
By: **Delegate Rosenberg**

Introduced and read first time: February 11, 2005

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 21, 2005

CHAPTER _____

1 AN ACT concerning

2 **Family Law - Child Support - ~~Suspension of Enforcement~~ Settlement of**
 3 **Arrearages**

4 FOR the purpose of ~~authorizing a child support obligor to apply to the Child Support~~
 5 ~~Enforcement Administration to suspend, for a certain period of time, the~~
 6 ~~collection of an arrearage in child support payments under certain~~
 7 ~~circumstances; requiring the Administration to suspend, for a certain period of~~
 8 ~~time, the collection of an arrearage in child support payments under certain~~
 9 ~~circumstances; authorizing the Administration to refuse to suspend the~~
 10 ~~collection of an arrearage in child support payments under certain~~
 11 ~~circumstances; prohibiting the Administration from suspending the collection of~~
 12 ~~an arrearage in child support payments except under certain circumstances;~~
 13 ~~authorizing an obligor to reapply to the Administration to suspend the collection~~
 14 ~~of an arrearage in child support payments under certain circumstances;~~
 15 establishing a presumption that it is in the best interest of the State for the
 16 Child Support Enforcement Administration to accept in full settlement of an
 17 arrearage in child support payments an amount that is less than the total
 18 arrearage under certain circumstances; requiring the Administration to notify a
 19 child support obligor of a certain decision of the Administration and the obligor's
 20 right to appeal the decision; establishing certain appeal procedures under this
 21 Act; authorizing the Secretary of Human Resources, in cooperation with the
 22 Office of Administrative Hearings, to adopt certain regulations; requiring the
 23 Administration to conduct a certain study and submit a certain report on or
 24 before a certain date; and generally relating to child support.

25 BY repealing and reenacting, with amendments,

26 Article - Family Law

27 Section 10-112

1 Annotated Code of Maryland
2 (2004 Replacement Volume)

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

5 **Article - Family Law**

6 10-112.

7 (a) (1) If the Administration considers it to be in the best interest of this
8 State, in a case in which an assignment has been made under Article 88A, § 50(b)(2)
9 of the Code, the Administration may accept in full settlement of an arrearage in child
10 support payments an amount that is less than the total arrearage.

11 [(b)] (2) On request of the Administration, a court may approve by order an
12 amount that is less than the total arrearage as full settlement of the arrearage.

13 ~~(B) (1) IN A CASE IN WHICH AN ASSIGNMENT HAS BEEN MADE UNDER
14 ARTICLE 88A, § 50(B)(2) OF THE CODE, AN OBLIGOR MAY APPLY TO THE
15 ADMINISTRATION TO SUSPEND, FOR A PERIOD OF 3 YEARS, THE COLLECTION OF AN
16 ARREARAGE IN CHILD SUPPORT PAYMENTS.~~

17 ~~(2) EXCEPT AS PROVIDED IN PARAGRAPHS (3) AND (4) OF THIS
18 SUBSECTION, THE ADMINISTRATION SHALL SUSPEND, FOR A PERIOD OF 3 YEARS,
19 THE COLLECTION OF AN ARREARAGE IN CHILD SUPPORT PAYMENTS, IF THE
20 OBLIGOR PROVIDES SATISFACTORY PROOF THAT:~~

21 ~~(I) THE OBLIGOR AND THE CHILD WHO IS THE SUBJECT OF THE
22 SUPPORT ORDER RESIDE TOGETHER; AND~~

23 ~~(II) THE OBLIGOR IS SUPPORTING THE CHILD.~~

24 ~~(3) THE ADMINISTRATION MAY REFUSE TO SUSPEND THE COLLECTION
25 OF AN ARREARAGE IN CHILD SUPPORT PAYMENTS UNDER THIS SUBSECTION IF THE
26 ADMINISTRATION ISSUES, WITHIN 30 DAYS AFTER AN OBLIGOR APPLIES FOR A
27 SUSPENSION UNDER PARAGRAPH (1) OF THIS SUBSECTION, A WRITTEN DECISION
28 EXPLAINING THE REASONS FOR THE REFUSAL.~~

29 ~~(4) THE ADMINISTRATION MAY NOT SUSPEND THE COLLECTION OF AN
30 ARREARAGE IN CHILD SUPPORT PAYMENTS UNDER THIS SUBSECTION UNLESS THE
31 GROSS INCOME OF THE OBLIGOR AND THE OBLIGEE TOGETHER EQUALS LESS THAN
32 225 PERCENT OF THE FEDERAL POVERTY LEVEL, AS DEFINED BY THE UNITED
33 STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES.~~

34 ~~(5) SUBJECT TO THE PROVISIONS OF THIS SUBSECTION, AFTER THE
35 EXPIRATION OF ANY 3 YEAR PERIOD OF SUSPENSION, AN OBLIGOR MAY REAPPLY TO
36 THE ADMINISTRATION TO SUSPEND THE COLLECTION OF AN ARREARAGE IN CHILD
37 SUPPORT PAYMENTS FOR ANOTHER 3 YEAR PERIOD.~~

1 (B) (1) IN A CASE IN WHICH AN ASSIGNMENT HAS BEEN MADE UNDER
2 ARTICLE 88A, § 50(B)(2) OF THE CODE, THERE IS A PRESUMPTION THAT IT IS IN THE
3 BEST INTEREST OF THIS STATE FOR THE ADMINISTRATION TO ACCEPT IN FULL
4 SETTLEMENT OF AN ARREARAGE IN CHILD SUPPORT PAYMENTS AN AMOUNT THAT
5 IS LESS THAN THE TOTAL ARREARAGE IF:

6 (I) THE OBLIGOR, THE INDIVIDUAL WHO HAS MADE AN
7 ASSIGNMENT UNDER ARTICLE 88A, § 50(B)(2) OF THE CODE, AND THE CHILD WHO IS
8 THE SUBJECT OF THE SUPPORT ORDER HAVE RESIDED TOGETHER FOR AT LEAST
9 THE 6 MONTHS IMMEDIATELY PRECEDING A REQUEST FOR SETTLEMENT UNDER
10 THIS SECTION;

11 (II) THE OBLIGOR HAS BEEN SUPPORTING THE CHILD FOR AT
12 LEAST THE 6 MONTHS IMMEDIATELY PRECEDING A REQUEST FOR SETTLEMENT
13 UNDER THIS SECTION; AND

14 (III) THE GROSS INCOME OF THE OBLIGOR IS LESS THAN 225
15 PERCENT OF THE FEDERAL POVERTY LEVEL, AS DEFINED BY THE UNITED STATES
16 DEPARTMENT OF HEALTH AND HUMAN SERVICES.

17 (2) (I) IF THE ADMINISTRATION DOES NOT ACCEPT IN FULL
18 SETTLEMENT OF AN ARREARAGE IN CHILD SUPPORT PAYMENTS AN AMOUNT THAT
19 IS LESS THAN THE TOTAL ARREARAGE UNDER THIS SUBSECTION, THE
20 ADMINISTRATION SHALL NOTIFY THE OBLIGOR OF THE DECISION AND OF THE
21 OBLIGOR'S RIGHT TO APPEAL THE DECISION TO THE OFFICE OF ADMINISTRATIVE
22 HEARINGS.

23 (II) AN APPEAL UNDER THIS SUBSECTION SHALL BE CONDUCTED
24 IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

25 (C) THE SECRETARY OF HUMAN RESOURCES, IN COOPERATION WITH THE
26 OFFICE OF ADMINISTRATIVE HEARINGS, MAY ADOPT REGULATIONS TO IMPLEMENT
27 THIS SECTION.

28 SECTION 2. AND BE IT FURTHER ENACTED, That:

29 (a) The Child Support Enforcement Administration shall conduct or
30 commission a study on Child Support Trust Accounts that would allow welfare
31 recipients to accumulate child support payments in trust during the period of time
32 that the recipients are on welfare.

33 (b) The Child Support Enforcement Administration shall report to the
34 Governor and the General Assembly on or before November 1, 2005, in accordance
35 with § 2-1246 of the State Government Article, on the findings and recommendations
36 of the study.

37 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take
38 effect October 1, 2005.

