ordered medical support.				
29	Except as provided in subsection (d) of this section, for all child support orders that are initially issued in the State on or after January 1, 1994, regardless of whether child support payments are in arrears, a court shall immediately authorize service of an earnings withholding order on the effective date of the order.						
	(c) (1) orders immediate ser the court shall order	vice of a	as provided in paragraph (2) of this subsection, when a court n earnings withholding order on or after July 1, 1994, s:				
34		(i)	through a support enforcement agency; or				
35		(ii)	directly to the obligee's bank account.				



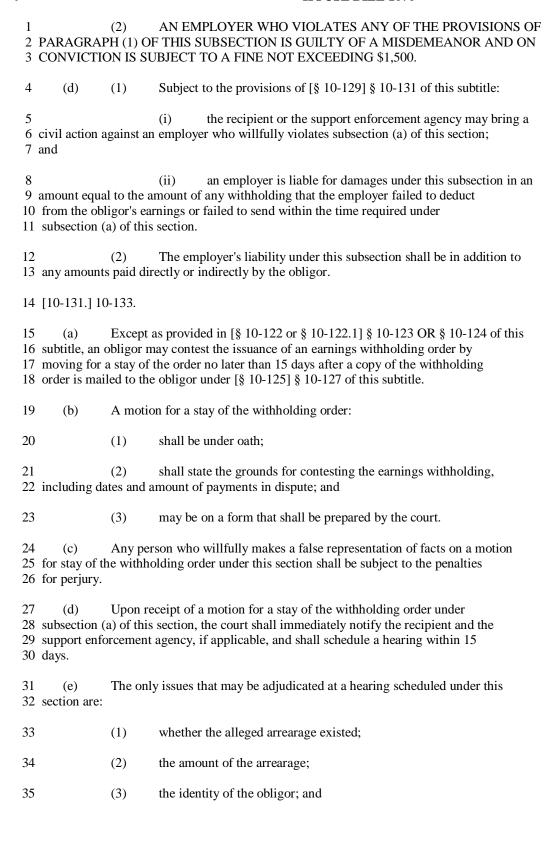


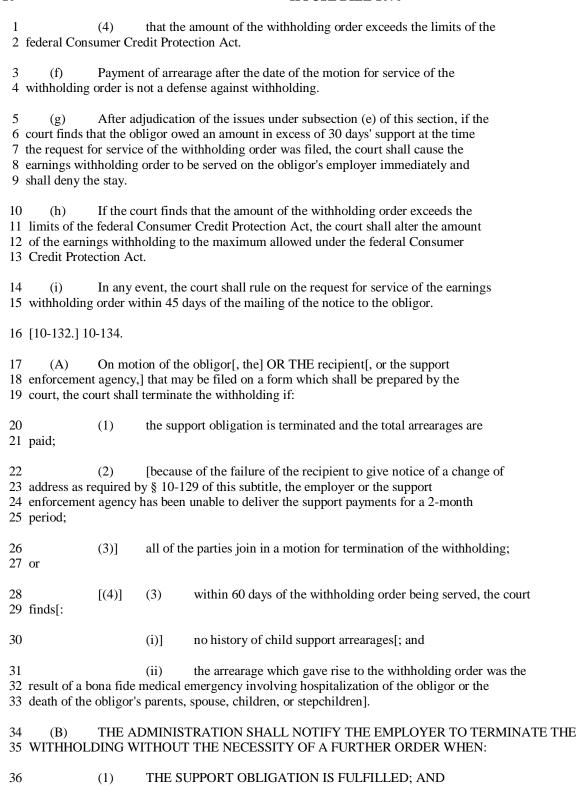


34 commencing on the beginning of the next pay period after receipt of the EARNINGS

35 WITHHOLDING order OR THE EARNINGS WITHHOLDING NOTICE;

				that the employer may deduct and retain from the employee's ach deduction made under the EARNINGS ARNINGS WITHHOLDING NOTICE;				
	[support enfo DISBURSEN			that the net amount withheld is to be sent promptly to the or to the recipient as specified in the order] STATE				
7 8	the earnings	withhold	(v) ing order	any other information that the employer needs to comply with OR EARNINGS WITHHOLDING NOTICE.				
		each pres	ent and fi	holding order OR EARNINGS WITHHOLDING NOTICE is uture employer of the obligor on whom a copy of the G order OR EARNINGS WITHHOLDING NOTICE is served.				
	2 (c) Subject to federal law, an earnings withholding order OR EARNINGS 3 WITHHOLDING NOTICE under this Part III of this subtitle has priority over any other 4 lien or legal process.							
17	The copy of the earnings withholding order OR EARNINGS WITHHOLDING NOTICE served on the employer of the obligor shall contain a statement that upon willful violation of the EARNINGS WITHHOLDING order OR EARNINGS WITHHOLDING NOTICE the employer shall be subject to civil penalties.							
19	9 [10-127.] 10-129.							
	20 (a) On receipt of a copy of an earnings withholding order OR EARNINGS 21 WITHHOLDING NOTICE an employer shall, beginning with the next pay period after 22 receipt of the EARNINGS WITHHOLDING order OR EARNINGS WITHHOLDING NOTICE:							
23 24	a regular bas	(1) sis; and	deduct t	he amount of the withholding from the obligor's earnings on				
27	25 (2) send the deducted net amount directly to the support enforcement 26 agency or the recipient, as specified in the EARNINGS WITHHOLDING order OR 27 EARNINGS WITHHOLDING NOTICE, within 7 days not including Saturday, Sunday, or 28 a legal holiday after the day on which the earnings are paid to the obligor.							
	9 (b) An employer may deduct and retain from the obligor's wages an additional 0 \$2 for each deduction made under the EARNINGS WITHHOLDING order OR EARNINGS 1 WITHHOLDING NOTICE.							
32	(c)	(1)	An emp	loyer may not use the withholding as a basis for:				
33		[(1)]	(I)	reprisal against the obligor;				
34		[(2)]	(II)	dismissal of the obligor from employment; or				
35		[(3)]	(III)	refusal to hire or to promote the obligor.				





- 1 (2) NO ARREARAGE EXISTS.
- 2 [10-134.] 10-136.
- 3 (a) Support orders issued out of State shall be enforced in the same manner 4 under this Part III of this subtitle as support orders issued in this State.
- 5 (b) A recipient of an out-of-state support order may file a request for service 6 of an earnings withholding order under [§ 10-124] § 10-126 of this subtitle by 7 submitting the information required under [§ 10-124] § 10-126 of this subtitle, and a 8 certified support order or a support order registered in this State.
- 9 (c) (1) A recipient of an out-of-state support order may request that the 10 support enforcement agency file with the court a request for service of an earnings
- 11 withholding order under [§ 10-124] § 10-126 of this subtitle by submitting a request
- 12 for service, a certified support order, and a statement of arrears under oath.
- 13 (2) A request under this subsection may be submitted by the recipient or 14 a support enforcement agency.
- 15 10-301.
- 16 (x) "Tribunal" means a court, administrative agency, or quasi-judicial entity 17 authorized to establish, enforce, or modify support orders or to determine parentage.
- SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 19 October 1, 2001.