

HOUSE BILL 411

D4

8lr0766

By: **Delegates G. Clagett, Benson, DeBoy, Elmore, Haddaway, Hecht, Heller, Robinson, Shewell, Sophocleus, Sossi, Stocksdale, and Walkup**
Introduced and read first time: January 28, 2008
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Child Support Enforcement – Interception of Abandoned Property**

3 FOR the purpose of adding certain abandoned property to certain provisions of law
4 requiring the State Comptroller to withhold the amount of certain child support
5 arrearages from certain payments due to certain obligors and to forward the
6 amount withheld to the Child Support Enforcement Administration; and
7 generally relating to collection of child support arrearages.

8 BY repealing and reenacting, with amendments,
9 Article – Family Law
10 Section 10–113.2
11 Annotated Code of Maryland
12 (2006 Replacement Volume and 2007 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 10–113.2.

17 (a) The Administration may certify to the State Comptroller any obligor who
18 is in arrears under a child support order, if:

19 (1) the amount of arrears exceeds \$150; and

20 (2) the Administration is providing services in the case under Title IV,
21 Part D, of the federal Social Security Act.

22 (b) The Administration shall notify the obligor that:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 (1) a certification has been made by the Administration; and

2 (2) the obligor has a right to request an investigation as provided
3 under subsection (d) of this section.

4 (c) The certification shall include, if known:

5 (1) the full name of the obligor, and any other names known to be used
6 by the obligor;

7 (2) the address and Social Security number of the obligor; and

8 (3) the amount of the arrearage.

9 (d) (1) Within 30 days of the date of the notice of certification, an obligor
10 who disputes the existence or amount of the arrearage may request that the
11 Administration conduct an investigation of the arrearage.

12 (2) (i) On receipt of a request for investigation from the obligor, the
13 Administration shall conduct an investigation as to the existence or amount of the
14 arrearage.

15 (ii) On completion of the investigation, the Administration shall
16 notify the obligor of the outcome of the investigation.

17 (iii) If, after the investigation the Administration finds there is
18 an error, the Administration shall correct the amount of the reported arrears, or, if
19 appropriate, withdraw the certification.

20 (e) The State Comptroller shall:

21 (1) withhold the amount of the arrearage from:

22 (I) any payment due to the obligor; **OR**

23 (II) **ANY ABANDONED PROPERTY DELIVERED TO THE STATE**
24 **COMPTRROLLER UNDER TITLE 17 OF THE COMMERCIAL LAW ARTICLE IN WHICH**
25 **THE OBLIGOR HAS AN INTEREST;**

26 (2) forward the amount withheld to the Administration; and

27 (3) notify the obligor of:

28 (i) the amount paid to the Administration; and

1 (ii) the right to appeal the intercept to the Office of
2 Administrative Hearings as provided in subsection (g) of this section.

3 (f) On receipt of the intercepted payment, the Administration shall:

4 (1) retain any part of the payment that does not exceed the amount of
5 arrearage owed at the time the payment was received; and

6 (2) pay to the obligor any part of the payment that exceeds the amount
7 of arrearage owed at the time the payment was received.

8 (g) (1) Within 30 days of the date of the notice of intercept from the State
9 Comptroller, an obligor who disputes the existence or amount of the arrearage may
10 appeal to the Office of Administrative Hearings.

11 (2) An appeal to the Office of Administrative Hearings shall be
12 conducted in accordance with Title 10, Subtitle 2 of the State Government Article.

13 (h) The Secretary of Human Resources and the State Comptroller may adopt
14 regulations to carry out this section.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2008.