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

Introduced and read first time: January 21, 2005

Rules suspended

Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

2 **Family Law - Interception of State Payments for Child Support Arrears**

3 FOR the purpose of authorizing the Child Support Enforcement Administration to  
4 send a certain certification to the State Comptroller concerning certain child  
5 support obligors; requiring the Administration to send a certain notice to certain  
6 obligors; requiring the State Comptroller to withhold the amount of certain child  
7 support arrearages from certain payments due to certain obligors and to  
8 forward the amount withheld to the Administration; providing for the right of an  
9 obligor to challenge the Administration's certification by requesting an  
10 investigation; providing for the right to appeal to the Office of Administrative  
11 Hearings after an interception; authorizing the Administration and the State  
12 Comptroller to adopt certain regulations; and generally relating to the State  
13 Comptroller's interception of State payments for child support arrears.

14 BY adding to

15 Article - Family Law

16 Section 10-113.2

17 Annotated Code of Maryland

18 (2004 Replacement Volume)

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 10-113.2.

23 (A) THE ADMINISTRATION MAY CERTIFY TO THE STATE COMPTROLLER ANY  
24 OBLIGOR WHO IS IN ARREARS UNDER A CHILD SUPPORT ORDER, IF:

25 (1) THE AMOUNT OF ARREARS EXCEEDS \$150; AND

1 (2) THE ADMINISTRATION IS PROVIDING SERVICES IN THE CASE UNDER  
2 TITLE IV, PART D, OF THE FEDERAL SOCIAL SECURITY ACT.

3 (B) THE ADMINISTRATION SHALL NOTIFY THE OBLIGOR THAT:

4 (1) A CERTIFICATION HAS BEEN MADE BY THE ADMINISTRATION; AND

5 (2) THE OBLIGOR HAS A RIGHT TO REQUEST AN INVESTIGATION AS  
6 PROVIDED UNDER SUBSECTION (D) OF THIS SECTION.

7 (C) THE CERTIFICATION SHALL INCLUDE, IF KNOWN:

8 (1) THE FULL NAME OF THE OBLIGOR, AND ANY OTHER NAMES KNOWN  
9 TO BE USED BY THE OBLIGOR;

10 (2) THE ADDRESS AND SOCIAL SECURITY NUMBER OF THE OBLIGOR;  
11 AND

12 (3) THE AMOUNT OF THE ARREARAGE.

13 (D) (1) WITHIN 15 DAYS OF THE DATE OF THE NOTICE OF CERTIFICATION,  
14 AN OBLIGOR WHO DISPUTES THE EXISTENCE OR AMOUNT OF THE ARREARAGE MAY  
15 REQUEST THAT THE ADMINISTRATION CONDUCT AN INVESTIGATION OF THE  
16 ARREARAGE.

17 (2) (I) ON RECEIPT OF A REQUEST FOR INVESTIGATION FROM THE  
18 OBLIGOR, THE ADMINISTRATION SHALL CONDUCT AN INVESTIGATION AS TO THE  
19 EXISTENCE OR AMOUNT OF THE ARREARAGE.

20 (II) ON COMPLETION OF THE INVESTIGATION, THE  
21 ADMINISTRATION SHALL NOTIFY THE OBLIGOR OF THE OUTCOME OF THE  
22 INVESTIGATION.

23 (III) IF, AFTER THE INVESTIGATION THE ADMINISTRATION FINDS  
24 THERE IS AN ERROR, THE ADMINISTRATION SHALL CORRECT THE AMOUNT OF THE  
25 REPORTED ARREARS, OR, IF APPROPRIATE, WITHDRAW THE CERTIFICATION.

26 (E) THE STATE COMPTROLLER SHALL:

27 (1) WITHHOLD THE AMOUNT OF THE ARREARAGE FROM ANY PAYMENT  
28 DUE TO THE OBLIGOR;

29 (2) FORWARD THE AMOUNT WITHHELD TO THE ADMINISTRATION; AND

30 (3) NOTIFY THE OBLIGOR OF:

31 (I) THE AMOUNT PAID TO THE ADMINISTRATION; AND

32 (II) THE RIGHT TO APPEAL THE INTERCEPT TO THE OFFICE OF  
33 ADMINISTRATIVE HEARINGS AS PROVIDED IN SUBSECTION (G) OF THIS SECTION.

1 (F) ON RECEIPT OF THE INTERCEPTED PAYMENT, THE ADMINISTRATION  
2 SHALL:

3 (1) RETAIN ANY PART OF THE PAYMENT THAT DOES NOT EXCEED THE  
4 AMOUNT OF ARREARAGE OWED AT THE TIME THE PAYMENT WAS RECEIVED; AND

5 (2) PAY TO THE OBLIGOR ANY PART OF THE PAYMENT THAT EXCEEDS  
6 THE AMOUNT OF ARREARAGE OWED AT THE TIME THE PAYMENT WAS RECEIVED.

7 (G) (1) WITHIN 15 DAYS OF THE DATE OF THE NOTICE OF INTERCEPT FROM  
8 THE STATE COMPTROLLER, AN OBLIGOR WHO DISPUTES THE EXISTENCE OR  
9 AMOUNT OF THE ARREARAGE MAY APPEAL TO THE OFFICE OF ADMINISTRATIVE  
10 HEARINGS.

11 (2) AN APPEAL TO THE OFFICE OF ADMINISTRATIVE HEARINGS SHALL  
12 BE CONDUCTED IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE  
13 GOVERNMENT ARTICLE.

14 (H) THE SECRETARY OF HUMAN RESOURCES AND THE STATE COMPTROLLER  
15 MAY ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
17 October 1, 2005.