
By: **Senators Lawlah, Britt, Conway, Currie, Exum, Gladden, Grosfeld,
Hughes, Jones, Kelley, and McFadden**

Introduced and read first time: January 30, 2004

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Child Support - Incarcerated Obligor - Suspension of Payments and**
3 **Accrual of Arrearages**

4 FOR the purpose of establishing that child support payments are not past due and
5 arrearages may not accrue during any period when the obligor is incarcerated
6 and for a certain period after the obligor's release from confinement under
7 certain circumstances; authorizing the Child Support Enforcement
8 Administration to adjust an incarcerated obligor's payment account in certain
9 cases to reflect the suspension of the accrual of arrearages under this Act;
10 requiring the Administration to send a certain notice to the obligee before
11 making an adjustment; defining certain terms; and generally relating to the
12 child support obligations of incarcerated obligors.

13 BY adding to
14 Article - Family Law
15 Section 12-104.1
16 Annotated Code of Maryland
17 (1999 Replacement Volume and 2003 Supplement)

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

20 **Article - Family Law**

21 12-104.1.

22 (A) (1) IN THIS SECTION, THE FOLLOWING WORDS HAVE THE MEANINGS
23 INDICATED.

24 (2) "ADMINISTRATION" HAS THE MEANING STATED IN § 10-101 OF THIS
25 ARTICLE.

26 (3) "OBLIGEE" HAS THE MEANING STATED IN § 10-101 OF THIS ARTICLE.

27 (4) "OBLIGOR" HAS THE MEANING STATED IN § 10-101 OF THIS ARTICLE.

1 (B) A CHILD SUPPORT PAYMENT IS NOT PAST DUE AND ARREARAGES MAY NOT
2 ACCRUE DURING ANY PERIOD WHEN THE OBLIGOR IS INCARCERATED, AND
3 CONTINUING FOR 60 DAYS AFTER THE OBLIGOR'S RELEASE FROM CONFINEMENT, IF:

4 (1) THE OBLIGOR WAS SENTENCED TO A TERM OF IMPRISONMENT OF 12
5 CONSECUTIVE MONTHS OR MORE;

6 (2) THE OBLIGOR IS NOT ON WORK RELEASE AND HAS INSUFFICIENT
7 RESOURCES WITH WHICH TO MAKE PAYMENT; AND

8 (3) THE OBLIGOR DID NOT COMMIT THE CRIME WITH THE INTENT OF
9 BEING INCARCERATED OR OTHERWISE BECOMING IMPOVERISHED.

10 (C) (1) IN ANY CASE IN WHICH THE ADMINISTRATION IS PROVIDING CHILD
11 SUPPORT SERVICES UNDER TITLE IV, PART D OF THE SOCIAL SECURITY ACT, THE
12 ADMINISTRATION MAY, WITHOUT THE NECESSITY OF ANY MOTION BEING FILED
13 WITH THE COURT, ADJUST AN INCARCERATED OBLIGOR'S PAYMENT ACCOUNT TO
14 REFLECT THE SUSPENSION OF THE ACCRUAL OF ARREARAGES UNDER SUBSECTION
15 (A) OF THIS SECTION.

16 (2) BEFORE MAKING AN ADJUSTMENT UNDER PARAGRAPH (1) OF THIS
17 SUBSECTION, THE ADMINISTRATION SHALL SEND WRITTEN NOTICE OF THE
18 PROPOSED ACTION TO THE OBLIGEE, INCLUDING THE OBLIGEE'S RIGHT TO OBJECT
19 TO THE PROPOSED ACTION AND AN EXPLANATION OF THE PROCEDURES FOR FILING
20 AN OBJECTION.

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