
By: **Delegate Jones**

Introduced and read first time: January 23, 2003

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Child Support Enforcement - Earnings Withholding**

3 FOR the purpose of requiring that, when a court orders immediate service of an
4 earnings withholding order, the court order payments through the State
5 disbursement unit; requiring an employer to provide an obligor with a copy of an
6 earnings withholding notice within a certain period after the employer has been
7 served with the notice; repealing the requirement that the Child Support
8 Enforcement Administration send to the obligor certain documents by certified
9 mail under certain circumstances; authorizing a parent or support enforcement
10 agency to use means other than certified mail, as approved by the
11 Administration, to send to the parent's employer a copy of an order to provide
12 health insurance coverage; making this Act an emergency measure; and
13 generally relating to child support enforcement.

14 BY repealing and reenacting, with amendments,
15 Article - Family Law
16 Section 10-123, 10-124, and 12-102(d)(1)
17 Annotated Code of Maryland
18 (1999 Replacement Volume and 2002 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 10-123.

23 (a) Except as otherwise provided for in this section and notwithstanding any
24 other provision of this Part III, a court shall immediately authorize service of an
25 earnings withholding order when:

26 (1) (i) a support order or modification of support order is passed on or
27 after April 9, 1991;

28 (ii) a case is being enforced by a support enforcement agency; and

1 (iii) the recipient or support enforcement agency requests service of
2 an earnings withholding order; or

3 (2) the Department of Health and Mental Hygiene requests service of an
4 earnings withholding order for court ordered medical support.

5 (b) Except as provided in subsection (d) of this section, for all child support
6 orders that are initially issued in the State on or after January 1, 1994, regardless of
7 whether child support payments are in arrears, a court shall immediately authorize
8 service of an earnings withholding order on the effective date of the order.

9 (c) [(1) Except as provided in paragraph (2) of this subsection, when] WHEN
10 a court orders immediate service of an earnings withholding order on or after July 1,
11 1994, the court shall order payments[:

12 (i) in a case in which the Administration is providing support
13 services,] through the State disbursement unit[; or

14 (ii) directly to the obligee's bank account.

15 (2) A party may request and the court may order that an employer send
16 payments directly to the obligee].

17 (d) A court may not authorize the immediate service of an earnings
18 withholding order if:

19 (1) any party demonstrates, and the court finds, that there is good cause
20 to not require immediate earnings withholding; or

21 (2) the court approves of the terms of a written agreement of the parties
22 providing for an alternative method of payment.

23 (e) If the court authorizes the immediate service of an earnings withholding
24 order, the court shall immediately cause a copy of the earnings withholding order to
25 be served on any employer of the obligor.

26 10-124.

27 (a) Except as otherwise provided in this Part III, the Administration may
28 serve an earnings withholding notice on an employer of an obligor without the need
29 for any modification of the support order or any further action by a tribunal if:

30 (1) (i) a tribunal has issued a support order; and

31 (ii) the Administration is providing child support services under
32 Title IV, Part D, of the Social Security Act; or

33 (2) an obligor requests the service of an earnings withholding notice.

1 (b) The Administration may serve an employer with an earnings withholding
2 notice using an electronic format if the employer has entered into an agreement with
3 the Administration to accept service of an earnings withholding notice in this manner.

4 (c) When the Administration serves an employer with an earnings
5 withholding notice under this section[,]:

6 (1) THE EMPLOYER SHALL PROVIDE THE OBLIGOR WITH A COPY OF THE
7 NOTICE WITHIN 2 DAYS AFTER THE EMPLOYER RECEIVES THE NOTICE; AND

8 (2) the Administration shall send to the obligor, by [certified mail,
9 return receipt requested, and] first-class mail, at the obligor's last known home
10 address or, if the home address is unknown, the place of employment last reported to
11 the court:

12 [(1)] (I) a copy of the earnings withholding notice;

13 [(2)] (II) a statement of the procedures under § 10-134 of this subtitle
14 that the obligor must follow to terminate earnings withholding;

15 [(3)] (III) a statement of the obligor's right to contest the accuracy of the
16 information provided in the earnings withholding notice by filing a motion for a stay
17 of the earnings withholding notice in circuit court or requesting an investigation no
18 later than 15 days after a copy of the withholding notice is mailed to the obligor under
19 this section; and

20 [(4)] (IV) a statement of the amount of arrears apportioned to each
21 payment that is to be included in the amount of earnings withheld under § 10-122 of
22 this subtitle.

23 (d) The only issues that may be adjudicated at a hearing or contested in an
24 investigation under subsection [(c)(3)] (C)(2)(III) of this section are:

25 (1) whether an arrearage existed;

26 (2) the amount of the withholding or the amount of any arrearage;

27 (3) the identity of the obligor; or

28 (4) that the amount of the withholding notice exceeds the limits of the
29 federal Consumer Credit Protection Act.

30 (e) (1) If an obligor requests an investigation, the Administration shall:

31 (i) conduct an investigation within 15 days after the obligor's
32 request; and

33 (ii) on completion of the investigation, notify the obligor of the
34 results of the investigation and the obligor's right to appeal the decision of the
35 Administration to the Office of Administrative Hearings.

1 (2) An appeal under paragraph (1)(ii) of this subsection shall be
2 conducted in accordance with Title 10, Subtitle 2 of the State Government Article.
3 12-102.

4 (d) (1) If a court orders a parent to provide health insurance coverage under
5 this section, the parent under the order or the support enforcement agency shall send
6 a copy of the order or medical support notice to the parent's employer by certified
7 mail, return receipt requested, OR BY OTHER MEANS APPROVED BY THE CHILD
8 SUPPORT ENFORCEMENT ADMINISTRATION, separate from or in conjunction with an
9 earnings withholding order, as provided in § 10-123 of this article.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
11 measure, is necessary for the immediate preservation of the public health or safety,
12 has been passed by a ye and nay vote supported by three-fifths of all the members
13 elected to each of the two Houses of the General Assembly, and shall take effect from
14 the date it is enacted.