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

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Committee Report: Favorable with amendments  
Senate action: Adopted  
Read second time: March 15, 2001

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Child Support - Financial Institutions - Garnishment of Accounts**

3 FOR the purpose of requiring a financial institution to submit certain information to  
4 the Child Support Enforcement Administration; authorizing the Administration  
5 to seize and attach certain assets from an account or accounts of an obligor  
6 under certain circumstances; requiring the Administration to send a notice  
7 containing certain information to a financial institution, an obligor, and an  
8 account holder of interest under certain circumstances; providing an obligor or  
9 an account holder of interest the right to challenge a decision by the  
10 Administration under certain circumstances; providing an obligor or an account  
11 holder of interest the right to appeal the findings of the Administration after the  
12 Administration has reviewed a challenge filed by the obligor or an account  
13 holder of interest; providing for the right of a challenging party and the  
14 Administration to withdraw a request for challenge or appeal; requiring the  
15 Administration to take certain actions after completion of a challenge or appeal;  
16 providing that a financial institution that complies with this Act is not liable for  
17 certain actions; providing a certain exception for disclosures by fiduciary  
18 institutions; defining certain terms; altering certain definitions; and generally  
19 relating to the Child Support Enforcement Administration and the garnishment  
20 of accounts.

21 BY renumbering  
22 Article - Family Law  
23 Section 10-108.3 through 10-108.5, respectively  
24 to be Section 10-108.4 through 10-108.6, respectively

1 Annotated Code of Maryland  
2 (1999 Replacement Volume and 2000 Supplement)

3 BY repealing and reenacting, with amendments,  
4 Article - Family Law  
5 Section 10-108.2  
6 Annotated Code of Maryland  
7 (1999 Replacement Volume and 2000 Supplement)

8 BY adding to  
9 Article - Family Law  
10 Section 10-108.3  
11 Annotated Code of Maryland  
12 (1999 Replacement Volume and 2000 Supplement)

13 BY repealing and reenacting, with amendments,  
14 Article - Financial Institutions  
15 Section 1-302  
16 Annotated Code of Maryland  
17 (1998 Replacement Volume and 2000 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
19 MARYLAND, That Section(s) 10-108.3 through 10-108.5, respectively, of Article -  
20 Family Law of the Annotated Code of Maryland be renumbered to be Section(s)  
21 10-108.4 through 10-108.6, respectively.

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

24 **Article - Family Law**

25 10-108.2.

26 (a) (1) In this section[,] AND IN § 10-108.3 OF THIS SUBTITLE ["financial  
27 institution" means] THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

28 (2) (I) "ACCOUNT" MEANS:

29 1. ANY FUNDS FROM A DEMAND DEPOSIT ACCOUNT,  
30 CHECKING ACCOUNT, NEGOTIABLE ORDER OF WITHDRAWAL ACCOUNT, SAVINGS  
31 ACCOUNT, TIME DEPOSIT ACCOUNT, MONEY MARKET MUTUAL FUND ACCOUNT, OR  
32 CERTIFICATE OF DEPOSIT ACCOUNT;

33 2. ANY FUNDS PAID TOWARDS THE PURCHASE OF SHARES  
34 OR OTHER INTEREST IN A FINANCIAL INSTITUTION, AS DEFINED IN PARAGRAPH  
35 (4)(II) OF THIS SUBSECTION; AND

1 3. ANY FUNDS OR PROPERTY HELD BY A FINANCIAL  
2 INSTITUTION, AS DEFINED IN PARAGRAPH (4)(III) OF THIS SUBSECTION.

3 (II) "ACCOUNT" DOES NOT INCLUDE:

4 1. AN ACCOUNT OR PORTION OF AN ACCOUNT TO WHICH AN  
5 OBLIGOR DOES NOT HAVE ACCESS DUE TO THE PLEDGE OF THE FUNDS AS SECURITY  
6 FOR A LOAN OR OTHER OBLIGATION;

7 2. FUNDS OR PROPERTY DEPOSITED TO AN ACCOUNT AFTER  
8 THE TIME THAT THE FINANCIAL INSTITUTION INITIALLY ATTACHES THE ACCOUNT;

9 3. AN ACCOUNT OR PORTION OF AN ACCOUNT TO WHICH  
10 THE FINANCIAL INSTITUTION HAS A PRESENT RIGHT TO EXERCISE A RIGHT OF  
11 SETOFF; OR

12 4. BASED ON THE FINANCIAL INSTITUTION'S RECORDS, AN  
13 ACCOUNT FOR WHICH THE OBLIGOR APPEARS TO BE ACTING SOLELY IN A  
14 REPRESENTATIVE CAPACITY FOR ANOTHER PERSON OR PERSONS.

15 (3) "ACCOUNT HOLDER OF INTEREST" MEANS ANY PERSON, OTHER  
16 THAN THE OBLIGOR, WHO ASSERTS AN OWNERSHIP INTEREST IN AN ACCOUNT.

17 (4) "FINANCIAL INSTITUTION" MEANS:

18 [(1)] (I) a depository institution, as defined in the Federal Deposit  
19 Insurance Act at 12 U.S.C. § 1813(c);

20 [(2)] (II) a federal credit union or State credit union, as defined in the  
21 Federal Credit Union Act at 12 U.S.C. § 1752; or

22 [(3)] (III) a benefit association, insurance company, safe deposit company,  
23 money-market mutual fund, or similar entity doing business in the State that holds  
24 property or maintains accounts reflecting property belonging to others.

25 (b) To carry out the purposes of this section, the Administration may request  
26 from any financial institution information and assistance to enable the  
27 Administration to enforce the liability of a parent to support a child of the parent.

28 (c) (1) The Administration may request not more than four times a year  
29 from a financial institution the information set forth in subsection (d)(2) of this  
30 section concerning any obligor in arrears in paying child support through a support  
31 enforcement agency.

32 (2) A request for information by the Administration under paragraph (1)  
33 of this subsection shall:

34 (i) contain:

35 1. the full name of the obligor and any other names known to  
36 be used by the obligor; and



1 (II) COMPILING AND PROVIDING REPORTS THROUGH THE FEDERAL  
2 PARENT LOCATOR SERVICE, BUT IN SUCH A CASE THE ACTUAL COSTS OF THE  
3 FINANCIAL INSTITUTION SHALL BE BASED ON A PERCENTAGE OF THE FINANCIAL  
4 INSTITUTION'S TOTAL ACTUAL COST, WHICH PERCENTAGE SHALL BE DETERMINED  
5 BY DIVIDING THE TOTAL NUMBER OF ACCOUNTS MAINTAINED BY THE FINANCIAL  
6 INSTITUTION IN MARYLAND BY THE TOTAL NUMBER OF ACCOUNTS MAINTAINED BY  
7 THE FINANCIAL INSTITUTION FOR ALL JURISDICTIONS INCLUDED IN THE REPORT;  
8 AND

9 (III) NECESSARY UPGRADES TO EXISTING COMPUTER, SOFTWARE,  
10 OR OTHER DATA COMPILATION SYSTEMS THAT ARE DIRECTLY RELATED TO  
11 COMPLIANCE WITH THE REQUIREMENTS OF THIS SECTION AND § 10-108.3 OF THIS  
12 SUBTITLE.

13 (5) The Administration may institute civil proceedings to enforce this  
14 section.

15 (e) A financial institution that complies with a request from the  
16 Administration [made under this section] BY NOTIFYING THE ADMINISTRATION OR  
17 SUBMITTING A REPORT TO THE ADMINISTRATION IN ACCORDANCE WITH  
18 SUBSECTION (D) OF THIS SECTION is not liable under State law to any person for any:

19 (1) disclosure of information to the Administration under this section; or

20 (2) other action taken in good faith to comply with the requirements of  
21 this section.

22 10-108.3.

23 (A) IF AN OBLIGOR IDENTIFIED IN A REPORT SUBMITTED UNDER SECTION  
24 10-108.2 OF THIS SUBTITLE OR IN A REPORT MADE TO THE FEDERAL PARENT  
25 LOCATOR SERVICE UNDER 42 U.S.C. § 666(A)(17) IS \$500 OR MORE IN ARREARS OF A  
26 CHILD SUPPORT OBLIGATION AND HAS NOT PAID CHILD SUPPORT FOR MORE THAN  
27 60 DAYS, THE ADMINISTRATION MAY INSTITUTE AN ACTION TO ATTACH AND SEIZE  
28 THE AMOUNT OF THE ARREARAGE IN ONE OR MORE OF THE ACCOUNTS OF THE  
29 OBLIGOR WITH A FINANCIAL INSTITUTION TO SATISFY THE AMOUNT OF ARREARAGE  
30 OWED BY THE OBLIGOR.

31 (B) (1) IF THE ADMINISTRATION INSTITUTES AN ACTION AGAINST AN  
32 OBLIGOR UNDER SUBSECTION (A) OF THIS SECTION, THE ADMINISTRATION SHALL  
33 SEND A NOTICE TO THE FINANCIAL INSTITUTION IN WHICH ONE OR MORE OF THE  
34 OBLIGOR'S ACCOUNTS ARE LOCATED, BY CERTIFIED MAIL, RETURN RECEIPT  
35 REQUESTED AT THE ADDRESS DESIGNATED FOR THIS PURPOSE BY THE FINANCIAL  
36 INSTITUTION OR, IF NO ADDRESS HAS BEEN DESIGNATED, TO THE PRINCIPAL OFFICE  
37 OF THE FINANCIAL INSTITUTION.

38 (2) THE NOTICE SHALL CONTAIN THE FOLLOWING INFORMATION, TO  
39 THE EXTENT KNOWN BY THE ADMINISTRATION:

40 (I) THE ADDRESS OF THE ADMINISTRATION;

1 (II) THE TELEPHONE NUMBER, ADDRESS, AND NAME OF A  
2 CONTACT PERSON AT THE ADMINISTRATION;

3 (III) THE NAME AND SOCIAL SECURITY NUMBER OR OTHER  
4 TAXPAYER IDENTIFICATION NUMBER OF THE OBLIGOR;

5 (IV) THE ADDRESS OF THE OBLIGOR;

6 (V) FOR EACH ACCOUNT OF THE OBLIGOR, THE OBLIGOR'S  
7 ACCOUNT NUMBER AND KNOWN BALANCE WITH THE FINANCIAL INSTITUTION;

8 (VI) THE AMOUNT OF ARREARAGE THAT THE FINANCIAL  
9 INSTITUTION SHALL SEIZE AND ATTACH FROM ONE OR MORE OF THE ACCOUNTS OF  
10 THE OBLIGOR; AND

11 (VII) A STATEMENT INSTRUCTING THE FINANCIAL INSTITUTION TO  
12 IMMEDIATELY ATTACH AND SEIZE THE AMOUNT OF ARREARAGE STATED IN ITEM (VI)  
13 OF THIS PARAGRAPH FROM ONE OR MORE OF THE ACCOUNTS OF THE OBLIGOR AND,  
14 UPON SUBSEQUENT NOTICE BY THE ADMINISTRATION, TO FORWARD THE AMOUNT  
15 TO THE ADMINISTRATION.

16 (C) (1) ON RECEIPT OF THE NOTICE UNDER SUBSECTION (B) OF THIS  
17 SECTION, THE FINANCIAL INSTITUTION SHALL PROMPTLY SEIZE AND ATTACH FROM  
18 ONE OR MORE OF THE ACCOUNTS IDENTIFIED IN THE ADMINISTRATION'S NOTICE TO  
19 THE FINANCIAL INSTITUTION AN AGGREGATE AMOUNT EQUAL TO THE LESSER OF  
20 THE AMOUNTS IN ALL ACCOUNTS OR THE AMOUNT STATED IN THE NOTICE.

21 (2) AN ACCOUNT IDENTIFIED IN THE ADMINISTRATION'S NOTICE TO  
22 THE FINANCIAL INSTITUTION SHALL BE HELD AS REQUIRED IN PARAGRAPH (1) OF  
23 THIS SUBSECTION REGARDLESS OF WHETHER THE OBLIGOR MAINTAINS THE  
24 ACCOUNT ALONE OR WITH ANOTHER PERSON OR PERSONS WHO ARE NOT OBLIGORS,  
25 INCLUDING A SPOUSE OF THE OBLIGOR.

26 (3) (I) NOT LATER THAN 30 DAYS AFTER THE FINANCIAL INSTITUTION  
27 RECEIVES THE NOTICE DIRECTING IT TO SEIZE AND ATTACH ACCOUNTS OF THE  
28 OBLIGOR, THE FINANCIAL INSTITUTION SHALL SEND NOTICE TO THE  
29 ADMINISTRATION BY REGULAR MAIL SPECIFYING THE AGGREGATE AMOUNT HELD  
30 UNDER THIS SUBSECTION.

31 (II) IF AN ACCOUNT THAT HAS BEEN SEIZED AND ATTACHED IS  
32 MAINTAINED BY THE OBLIGOR WITH ONE OR MORE ACCOUNT HOLDERS OF  
33 INTEREST AS REFLECTED ON THE RECORDS OF THE FINANCIAL INSTITUTION, THE  
34 FINANCIAL INSTITUTION'S NOTICE TO THE ADMINISTRATION SHALL STATE THAT  
35 FACT AND SHALL PROVIDE, TO THE EXTENT REFLECTED IN THE FINANCIAL  
36 INSTITUTION'S RECORDS, THE NAME AND ADDRESS OF THE OTHER PERSON OR  
37 PERSONS.

38 (4) (I) THE FINANCIAL INSTITUTION MAY ASSESS A FEE AGAINST THE  
39 ACCOUNTS OR THE OBLIGOR, IN ADDITION TO THE AMOUNT IDENTIFIED IN THE  
40 NOTICE UNDER SUBSECTION (B) OF THIS SECTION.

1 (II) IN THE CASE OF INSUFFICIENT FUNDS TO COVER BOTH THE  
2 FEE AND THE AMOUNT IDENTIFIED IN THE NOTICE UNDER SUBSECTION (B) OF THIS  
3 SECTION, THE FINANCIAL INSTITUTION MAY FIRST DEDUCT AND RETAIN THE FEE  
4 FROM THE AMOUNT SEIZED AND ATTACHED AS PROVIDED IN THIS SECTION.

5 (5) THE FINANCIAL INSTITUTION MAY NOT BE HELD LIABLE TO ANY  
6 PERSON, INCLUDING THE ADMINISTRATION, THE OBLIGOR, OR ANY PERSON NAMED  
7 ON THE ACCOUNT, FOR WRONGFUL DISHONOR OR FOR ANY OTHER CLAIM RELATING  
8 TO THE SEIZURE AND ATTACHMENT OF THE ACCOUNT OR OTHER ACTIONS TAKEN IN  
9 COMPLIANCE WITH THIS SECTION.

10 (D) (1) WITHIN 2 DAYS AFTER THE ADMINISTRATION HAS RECEIVED THE  
11 RETURN RECEIPT FROM THE NOTICE SENT TO THE FINANCIAL INSTITUTION UNDER  
12 SUBSECTION (B) OF THIS SECTION, THE ADMINISTRATION SHALL PROMPTLY SEND A  
13 NOTICE TO THE OBLIGOR, BY REGULAR MAIL, TO THE OBLIGOR'S LAST KNOWN  
14 ADDRESS, OR IF THE HOME ADDRESS IS NOT KNOWN, TO THE PLACE OF LAST KNOWN  
15 EMPLOYMENT.

16 (2) THE NOTICE SHALL CONTAIN THE FOLLOWING INFORMATION, TO  
17 THE EXTENT KNOWN BY THE ADMINISTRATION:

18 (I) THE ADDRESS OF THE ADMINISTRATION;

19 (II) THE TELEPHONE NUMBER, ADDRESS, AND NAME OF A  
20 CONTACT PERSON AT THE ADMINISTRATION;

21 (III) THE NAME AND SOCIAL SECURITY NUMBER OR OTHER  
22 TAXPAYER IDENTIFICATION NUMBER OF THE OBLIGOR;

23 (IV) THE ADDRESS OF THE OBLIGOR;

24 (V) FOR EACH ACCOUNT OF THE OBLIGOR, THE OBLIGOR'S  
25 ACCOUNT NUMBER AND KNOWN BALANCES WITH THE FINANCIAL INSTITUTION;

26 (VI) THE TOTAL AMOUNT OF THE ARREARAGE OWED BY THE  
27 OBLIGOR;

28 (VII) THE DATE THE NOTICE IS BEING SENT;

29 (VIII) A STATEMENT INFORMING THE OBLIGOR THAT THE  
30 ADMINISTRATION HAS DIRECTED THE FINANCIAL INSTITUTION TO SEIZE AND  
31 ATTACH THE AMOUNT OF THE ARREARAGE OWED BY THE OBLIGOR FROM ONE OR  
32 MORE OF THE ACCOUNTS OF THE OBLIGOR AND, UPON SUBSEQUENT NOTICE BY THE  
33 ADMINISTRATION, TO FORWARD THE AMOUNT TO THE ADMINISTRATION; AND

34 (IX) A STATEMENT INFORMING THE OBLIGOR THAT, UNLESS A  
35 TIMELY CHALLENGE IS MADE TO THE ADMINISTRATION BY THE OBLIGOR OR AN  
36 ACCOUNT HOLDER OF INTEREST UNDER SUBSECTION (G) OF THIS SECTION, THE  
37 ADMINISTRATION SHALL NOTIFY THE FINANCIAL INSTITUTION TO FORWARD THE

1 AMOUNT SEIZED AND ATTACHED BY THE FINANCIAL INSTITUTION TO THE  
2 ADMINISTRATION.

3 (E) (1) WITHIN 2 DAYS AFTER RECEIPT OF INFORMATION FROM THE  
4 FINANCIAL INSTITUTION UNDER SUBSECTION (C) OF THIS SECTION, THE  
5 ADMINISTRATION SHALL PROMPTLY SEND A NOTICE TO ANY KNOWN ACCOUNT  
6 HOLDER OF INTEREST, BY REGULAR MAIL, TO THE ADDRESS PROVIDED BY THE  
7 FINANCIAL INSTITUTION UNDER SUBSECTION (C) OF THIS SECTION.

8 (2) THE NOTICE SHALL CONTAIN THE FOLLOWING INFORMATION, TO  
9 THE EXTENT KNOWN BY THE ADMINISTRATION:

10 (I) THE ADDRESS OF THE ADMINISTRATION;

11 (II) THE TELEPHONE NUMBER, ADDRESS, AND NAME OF A  
12 CONTACT PERSON AT THE ADMINISTRATION;

13 (III) THE NAME AND SOCIAL SECURITY NUMBER OR OTHER  
14 TAXPAYER IDENTIFICATION NUMBER OF THE OBLIGOR;

15 (IV) THE ADDRESS OF THE OBLIGOR;

16 (V) FOR EACH ACCOUNT OF THE OBLIGOR, THE OBLIGOR'S  
17 ACCOUNT NUMBER WITH THE FINANCIAL INSTITUTION;

18 (VI) THE DATE THE NOTICE IS BEING SENT;

19 (VII) A STATEMENT INFORMING THE ACCOUNT HOLDER OF  
20 INTEREST THAT THE ADMINISTRATION HAS DIRECTED THE FINANCIAL INSTITUTION  
21 TO SEIZE AND ATTACH THE AMOUNT OF THE ARREARAGE OWED BY THE OBLIGOR  
22 FROM ONE OR MORE OF THE ACCOUNTS OF THE OBLIGOR AND, UPON SUBSEQUENT  
23 NOTICE BY THE ADMINISTRATION, TO FORWARD THE AMOUNT TO THE  
24 ADMINISTRATION; AND

25 (VIII) A STATEMENT INFORMING THE ACCOUNT HOLDER OF  
26 INTEREST THAT, UNLESS A TIMELY CHALLENGE IS MADE TO THE ADMINISTRATION  
27 BY THE OBLIGOR OR AN ACCOUNT HOLDER OF INTEREST UNDER SUBSECTION (G) OF  
28 THIS SECTION, THE ADMINISTRATION SHALL NOTIFY THE FINANCIAL INSTITUTION  
29 TO FORWARD THE AMOUNT SEIZED AND ATTACHED BY THE FINANCIAL INSTITUTION  
30 TO THE ADMINISTRATION.

31 (F) IF A TIMELY CHALLENGE IS NOT MADE BY THE OBLIGOR OR AN ACCOUNT  
32 HOLDER OF INTEREST UNDER SUBSECTION (G) OF THIS SECTION, THE  
33 ADMINISTRATION SHALL SEND A NOTICE TO THE FINANCIAL INSTITUTION, IN THE  
34 MANNER SPECIFIED IN SUBSECTION (B) OF THIS SECTION, DIRECTING THE  
35 INSTITUTION TO FORWARD THE AMOUNT SEIZED AND ATTACHED BY THE FINANCIAL  
36 INSTITUTION TO THE ADMINISTRATION.

37 (G) (1) AN OBLIGOR OR AN ACCOUNT HOLDER OF INTEREST MAY  
38 CHALLENGE THE ACTIONS OF THE ADMINISTRATION UNDER THIS SECTION.

1 (2) A CHALLENGE UNDER THIS SUBSECTION SHALL:

2 (I) BE IN WRITING;

3 (II) BE RECEIVED BY THE ADMINISTRATION WITHIN 30 DAYS FROM  
4 THE DATE OF THE NOTICE UNDER SUBSECTION (D) OF THIS SECTION OR, IF THERE IS  
5 AN ACCOUNT HOLDER OF INTEREST OTHER THAN THE OBLIGOR, WITHIN 30 DAYS  
6 AFTER THE DATE OF THE NOTICE UNDER SUBSECTION (E) OF THIS SECTION;

7 (III) BE SENT TO THE CONTACT PERSON IDENTIFIED IN THE NOTICE  
8 SENT TO THE OBLIGOR UNDER SUBSECTION (D) OF THIS SECTION OR THE NOTICE  
9 SENT TO AN ACCOUNT HOLDER OF INTEREST UNDER SUBSECTION (E) OF THIS  
10 SECTION; AND

11 (IV) SPECIFY, IN DETAIL, THE REASONS FOR THE CHALLENGE.

12 (3) AN OBLIGOR OR ACCOUNT HOLDER OF INTEREST MAY NOT  
13 CHALLENGE THE ACTIONS OF THE ADMINISTRATION ON ISSUES RELATED TO  
14 VISITATION, CUSTODY, OR OTHER MATTERS NOT RELATED TO AN ACCOUNT.

15 (H) (1) UPON RECEIPT OF A CHALLENGE UNDER SUBSECTION (G) OF THIS  
16 SECTION, THE ADMINISTRATION SHALL REVIEW THE CHALLENGE IN ACCORDANCE  
17 WITH THIS SUBSECTION.

18 (2) (I) THE ADMINISTRATION SHALL RELEASE OR REDUCE THE  
19 AMOUNT SEIZED AND ATTACHED BY THE FINANCIAL INSTITUTION FOR A MISTAKE  
20 OF FACT, INCLUDING:

21 1. A MISTAKE IN THE IDENTITY OF THE OBLIGOR;

22 2. A MISTAKE IN THE OWNERSHIP OF AN ACCOUNT;

23 3. A MISTAKE IN THE CONTENTS OF AN ACCOUNT; OR

24 4. A MISTAKE IN THE AMOUNT OF ARREARAGE DUE.

25 (II) IF AN ACCOUNT SEIZED AND ATTACHED BY THE FINANCIAL  
26 INSTITUTION IS A JOINT ACCOUNT, THERE IS A PRESUMPTION THAT THE CONTENTS  
27 BELONG TO THE OBLIGOR UNLESS REBUTTED BY CLEAR AND CONVINCING  
28 EVIDENCE.

29 (3) THE ADMINISTRATION SHALL SEND A NOTICE TO THE FINANCIAL  
30 INSTITUTION, IN THE MANNER SPECIFIED IN SUBSECTION (B) OF THIS SECTION,  
31 DIRECTING THE FINANCIAL INSTITUTION TO RELEASE THE AMOUNT SEIZED AND  
32 ATTACHED BY THE FINANCIAL INSTITUTION IF THE ADMINISTRATION DETERMINES  
33 THAT A MISTAKE OF FACT HAS OCCURRED.

34 (4) THE ADMINISTRATION SHALL SEND A NOTICE TO THE FINANCIAL  
35 INSTITUTION, IN THE MANNER SPECIFIED IN SUBSECTION (B) OF THIS SECTION,  
36 DIRECTING THE FINANCIAL INSTITUTION TO REDUCE THE AMOUNT SEIZED AND

1 ATTACHED TO THE REVISED AMOUNT STATED AND TO RELEASE THE EXCESS  
2 AMOUNT IF THE ADMINISTRATION DETERMINES THAT:

3 (I) THE AMOUNT OWED BY THE OBLIGOR IS LESS THAN THE  
4 AMOUNT ORIGINALLY INDICATED ON THE NOTICE UNDER SUBSECTION (B) OF THIS  
5 SECTION; OR

6 (II) THE OBLIGOR DOES NOT HAVE AN OWNERSHIP INTEREST IN  
7 ONE OR MORE OF THE ACCOUNTS SEIZED AND ATTACHED OR A PORTION THEREOF.

8 (I) (1) THE ADMINISTRATION SHALL SEND BY REGULAR MAIL A NOTICE OF  
9 ITS FINDINGS, INCLUDING A FINDING OF NO MISTAKE OF FACT, TO THE OBLIGOR  
10 AND ANY OTHER CHALLENGING PARTY.

11 (2) THE NOTICE SHALL INFORM THE OBLIGOR OR THE CHALLENGING  
12 PARTY OF THE RIGHT TO APPEAL THE DECISION OF THE ADMINISTRATION TO THE  
13 OFFICE OF ADMINISTRATIVE HEARINGS.

14 (J) IF NO TIMELY APPEAL IS FILED, THE ADMINISTRATION SHALL SEND A  
15 NOTICE TO THE FINANCIAL INSTITUTION, IN THE MANNER SPECIFIED IN  
16 SUBSECTION (B) OF THIS SECTION, DIRECTING THE FINANCIAL INSTITUTION TO  
17 FORWARD THE AMOUNT SPECIFIED IN THE NOTICE, INCLUDING ANY REVISED  
18 AMOUNT UNDER SUBSECTION (H)(4) OF THIS SECTION, TO THE ADMINISTRATION.

19 (K) (1) AN APPEAL UNDER SUBSECTION (I) OF THIS SECTION SHALL BE  
20 CONDUCTED IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE  
21 GOVERNMENT ARTICLE.

22 (2) A REQUEST FOR APPEAL UNDER SUBSECTION (I) OF THIS SECTION  
23 SHALL BE:

24 (I) IN WRITING; AND

25 (II) RECEIVED BY THE OFFICE OF ADMINISTRATIVE HEARINGS  
26 WITHIN 30 DAYS AFTER THE NOTICE IS SENT TO THE OBLIGOR OR OTHER  
27 CHALLENGING PARTY UNDER SUBSECTION (I) OF THIS SECTION.

28 (L) AFTER THE COMPLETION OF AN APPEAL UNDER SUBSECTION (I) OF THIS  
29 SECTION, THE ADMINISTRATION SHALL:

30 (1) SEND A NOTICE TO THE FINANCIAL INSTITUTION, IN THE MANNER  
31 SPECIFIED IN SUBSECTION (B) OF THIS SECTION, DIRECTING THE FINANCIAL  
32 INSTITUTION TO RELEASE THE AMOUNT SEIZED AND ATTACHED BY THE FINANCIAL  
33 INSTITUTION IF THE OFFICE OF ADMINISTRATIVE HEARINGS FINDS THAT:

34 (I) THERE IS A MISTAKE OF IDENTITY;

35 (II) THE OBLIGOR DOES NOT HAVE AN OWNERSHIP INTEREST IN  
36 THE CONTENTS OF ANY ACCOUNT HELD; OR

1 (III) THAT THERE IS NO ARREARAGE;

2 (2) SEND A NOTICE TO THE FINANCIAL INSTITUTION, IN THE MANNER  
3 SPECIFIED IN SUBSECTION (B) OF THIS SECTION, DIRECTING THE FINANCIAL  
4 INSTITUTION TO RELEASE THE ATTACHMENT ON ANY AMOUNT IN EXCESS OF THE  
5 REVISED AMOUNT STATED AND THAT THE REVISED AMOUNT STATED BE  
6 FORWARDED TO THE ADMINISTRATION IF THE OFFICE OF ADMINISTRATIVE  
7 HEARINGS FINDS THAT:

8 (I) THE OBLIGOR IS DELINQUENT, BUT THE AMOUNT OF THE  
9 ARREARAGE IS LESS THAN THE AMOUNT INDICATED IN THE NOTICE UNDER  
10 SUBSECTION (B) OF THIS SECTION OR IN A SUBSEQUENT NOTICE UNDER  
11 SUBSECTION (H)(4) OF THIS SECTION; OR

12 (II) THE OBLIGOR DOES NOT HAVE OWNERSHIP INTEREST IN ONE  
13 OR MORE OF THE ACCOUNTS SEIZED AND ATTACHED OR A PORTION OF THE  
14 ACCOUNTS; OR

15 (3) SEND A NOTICE TO THE FINANCIAL INSTITUTION, IN THE MANNER  
16 SPECIFIED IN SUBSECTION (B) OF THIS SECTION, DIRECTING THE FINANCIAL  
17 INSTITUTION TO TRANSFER THE AMOUNTS SEIZED AND ATTACHED TO THE  
18 ADMINISTRATION IF THE OFFICE OF ADMINISTRATIVE HEARINGS UPHOLDS THE  
19 DETERMINATION OF THE ADMINISTRATION.

20 (M) (1) A CHALLENGING PARTY MAY WITHDRAW A REQUEST FOR  
21 CHALLENGE OR APPEAL BY SUBMITTING A NOTICE OF THE WITHDRAWAL TO THE  
22 PERSON IDENTIFIED AS THE CONTACT PERSON FOR THE ADMINISTRATION IN THE  
23 NOTICE UNDER SUBSECTION (D) OR SUBSECTION (E) OF THIS SECTION, OR TO THE  
24 OFFICE OF ADMINISTRATIVE HEARINGS.

25 (2) THE ADMINISTRATION MAY WITHDRAW THE NOTICE TO ATTACH  
26 ACCOUNTS BY SENDING NOTICE TO THE FINANCIAL INSTITUTION, IN THE MANNER  
27 SPECIFIED IN SUBSECTION (B) OF THIS SECTION, DIRECTING THE FINANCIAL  
28 INSTITUTION TO RELEASE THE ATTACHMENT ON THE ACCOUNT.

29 (N) IF A DETERMINATION IS MADE BY THE ADMINISTRATION OR BY THE  
30 OFFICE OF ADMINISTRATIVE HEARINGS THAT THE ACCOUNT OR ACCOUNTS OF THE  
31 OBLIGOR SHOULD NOT HAVE BEEN HELD, THE ADMINISTRATION SHALL NOTIFY THE  
32 FINANCIAL INSTITUTION, IN THE MANNER SPECIFIED IN SUBSECTION (B) OF THIS  
33 SECTION, TO RELEASE THE AMOUNT SEIZED AND ATTACHED BY THE FINANCIAL  
34 INSTITUTION.

35 (O) A FINANCIAL INSTITUTION THAT COMPLIES WITH A REQUEST OR NOTICE  
36 FROM THE ADMINISTRATION MADE UNDER THIS SECTION IS NOT LIABLE UNDER  
37 STATE LAW TO ANY PERSON FOR:

38 (1) ANY DISCLOSURE OF INFORMATION TO THE ADMINISTRATION  
39 UNDER THIS SECTION;

1 (2) SEIZING AND ATTACHING ANY AMOUNTS FROM AN ACCOUNT,  
2 SENDING ANY AMOUNT SEIZED AND ATTACHED BY THE FINANCIAL INSTITUTION TO  
3 THE ADMINISTRATION, OR RELEASING ALL OR A PART OF THE AMOUNT SEIZED AND  
4 ATTACHED BY THE FINANCIAL INSTITUTION; OR

5 (3) ANY OTHER ACTION TAKEN IN GOOD FAITH TO COMPLY WITH THE  
6 REQUIREMENTS OF THIS SECTION.

7 (P) (1) NOTWITHSTANDING ANY OTHER STATUTORY PROVISIONS OR RULES  
8 OF COURT THAT PROVIDE FOR THE EXECUTION, ATTACHMENT, GARNISHMENT, OR  
9 LEVY AGAINST AN ACCOUNT, AND SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION,  
10 THE ADMINISTRATION MAY UTILIZE THE PROCEDURES ESTABLISHED IN THIS  
11 SECTION EXCLUSIVELY TO COLLECT DELINQUENT CHILD SUPPORT.

12 (2) THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT THE  
13 ADMINISTRATION FROM COLLECTING DELINQUENT CHILD SUPPORT IN ANY OTHER  
14 MANNER AUTHORIZED BY LAW.

### 15 **Article - Financial Institutions**

16 1-302.

17 Except as otherwise expressly provided in this subtitle, a fiduciary institution,  
18 its officers, employees, agents, and directors:

19 (1) May not disclose to any person any financial record relating to a  
20 customer of the institution unless:

21 (i) The customer has authorized the disclosure to that person;

22 (ii) Proceedings have been instituted for appointment of a guardian  
23 of the property or of the person of the customer, and court-appointed counsel presents  
24 to the fiduciary institution an order of appointment or a certified copy of the order  
25 issued by or under the direction or supervision of the court or an officer of the court;

26 (iii) The customer is disabled and a guardian is appointed or  
27 qualified by a court, and the guardian presents to the fiduciary institution an order of  
28 appointment or a certified copy of the order issued by or under the direction or  
29 supervision of the court or an officer of the court;

30 (iv) The customer is deceased and a personal representative is  
31 appointed or qualified by a court, and the personal representative presents to the  
32 fiduciary institution letters of administration issued by or under the direction or  
33 supervision of the court or an officer of the court;

34 (v) The Department of Human Resources requests the financial  
35 record in the course of verifying the individual's eligibility for public assistance; or

36 (vi) The institution received a [request or subpoena] REQUEST,  
37 NOTICE, OR SUBPOENA for information directly from the Child Support Enforcement

1 Administration of the Department of Human Resources under [§ 10-108.2 or §  
2 10-108.4] § 10-108.2, § 10-108.3, OR § 10-108.5 of the Family Law Article or indirectly  
3 through the Federal Parent Locator Service under 42 U.S.C. § 666(a)(17); and

4           (2)       Shall disclose any information requested in writing by the  
5 Department of Human Resources relative to moneys held in a savings deposit, time  
6 deposit, demand deposit, or any other deposit held by the fiduciary institution in the  
7 name of the individual who is a recipient or applicant for public assistance.

8       SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
9 October 1, 2001.