

**Department of Legislative Services**  
Maryland General Assembly  
2006 Session

**FISCAL AND POLICY NOTE**

Senate Bill 44 (Senator Stone)  
Judicial Proceedings

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**Family Law - Earnings Withholding Orders**

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This bill repeals an obsolete reference to earnings withholding orders “passed on or after July 1, 1985.” The bill also repeals the procedure for enforcing earnings withholding orders that were issued before July 1, 1985.

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**Fiscal Summary**

**State Effect:** None. The bill’s requirements could be met with existing resources.

**Local Effect:** None. The bill’s requirements could be met with existing resources.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** Any earnings withholding order that is issued on or after July 1, 1985 subjects all the earnings of the obligor that are due on or after the date of the support order to immediate withholding. Any earnings withholding order issued before July 1, 1985 subjects all the earnings of the obligor that are due on or after the date of the order to immediate withholding upon the filing by the recipient or support enforcement agency of a motion for a withholding order and a current support order. Notice of the filing of the motion for withholding and the documentation of the support order must be sent to the obligor by certified mail, return receipt requested, and first class mail to the last known home address of the obligor, or to the obligor’s place of employment if the home address is unknown.

Any support order or modification of support order, issued on or after July 1, 1985, and any notice or statement relating to an earnings withholding order issued before July 1, 1985 must include a statement that if the obligor falls into arrears amounting to more than 30 days of support, the obligor will be subject to earnings withholding. So long as the support order is in effect, the obligor is required to notify the court within 10 days of any change in address or place of employment. Failure to notify the court in a timely manner subjects the obligor to a maximum penalty of \$250, and may mean that the obligor will not receive timely notice of earnings withholding proceedings.

**Background:** Chapter 329 of 1985 provided that all support orders issued on or after July 1, 1985 were subject to immediate earnings withholding. At the time of enactment, there were still active child support orders that had been issued before July 1, 1985 that could become subject to earnings withholding (for example, if the obligor, who had been making timely payments, fell into arrears). Thus, provisions were enacted specifying that earnings withholding orders issued before July 1, 1985 could also become subject to earnings withholding in accordance with procedures that were in effect before the enactment of Chapter 329.

Since the legal obligation to pay child support does not continue past the age of 19 in Maryland and no one born in 1985 is covered by a current child support enforcement order, the distinction between child support orders issued before July 1, 1985 and child support orders issued on or after that date is not required.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Human Resources, Judiciary (Administrative Office of the Courts) Department of Legislative Services

**Fiscal Note History:** First Reader - January 24, 2006  
mam/jr

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