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

Introduced and read first time: January 21, 2005

Rules suspended

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 16, 2005

CHAPTER _____

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:

1

Article - Family Law

2 10-113.2.

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

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

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

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

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

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

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

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

15 (2) THE ADDRESS AND SOCIAL SECURITY NUMBER OF THE OBLIGOR;
16 AND

17 (3) THE AMOUNT OF THE ARREARAGE.

18 (D) (1) WITHIN ~~45~~ 30 DAYS OF THE DATE OF THE NOTICE OF CERTIFICATION,
19 AN OBLIGOR WHO DISPUTES THE EXISTENCE OR AMOUNT OF THE ARREARAGE MAY
20 REQUEST THAT THE ADMINISTRATION CONDUCT AN INVESTIGATION OF THE
21 ARREARAGE.

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

25 (II) ON COMPLETION OF THE INVESTIGATION, THE
26 ADMINISTRATION SHALL NOTIFY THE OBLIGOR OF THE OUTCOME OF THE
27 INVESTIGATION.

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

31 (E) THE STATE COMPTROLLER SHALL:

32 (1) WITHHOLD THE AMOUNT OF THE ARREARAGE FROM ANY PAYMENT
33 DUE TO THE OBLIGOR;

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

2 (3) NOTIFY THE OBLIGOR OF:

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

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

6 (F) ON RECEIPT OF THE INTERCEPTED PAYMENT, THE ADMINISTRATION
7 SHALL:

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

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

12 (G) (1) WITHIN ~~45~~ 30 DAYS OF THE DATE OF THE NOTICE OF INTERCEPT
13 FROM THE STATE COMPTROLLER, AN OBLIGOR WHO DISPUTES THE EXISTENCE OR
14 AMOUNT OF THE ARREARAGE MAY APPEAL TO THE OFFICE OF ADMINISTRATIVE
15 HEARINGS.

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

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

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