

SENATE BILL 631

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2001 Regular Session  
11r1558  
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By: **Senator Currie**

Introduced and read first time: February 2, 2001

Assigned to: Finance

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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.