

SENATE BILL 38

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2004 Regular Session  
4r0049

(PRE-FILED)

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

Requested: November 3, 2003

Introduced and read first time: January 14, 2004

Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

2 **Family Law - Child Support Enforcement - Earnings Withholding**

3 FOR the purpose of repealing the requirement that the Child Support Enforcement  
4 Administration send certain documents to an obligor by certified mail under  
5 certain circumstances; repealing the requirement that a certain parent or  
6 support enforcement agency send a copy of an order to provide health insurance  
7 coverage or a medical support notice to the parent's employer by certified mail  
8 under certain circumstances; requiring a certain parent or support enforcement  
9 agency to send a copy of an order to provide health insurance coverage or a  
10 medical support notice to the parent's employer in a certain manner under  
11 certain circumstances; and generally relating to child support enforcement.

12 BY repealing and reenacting, with amendments,  
13 Article - Family Law  
14 Section 10-124 and 12-102(d)  
15 Annotated Code of Maryland  
16 (1999 Replacement Volume and 2003 Supplement)

17 BY repealing and reenacting, without amendments,  
18 Article - Family Law  
19 Section 12-102(a), (b), and (c)  
20 Annotated Code of Maryland  
21 (1999 Replacement Volume and 2003 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
23 MARYLAND, That the Laws of Maryland read as follows:

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**Article - Family Law**

2 10-124.

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

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

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

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

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

13 (c) When the Administration serves an employer with an earnings  
14 withholding notice under this section, the Administration shall send to the obligor, by  
15 [certified mail, return receipt requested, and] first-class mail, at the obligor's last  
16 known home address or, if the home address is unknown, the place of employment  
17 last reported to the court:

18 (1) a copy of the earnings withholding notice;

19 (2) a statement of the procedures under § 10-134 of this subtitle that the  
20 obligor must follow to terminate earnings withholding;

21 (3) a statement of the obligor's right to contest the accuracy of the  
22 information provided in the earnings withholding notice by filing a motion for a stay  
23 of the earnings withholding notice in circuit court or requesting an investigation no  
24 later than 15 days after a copy of the withholding notice is mailed to the obligor under  
25 this section; and

26 (4) a statement of the amount of arrears apportioned to each payment  
27 that is to be included in the amount of earnings withheld under § 10-122 of this  
28 subtitle.

29 (d) The only issues that may be adjudicated at a hearing or contested in an  
30 investigation under subsection (c)(3) of this section are:

31 (1) whether an arrearage existed;

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

33 (3) the identity of the obligor; or

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

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

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

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

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

9 12-102.

10 (a) (1) In this section the following words have the meanings indicated.

11 (2) "Health insurance coverage" means any type of health care coverage  
12 under which medical care services can be provided to the child through an insurer.

13 (3) "Insurer" means:

14 (i) an insurer, a nonprofit health service organization, or a health  
15 maintenance organization operating in this State under a certificate of authority  
16 issued by the Maryland Insurance Commissioner;

17 (ii) an entity that provides a group health plan, as defined in §  
18 607(1) of the Employee Retirement Income Security Act of 1974; or

19 (iii) an entity offering a service benefit plan as defined by federal  
20 law.

21 (4) "Medical support notice" means a notice that is:

22 (i) in a format prescribed by federal law; and

23 (ii) issued by a child support agency to enforce the health insurance  
24 coverage provisions of a child support order.

25 (5) "Tribunal" has the meaning stated in § 10-301 of this article.

26 (b) The court may include in any support order a provision requiring either  
27 parent to include the child in the parent's health insurance coverage if:

28 (1) the parent can obtain health insurance coverage through an  
29 employer or any form of group health insurance coverage; and

30 (2) the child can be included at a reasonable cost to the parent in that  
31 health insurance coverage.

1 (c) An order of a court requiring the provision of health insurance coverage for  
2 a child may be issued separate from or in conjunction with an earnings withholding  
3 order.

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] FIRST-CLASS MAIL, separate from or in conjunction  
8 with an earnings withholding order, as provided in § 10-123 of this article.

9 (2) Within 20 business days after the receipt of the order or medical  
10 support notice, the employer shall:

11 (i) send the appropriate part of the medical support notice to the  
12 employer's insurer;

13 (ii) if the employer determines that, based on reasons related to the  
14 employee's employment status, the employee's child is ineligible for health insurance  
15 coverage, complete the appropriate part of the medical support notice and return it to  
16 the issuing child support agency;

17 (iii) permit the parent, a child support enforcement agency, or the  
18 Department of Health and Mental Hygiene to enroll the child in any health insurance  
19 coverage available to the parent without regard to any enrollment season restrictions;

20 (iv) provide a statement to the support enforcement agency and to  
21 both parents that the child:

22 1. has been enrolled in health insurance coverage;

23 2. will be enrolled in health insurance coverage and that the  
24 expected date of enrollment will be provided; or

25 3. cannot be enrolled in health insurance coverage; and

26 (v) provide information to both parents and to the support  
27 enforcement agency concerning the available health insurance coverage, including:

28 1. the employee's Social Security number;

29 2. the name, address, and telephone number of the insurer;

30 3. the policy number;

31 4. the group number;

32 5. the effective date of coverage; and

33 6. any schedule of benefits.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
2 effect October 1, 2004.