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By: **Delegate Dumais**

Introduced and read first time: January 27, 2006

Assigned to: Judiciary

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Committee Report: Favorable

House action: Adopted

Read second time: February 28, 2006

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CHAPTER\_\_\_\_\_

1 AN ACT concerning

2 **Child Support - Settlement of Arrearages - Best Interest of the Child**

3 FOR the purpose of establishing that the authority of the Child Support Enforcement  
 4 Administration to settle child support arrearages under certain circumstances is  
 5 subject to the best interest of the child; and generally relating to child support.

6 BY repealing and reenacting, with amendments,  
 7 Article - Family Law  
 8 Section 10-112  
 9 Annotated Code of Maryland  
 10 (2004 Replacement Volume and 2005 Supplement)

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

13 **Article - Family Law**

14 10-112.

15 (a) (1) [If] SUBJECT TO THE BEST INTEREST OF THE CHILD, IF the  
 16 Administration considers it to be in the best interest of this State in a case in which  
 17 an assignment has been made under Article 88A, § 50(b)(2) of the Code, the  
 18 Administration may accept in full settlement of an arrearage in child support  
 19 payments an amount that is less than the total arrearage.

20 (2) On request of the Administration, a court may approve by order an  
 21 amount that is less than the total arrearage as full settlement of the arrearage.

1 (b) (1) In a case in which an assignment has been made under Article 88A, §  
2 50(b)(2) of the Code, there is a presumption that it is in the best interest of this State  
3 for the Administration to accept in full settlement of an arrearage in child support  
4 payments an amount that is less than the total arrearage if:

5 (i) the obligor, the individual who has made an assignment under  
6 Article 88A, § 50(b)(2) of the Code, and the child who is the subject of the support  
7 order have resided together for at least the 12 months immediately preceding a  
8 request for settlement under this section;

9 (ii) the obligor has been supporting the child for at least the 12  
10 months immediately preceding a request for settlement under this section; and

11 (iii) the gross income of the obligor is less than 225 percent of the  
12 federal poverty level, as defined by the United States Department of Health and  
13 Human Services.

14 (2) (i) If the Administration does not accept in full settlement of an  
15 arrearage in child support payments an amount that is less than the total arrearage  
16 under this subsection, the Administration shall notify the obligor of the decision and  
17 of the obligor's right to appeal the decision to the Office of Administrative Hearings.

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

20 (c) The Secretary of Human Resources, in cooperation with the Office of  
21 Administrative Hearings, may adopt regulations to implement this section.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
23 October 1, 2006.