

(PRE-FILED)

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

Requested: November 3, 2003
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Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments
Senate action: Adopted
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CHAPTER _____

1 AN ACT concerning

2 **Family Law - Child Support Enforcement - Earnings Withholding and**
3 **Medical Support Notices**

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

15 BY repealing and reenacting, with amendments,
16 Article - Family Law
17 Section 10-124 and 12-102(d)
18 Annotated Code of Maryland
19 (1999 Replacement Volume and 2003 Supplement)

20 BY repealing and reenacting, without amendments,
21 Article - Family Law
22 Section 12-102(a), (b), and (c)
23 Annotated Code of Maryland

1 (1999 Replacement Volume and 2003 Supplement)

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

4 **Article - Family Law**

5 10-124.

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

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

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

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

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

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

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

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

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

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

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

34 (1) whether an arrearage existed;

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

2 (3) the identity of the obligor; or

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

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

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

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

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

13 12-102.

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

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

17 (3) "Insurer" means:

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

21 (ii) an entity that provides a group health plan, as defined in §
22 607(1) of the Employee Retirement Income Security Act of 1974; or

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

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

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

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

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

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

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

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

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

8 (d) (1) If a court orders a parent to provide health insurance coverage under
9 this section, the parent under the order or the support enforcement agency shall send
10 a copy of the order or medical support notice to the parent's employer by [certified
11 mail, return receipt requested] FIRST-CLASS MAIL, separate from or in conjunction
12 with an earnings withholding order, as provided in § 10-123 of this article.

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

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

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

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

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

26 1. has been enrolled in health insurance coverage;

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

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

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

32 1. the employee's Social Security number;

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

34 3. the policy number;

35 4. the group number;

