
By: **Delegates R. Baker, Rawlings, and Patterson**
Introduced and read first time: February 9, 2001
Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Department of Human Resources - Welfare and Child Support Enforcement**
3 **Innovation Act of 2001**

4 FOR the purpose of designating Prince George's County as an additional site for the
5 Child Support Enforcement Privatization Pilot Program; requiring a private
6 contractor participating in the Pilot Program to offer employment to former
7 county employees working for an existing contractor or county agency who are
8 affected by the transfer of certain child support enforcement responsibilities;
9 providing that certain county employees who decline an offer of employment
10 with a private contractor participating in the Pilot Program shall be considered
11 laid off and shall be entitled to all rights specified under the applicable county
12 personnel code; extending the duration of the Pilot Program for a certain period
13 with respect to Prince George's County; providing for the termination of certain
14 provisions of this Act; and generally relating to the Child Support Enforcement
15 Privatization Pilot Program.

16 BY repealing and reenacting, with amendments,
17 Article - Family Law
18 Section 10-119.1
19 Annotated Code of Maryland
20 (1999 Replacement Volume and 2000 Supplement)

21 BY adding to
22 Article - Family Law
23 Section 10-119.1
24 Annotated Code of Maryland
25 (1999 Replacement Volume and 2000 Supplement)

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
27 MARYLAND, That the Laws of Maryland read as follows:
28 **Article - Family Law**

29 10-119.1.

30 (a) In this section, "conciliation conference" means a conference conducted at a
31 site designated by the Pilot Program established under subsection (b) of this section
32 to provide an opportunity for the parties to resolve issues associated with an action to
33 modify or enforce a duty of support prior to going to a court proceeding.

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

37 (2) The Pilot Program shall operate in Baltimore City, PRINCE GEORGE'S
38 COUNTY, and Queen Anne's County.

39 (c) The purpose of the Pilot Program is to authorize the Secretary of the
40 Department to enter into contracts with private companies to privatize all aspects of
41 child support enforcement functions of the Department, including:

- 42 (1) locating absent parents;
- 43 (2) establishing paternities;
- 44 (3) establishing support orders;
- 45 (4) collecting and disbursing support payments;
- 46 (5) reviewing and modifying child support orders; and
- 47 (6) except for legal representation in accordance with § 10-115 of the
48 Family Law Article and as otherwise provided by law, enforcing support obligations.
- 49 (d) Subject to subsection (h) of this section, the Secretary shall:
- 50 (1) adopt regulations that:
- 51 (i) require the transfer of all aspects of child support enforcement
52 to one or more private contractors by November 1, 1996 IN BALTIMORE CITY AND
53 QUEEN ANNE'S COUNTY AND DECEMBER 31, 2001 IN PRINCE GEORGE'S COUNTY;
- 54 (ii) provide for the reimbursement of any private contractor;
- 55 (iii) prohibit the cost of transferring child support enforcement to
56 private contractors as defined in item (ii) of this paragraph from exceeding the fiscal
57 year 1995 administrative cost per child support dollar collected by the Child Support
58 Enforcement Administration in the Pilot Program areas;
- 59 (iv) require any private contractor to offer employment upon terms
60 deemed by the Secretary to be fair and equitable to any former State OR COUNTY
61 employees working for an existing contractor OR COUNTY AGENCY who are affected

1 by the transfer of child support enforcement responsibilities under this section and to
2 retain any employees who accept the offer:

3 1. for the duration of the Pilot Program unless there is cause
4 for dismissal; and

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

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

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

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

15 (e) A request for proposal to transfer child support collection activities issued
16 under this section shall:

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

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

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

21 (f) (1) On or before October 1, 1996, and annually thereafter, the Secretary
22 shall report to the Governor and, subject to § 2-1246 of the State Government Article,
23 the General Assembly on the operation and performance of the Pilot Program.

24 (2) The report shall assess the Pilot Program for its effectiveness and
25 success in enhancing child support collection through the privatization of child
26 support enforcement in Baltimore City, PRINCE GEORGE'S COUNTY, and Queen Anne's
27 County in the State.

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

30 (g) The Secretary shall adopt any other regulations necessary to carry out the
31 provisions of this section.

32 (h) A former State OR COUNTY employee who declines an offer of employment
33 with a private contractor under this section shall be considered laid off and shall be
34 entitled to all rights specified under Title 11, Subtitle 2 of the State Personnel and
35 Pensions Article OR APPLICABLE COUNTY PERSONNEL CODE.

1 (i) In accordance with subsection (j) of this section, the Pilot Program may
2 conduct a conciliation conference.

3 (j) (1) If a complaint is filed to modify or enforce a duty of support in the
4 circuit court of a jurisdiction in which the Pilot Program is located, the court may
5 issue a writ of summons to order the parties to appear and to produce documents at a
6 conciliation conference.

7 (2) If a party fails to appear or fails to produce the documents required
8 under this subsection, a representative of the Pilot Program may apply, upon
9 affidavit, to the court for a body attachment.

10 (3) If a party fails or refuses to obey a court order to appear or produce
11 the documents required under this subsection at a conciliation conference, the court
12 may issue a body attachment or compel compliance in any other manner available to
13 the court to enforce its order.

14 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
15 read as follows:

16 **Article - Family Law**

17 10-119.1.

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

23 (B) (1) NOTWITHSTANDING § 13-405 OF THE STATE PERSONNEL AND
24 PENSIONS ARTICLE, THERE IS A CHILD SUPPORT ENFORCEMENT PRIVATIZATION
25 PILOT PROGRAM WITHIN THE DEPARTMENT.

26 (2) THE PILOT PROGRAM SHALL OPERATE IN BALTIMORE CITY, PRINCE
27 GEORGE'S COUNTY, AND QUEEN ANNE'S COUNTY.

28 (C) THE PURPOSE OF THE PILOT PROGRAM IS TO AUTHORIZE THE SECRETARY
29 OF THE DEPARTMENT TO ENTER INTO CONTRACTS WITH PRIVATE COMPANIES TO
30 PRIVATIZE ALL ASPECTS OF CHILD SUPPORT ENFORCEMENT FUNCTIONS OF THE
31 DEPARTMENT, INCLUDING:

32 (1) LOCATING ABSENT PARENTS;

33 (2) ESTABLISHING PATERNITIES;

34 (3) ESTABLISHING SUPPORT ORDERS;

35 (4) COLLECTING AND DISBURSING SUPPORT PAYMENTS;

1 (5) REVIEWING AND MODIFYING CHILD SUPPORT ORDERS; AND

2 (6) EXCEPT FOR LEGAL REPRESENTATION IN ACCORDANCE WITH §
3 10-115 OF THIS SUBTITLE AND AS OTHERWISE PROVIDED BY LAW, ENFORCING
4 SUPPORT OBLIGATIONS.

5 (D) SUBJECT TO SUBSECTION (H) OF THIS SECTION, THE SECRETARY SHALL:

6 (1) ADOPT REGULATIONS THAT:

7 (I) REQUIRE THE TRANSFER OF ALL ASPECTS OF CHILD SUPPORT
8 ENFORCEMENT TO ONE OR MORE PRIVATE CONTRACTORS BY DECEMBER 31, 2001;

9 (II) PROVIDE FOR THE REIMBURSEMENT OF ANY PRIVATE
10 CONTRACTOR;

11 (III) PROHIBIT THE COST OF TRANSFERRING CHILD SUPPORT
12 ENFORCEMENT TO PRIVATE CONTRACTORS AS DEFINED IN ITEM (II) OF THIS
13 PARAGRAPH FROM EXCEEDING THE FISCAL YEAR 1995 ADMINISTRATIVE COST PER
14 CHILD SUPPORT DOLLAR COLLECTED BY THE CHILD SUPPORT ENFORCEMENT
15 ADMINISTRATION IN THE PILOT PROGRAM AREAS;

16 (IV) REQUIRE ANY PRIVATE CONTRACTOR TO OFFER EMPLOYMENT
17 UPON TERMS DEEMED BY THE SECRETARY TO BE FAIR AND EQUITABLE TO ANY
18 FORMER STATE OR COUNTY EMPLOYEES WORKING FOR AN EXISTING CONTRACTOR
19 OR COUNTY AGENCY WHO ARE AFFECTED BY THE TRANSFER OF CHILD SUPPORT
20 ENFORCEMENT RESPONSIBILITIES UNDER THIS SECTION AND TO RETAIN ANY
21 EMPLOYEES WHO ACCEPT THE OFFER:

22 1. FOR THE DURATION OF THE PILOT PROGRAM UNLESS
23 THERE IS CAUSE FOR DISMISSAL; AND

24 2. AT A SALARY AND BENEFIT LEVEL COMPARABLE TO THE
25 SALARY AND BENEFITS TO WHICH THEY WERE ENTITLED AT THE TIME OF THE
26 TRANSFER;

27 (V) REQUIRE ANY PRIVATE CONTRACTOR TO ADOPT A GRIEVANCE
28 PROCEDURE FOR EMPLOYEES WHO ARE RETAINED BY THE PRIVATE CONTRACTOR
29 UNDER ITEM (IV) OF THIS ITEM; AND

30 (VI) PROHIBIT THE REIMBURSEMENT OF ANY PRIVATE
31 CONTRACTOR FROM CHILD SUPPORT COLLECTIONS; AND

32 (2) ASSIST AN EMPLOYEE WHO DECLINES AN OFFER OF EMPLOYMENT
33 WITH A PRIVATE CONTRACTOR TO IDENTIFY A COMPARABLE POSITION IN THE STATE
34 PERSONNEL MANAGEMENT SYSTEM TO WHICH THE EMPLOYEE MAY TRANSFER.

35 (E) A REQUEST FOR PROPOSAL TO TRANSFER CHILD SUPPORT COLLECTION
36 ACTIVITIES ISSUED UNDER THIS SECTION SHALL:

1 (1) COMPLY WITH THE PROVISIONS OF DIVISION II OF THE STATE
2 FINANCE AND PROCUREMENT ARTICLE;

3 (2) SET FORTH THE GOALS OF THE PRIVATIZATION; AND

4 (3) SPECIFY THE INCENTIVES WHICH WILL BE AVAILABLE TO THE
5 CONTRACTOR.

6 (F) (1) ON OR BEFORE OCTOBER 1, 2001, AND ANNUALLY THEREAFTER, THE
7 SECRETARY SHALL REPORT TO THE GOVERNOR AND, SUBJECT TO § 2-1246 OF THE
8 STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON THE OPERATION AND
9 PERFORMANCE OF THE PILOT PROGRAM.

10 (2) THE REPORT SHALL ASSESS THE PILOT PROGRAM FOR ITS
11 EFFECTIVENESS AND SUCCESS IN ENHANCING CHILD SUPPORT COLLECTION
12 THROUGH THE PRIVATIZATION OF CHILD SUPPORT ENFORCEMENT IN PRINCE
13 GEORGE'S COUNTY.

14 (3) THE SECRETARY SHALL INCLUDE IN THE REPORT THE PLANS FOR
15 IMPROVING THE EFFECTIVENESS AND SUCCESS OF THE PILOT PROGRAM IN
16 ACHIEVING THE OBJECTIVE.

17 (G) THE SECRETARY SHALL ADOPT ANY OTHER REGULATIONS NECESSARY TO
18 CARRY OUT THE PROVISIONS OF THIS SECTION.

19 (H) A FORMER STATE OR COUNTY EMPLOYEE WHO DECLINES AN OFFER OF
20 EMPLOYMENT WITH A PRIVATE CONTRACTOR UNDER THIS SECTION SHALL BE
21 CONSIDERED LAID OFF AND SHALL BE ENTITLED TO ALL RIGHTS SPECIFIED UNDER
22 TITLE 11, SUBTITLE 2 OF THE STATE PERSONNEL AND PENSIONS ARTICLE OR
23 APPLICABLE COUNTY PERSONNEL CODE.

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

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

31 (2) IF A PARTY FAILS TO APPEAR OR FAILS TO PRODUCE THE
32 DOCUMENTS REQUIRED UNDER THIS SUBSECTION, A REPRESENTATIVE OF THE
33 PILOT PROGRAM MAY APPLY, UPON AFFIDAVIT, TO THE COURT FOR A BODY
34 ATTACHMENT.

35 (3) IF A PARTY FAILS OR REFUSES TO OBEY A COURT ORDER TO APPEAR
36 OR PRODUCE THE DOCUMENTS REQUIRED UNDER THIS SUBSECTION AT A
37 CONCILIATION CONFERENCE, THE COURT MAY ISSUE A BODY ATTACHMENT OR
38 COMPEL COMPLIANCE IN ANY OTHER MANNER AVAILABLE TO THE COURT TO
39 ENFORCE ITS ORDER.

1 SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall
2 take effect on the taking effect of the termination provision specified in Chapter 491,
3 § 14 of the Acts of the General Assembly of 1995, as amended by Chapter 486, §1 of
4 the Acts of the General Assembly of 1999.

5 SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act is
6 effective through October 31, 2005, and, at the end of October 31, 2005, with no
7 further action required by the General Assembly, Section 2 of this Act shall be
8 abrogated and of no further force and effect.

9 SECTION 5. AND BE IT FURTHER ENACTED, That, except as provided in
10 Sections 3 and 4 of this Act, this Act shall take effect July 1, 2001.