

# HOUSE BILL 792

D4

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By: **Delegates Barkley, Ali, and Dumais**

Introduced and read first time: February 9, 2007

Assigned to: Judiciary

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 2007

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Family Law – Child Support – Suspension of Attorney Licenses**

3 FOR the purpose of altering the definition of “licensing authority” to specifically  
4 include the Court of Appeals in provisions authorizing the Child Support  
5 Enforcement Administration to require a licensing authority to suspend certain  
6 professional licenses for failure to pay child support; authorizing the  
7 Administration to make a referral to the Attorney Grievance Commission for  
8 proceedings in accordance with the Maryland Rules governing attorney  
9 discipline under certain circumstances; authorizing the Court of Appeals to take  
10 certain actions; requiring the Administration to take certain actions before  
11 making a certain referral to the Attorney Grievance Commission; prohibiting  
12 the Administration from making a certain referral to the Attorney Grievance  
13 Commission under certain circumstances; specifying that the Maryland Rules  
14 govern certain notice and appeal procedures; and generally relating to child  
15 support.

16 BY repealing and reenacting, with amendments,

17 Article – Family Law

18 Section ~~10-119.3(a)~~ 10-119.3

19 Annotated Code of Maryland

20 (2006 Replacement Volume)

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**EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



~~BY repealing and reenacting, without amendments,  
 Article – Family Law  
 Section 10–119.3(c)  
 Annotated Code of Maryland  
 (2006 Replacement Volume)~~

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

**Article – Family Law**

10–119.3.

(a) (1) In this section the following words have the meanings indicated.

(2) “License” means any license, certificate, registration, permit, or other authorization that:

(i) is issued by a licensing authority;

(ii) is subject to suspension, revocation, forfeiture, or termination by a licensing authority; and

(iii) is necessary for an individual to practice or engage in a particular business, occupation, or profession.

(3) (i) “Licensing authority” means a department, unit of a department, commission, board, [or] office, **OR COURT** of the State.

(ii) “Licensing authority” includes:

1. the Department of Labor, Licensing, and Regulation;
2. the Department of Health and Mental Hygiene;
3. the Department of Human Resources;
4. the Department of Transportation;
5. the Department of the Environment;
6. the Comptroller of the Treasury;



1 ~~(ii) deny the license of an individual who is an applicant for a~~  
2 ~~license from the licensing authority.~~

3 (b) A licensing authority shall:

4 (1) require each applicant for a license to disclose the Social Security  
5 number of the applicant[.]; AND

6 (2) record the applicant's Social Security number on the application.

7 (c) (1) To carry out its responsibility under State and federal law, the  
8 Administration may request from a licensing authority information concerning any  
9 obligor in arrears in paying child support through a support enforcement agency.

10 (2) A request for information by the Administration under paragraph  
11 (1) of this subsection:

12 (i) shall contain:

13 1. the full name of the obligor; and

14 2. the Social Security number of the obligor; and

15 (ii) may be transmitted to a licensing authority using an  
16 electronic format.

17 (3) A request for information may not be made by the Administration  
18 to a licensing authority more frequently than four times in each calendar year except  
19 with respect to an obligor whom the Administration has reason to believe is licensed  
20 by, or has applied for a license from, the licensing authority.

21 (4) In addition to requests for information under this subsection, the  
22 Administration may request a licensing authority to periodically share its licensing  
23 database with the Administration.

24 (d) (1) Upon receipt of a request for information under subsection (c) of  
25 this section, a licensing authority shall submit the following information to the  
26 Administration with respect to each obligor who is licensed by, or has applied for a  
27 license from, the licensing authority:

28 (i) the full name of the obligor;

29 (ii) the address of the obligor, if known;

1                   (iii) the Social Security number of the obligor, if known; and

2                   (iv) a description of the license held by the obligor.

3                   (2) The information may be transmitted to the Administration in an  
4 electronic format.

5                   (3) Except as otherwise provided by law, any record compiled under  
6 this subsection shall be made available only to a person who has a right to the record  
7 in an official capacity.

8                   (e) (1) **[Subject] EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS**  
9 **SUBSECTION AND SUBJECT** to the provisions of subsection (f) of this section, the  
10 Administration may request a licensing authority to suspend or deny an individual's  
11 license if:

12                               (i) 1. the individual is in arrears amounting to more than  
13 120 days under the most recent order; and

14   2. A. the Administration has accepted an assignment  
15 of support under Article 88A, § 50(b)(2) of the Code; or

16   B. the recipient of support payments has filed an  
17 application for support enforcement services with the Administration; or

18                               (ii) the individual has failed to comply with a subpoena issued  
19 by the Administration under § 10-108.6 of this subtitle.

20                   (2) **[Upon] EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS**  
21 **SUBSECTION, UPON** notification by the Administration under this section, a licensing  
22 authority shall:

23                               (i) suspend an individual's license; or

24                               (ii) deny the license of an individual who is an applicant for a  
25 license from the licensing authority.

26                   **(3) (I) THIS PARAGRAPH APPLIES IF THE LICENSING**  
27 **AUTHORITY IS THE COURT OF APPEALS.**

1                    (II) IF AN INDIVIDUAL MEETS THE CRITERIA SPECIFIED IN  
2 PARAGRAPH (1) OF THIS SUBSECTION, THE ADMINISTRATION MAY MAKE A  
3 REFERRAL TO THE ATTORNEY GRIEVANCE COMMISSION FOR PROCEEDINGS IN  
4 ACCORDANCE WITH THE MARYLAND RULES GOVERNING ATTORNEY  
5 DISCIPLINE.

6                    (III) ON RECOMMENDATION OF THE ATTORNEY GRIEVANCE  
7 COMMISSION, THE COURT OF APPEALS MAY SUSPEND AN INDIVIDUAL'S  
8 LICENSE OR TAKE OTHER ACTION AGAINST THE INDIVIDUAL AS AUTHORIZED BY  
9 THE MARYLAND RULES GOVERNING ATTORNEY DISCIPLINE.

10                   (IV) THE COURT OF APPEALS MAY ADOPT RULES TO  
11 IMPLEMENT THE PROVISIONS OF THIS PARAGRAPH.

12                (f)    (1)    At least 30 days before requesting a licensing authority to suspend  
13 or deny a license OR AT LEAST 30 DAYS BEFORE MAKING A REFERRAL UNDER  
14 SUBSECTION (E)(3) OF THIS SECTION, the Administration shall:

15                    (i)    send written notice of the proposed action to the individual  
16 whose license is subject to suspension under this section, including notice of the  
17 individual's right to request an investigation; and

18                    (ii)   give the individual a reasonable opportunity to contest the  
19 accuracy of the information.

20                    (2)    (i)    Upon receipt of a request for investigation from an  
21 individual whose license is subject to suspension, the Administration shall conduct an  
22 investigation.

23                    (ii)   Upon completion of the investigation, the Administration  
24 shall notify the individual of the result of the investigation and the individual's right  
25 to appeal to the Office of Administrative Hearings.

26                    (3)    (i)    An appeal under this section shall be conducted in  
27 accordance with Title 10, Subtitle 2 of the State Government Article.

28                    (ii)   An appeal shall be made in writing and shall be received by  
29 the Office of Administrative Hearings within 30 days after the notice to the individual  
30 whose license is subject to suspension of the results of the investigation.

31                    (4)    If, after the investigation or appeal to the Office of Administrative  
32 Hearings, the Administration finds that it erred in making a decision, the

1 Administration may not send a notification about an individual to a licensing  
2 authority **OR MAKE A REFERRAL UNDER SUBSECTION (E)(3) OF THIS SECTION.**

3 (g) The Administration may not send a notification about an individual to a  
4 licensing authority **OR MAKE A REFERRAL UNDER SUBSECTION (E)(3) OF THIS**  
5 **SECTION** if:

6 (1) with respect to an individual with a child support arrearage:

7 (i) the Administration reaches an agreement with the  
8 individual regarding a scheduled payment of the child support arrearage or a court  
9 issues an order for a scheduled payment of the child support arrearage; and

10 (ii) the individual is complying with the agreement or court  
11 order; or

12 (2) with respect to an individual who failed to comply with a subpoena  
13 issued under § 10-108.5 of this subtitle, the individual has complied with the  
14 subpoena.

15 (h) (1) [Prior] **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**  
16 **SUBSECTION, PRIOR** to the suspension or denial of a license under subsection (e) of  
17 this section, a licensing authority shall send written notice of the proposed action to  
18 the individual whose license is subject to suspension or denial, including notice of the  
19 individual's right to contest the identity of the individual whose license or application  
20 is to be suspended or denied.

21 (2) **IF THE LICENSING AUTHORITY IS THE COURT OF APPEALS,**  
22 **NOTICE SHALL BE AS PROVIDED IN THE MARYLAND RULES GOVERNING**  
23 **ATTORNEY DISCIPLINE.**

24 (i) (1) (I) [An] **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**  
25 **SUBSECTION, AN** individual may appeal a decision of a licensing authority to suspend  
26 or deny the individual's license in accordance with Title 10, Subtitle 2 of the State  
27 Government Article.

28 [(2)] (II) At a hearing under this [subsection] **PARAGRAPH,** the issue  
29 shall be limited to whether the Administration has mistaken the identity of the  
30 individual whose license has been suspended or denied.

1           **(2) IF THE LICENSING AUTHORITY IS THE COURT OF APPEALS,**  
2 **AN INDIVIDUAL MAY APPEAL A DECISION IN ACCORDANCE WITH THE MARYLAND**  
3 **RULES GOVERNING ATTORNEY DISCIPLINE.**

4           (j) The Administration shall notify the licensing authority to reinstate any  
5 license suspended or denied under this section within 10 days after the occurrence of  
6 any of the following events:

7                   (1) the Administration receives a court order to reinstate the  
8 suspended license; or

9                   (2) with respect to an individual with a child support arrearage, the  
10 individual has:

11                           (i) paid the support arrearage in full; or

12                           (ii) demonstrated good faith by paying the ordered amount of  
13 support for 4 consecutive months; or

14                   (3) with respect to an individual whose license was suspended or  
15 denied because of a failure to comply with a subpoena issued under § 10-108.5 of this  
16 subtitle, the individual has complied with the subpoena.

17           (k) A licensing authority shall immediately reinstate any license suspended,  
18 or process an application for any license denied, under this section if:

19                   (1) notified by the Administration that the license should be  
20 reinstated; and

21                   (2) the individual otherwise qualifies for the license.

22           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
23 October 1, 2007.