D4 6lr2276

By: Delegate Dumais

Introduced and read first time: February 2, 2006

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning	
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2 Family Law - Child Support - Settlement of Arrearages

- 3 FOR the purpose of establishing that it is in the best interest of the State for the
- 4 Child Support Enforcement Administration to settle certain child support
- 5 arrearages if the obligor and the child who is the subject of the support order
- 6 have resided together for a certain period of time under certain circumstances;
- 7 and generally relating to child support.
- 8 BY repealing and reenacting, with amendments,
- 9 Article Family Law
- 10 Section 10-112
- 11 Annotated Code of Maryland
- 12 (2004 Replacement Volume and 2005 Supplement)
- 13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
- 14 MARYLAND, That the Laws of Maryland read as follows:
- 15 Article Family Law

16 10-112.

- 17 (a) (1) If the Administration considers it to be in the best interest of this
- 18 State, in a case in which an assignment has been made under Article 88A, § 50(b)(2)
- 19 of the Code, the Administration may accept in full settlement of an arrearage in child
- 20 support payments an amount that is less than the total arrearage.
- 21 On request of the Administration, a court may approve by order an
- 22 amount that is less than the total arrearage as full settlement of the arrearage.
- 23 (b) (1) In a case in which an assignment has been made under Article 88A, §
- 24 50(b)(2) of the Code, there is a presumption that it is in the best interest of this State
- 25 for the Administration to accept in full settlement of an arrearage in child support
- 26 payments an amount that is less than the total arrearage if:
- 27 (i) 1. the obligor, the individual who has made an assignment
- 28 under Article 88A, § 50(b)(2) of the Code, and the child who is the subject of the

23 October 1, 2006.

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1 support order have resided together for at least the 12 months immediately preceding

2 a request for settlement under this section; OR 3 2. THE OBLIGOR AND THE CHILD WHO IS THE SUBJECT OF 4 THE SUPPORT ORDER HAVE RESIDED TOGETHER FOR AT LEAST THE 12 MONTHS 5 IMMEDIATELY PRECEDING A REQUEST FOR SETTLEMENT UNDER THIS SECTION, 6 AND THE INDIVIDUAL WHO HAS MADE AN ASSIGNMENT UNDER ARTICLE 88A, § 7 50(B)(2) OF THE CODE IS DECEASED, INCAPACITATED, OR OTHERWISE UNAVAILABLE 8 TO RESIDE WITH THE OBLIGOR AND THE CHILD; the obligor has been supporting the child for at least the 12 (ii) 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)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 An appeal under this subsection shall be conducted in (ii) 19 accordance with Title 10, Subtitle 2 of the State Government Article. 20 The Secretary of Human Resources, in cooperation with the Office of (c) 21 Administrative Hearings, may adopt regulations to implement this section. SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 22