

(PRE-FILED)

By: **Senator Stone**
 Requested: November 15, 2005
 Introduced and read first time: January 11, 2006
 Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law - Earnings Withholding Orders**

3 FOR the purpose of repealing certain obsolete references to certain orders passed on
4 or after a certain date; repealing a certain obsolete provision relating to certain
5 orders passed before a certain date; and generally relating to earnings
6 withholding.

7 BY repealing and reenacting, with amendments,
8 Article - Family Law
9 Section 10-121
10 Annotated Code of Maryland
11 (2004 Replacement Volume and 2005 Supplement)

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

14 **Article - Family Law**

15 10-121.

16 (a) Any order under this Part III of this subtitle [that is passed on or after
17 July 1, 1985] shall constitute an immediate and continuing withholding order on all
18 earnings of the obligor that are due on or after the date of the support order.

19 (b) [(1) Any order under this Part III of this subtitle that is passed before
20 July 1, 1985 shall become an immediate and continuing withholding order on all
21 earnings of the obligor that are due on or after the date of the withholding order on
22 the filing by the recipient or support enforcement agency of:

23 (i) a motion for a withholding order on the earnings of the obligor;

24 and

25 (ii) a current support order.

1 (2) Notice of the filing of the motion and a statement that the support
2 order constitutes an earnings withholding order subject to the conditions of this Part
3 III of this subtitle shall be sent to the obligor by certified mail, return receipt
4 requested and first class mail, at the last known home address or, if the home address
5 is unknown, the place of employment of the obligor.

6 (c)] Any support order or modification of support order not subject to
7 immediate withholding under § 10-123 of this subtitle[, that is passed on or after
8 July 1, 1985, and any notice and statement issued under subsection (b)(2) of this
9 section] shall include a statement that:

10 (1) if the obligor accumulates support payments arrears amounting to
11 more than 30 days of support, the obligor shall be subject to earnings withholding;

12 (2) the obligor is required to notify the court within 10 days of any
13 change of address or employment so long as the support order is in effect; and

14 (3) failure to comply with item (2) of this subsection will subject the
15 obligor to a penalty not to exceed \$250 and may result in the obligor's not receiving
16 notice of proceedings for earnings withholding.

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