
By: **Delegate Dumais**

Introduced and read first time: February 2, 2006

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 7, 2006

CHAPTER_____

1 AN ACT concerning

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 providing for the construction of certain provisions of this Act; and generally
8 relating to child support.

9 BY repealing and reenacting, with amendments,
10 Article - Family Law
11 Section 10-112
12 Annotated Code of Maryland
13 (2004 Replacement Volume and 2005 Supplement)

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

16 **Article - Family Law**

17 10-112.

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

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

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

7 (i) 1. the obligor, the individual who has made an assignment
8 under Article 88A, § 50(b)(2) of the Code, and the child who is the subject of the
9 support order have resided together for at least the 12 months immediately preceding
10 a request for settlement under this section; OR

11 2. THE OBLIGOR AND THE CHILD WHO IS THE SUBJECT OF
12 THE SUPPORT ORDER HAVE RESIDED TOGETHER FOR AT LEAST THE 12 MONTHS
13 IMMEDIATELY PRECEDING A REQUEST FOR SETTLEMENT UNDER THIS SECTION,
14 AND THE INDIVIDUAL WHO HAS MADE AN ASSIGNMENT UNDER ARTICLE 88A, §
15 50(B)(2) OF THE CODE IS DECEASED, INCAPACITATED, OR OTHERWISE UNAVAILABLE
16 TO RESIDE WITH THE OBLIGOR AND THE CHILD;

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

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

22 (2) FOR PURPOSES OF PARAGRAPH (1)(I)2 OF THIS SUBSECTION, AN
23 INDIVIDUAL WHO HAS MADE AN ASSIGNMENT UNDER ARTICLE 88A, § 50(B)(2) OF THE
24 CODE MAY NOT BE CONSIDERED INCAPACITATED OR OTHERWISE UNAVAILABLE DUE
25 SOLELY TO A CHANGE IN LEGAL OR PHYSICAL CUSTODY OF THE CHILD.

26 ~~(2)~~ (3) (i) If the Administration does not accept in full settlement of
27 an arrearage in child support payments an amount that is less than the total
28 arrearage under this subsection, the Administration shall notify the obligor of the
29 decision and of the obligor's right to appeal the decision to the Office of
30 Administrative Hearings.

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

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

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

