

HOUSE BILL 1448

D4

9lr0138

By: **Chair, Judiciary Committee (By Request – Departmental – Human Resources)**

Introduced and read first time: February 26, 2009

Assigned to: Rules and Executive Nominations

Re-referred to: Appropriations, March 2, 2009

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 28, 2009

CHAPTER _____

1 AN ACT concerning

2 **Family Law – Child Support Enforcement Privatization Program and**
3 **Performance Incentive Model Office**

4 FOR the purpose of authorizing the Secretary of Human Resources to enter into
5 contracts with private companies to privatize child support enforcement
6 services in Baltimore City; specifying the authority of the Secretary to take
7 certain actions; specifying the requirements of a request for proposal to transfer
8 child support enforcement services; ~~establishing certain rights for certain~~
9 ~~employees~~; authorizing conciliation conferences; requiring the Secretary to
10 establish performance incentive model offices; ~~classifying certain employment~~
11 ~~positions in a performance incentive model office~~; requiring the Secretary to
12 establish a certain performance incentive program; authorizing the Secretary to
13 adopt regulations; defining certain terms; requiring the Secretary of Human
14 Resources to report to certain committees of the General Assembly on or before
15 certain dates; and generally relating to child support.

16 BY repealing

17 Article – Family Law

18 Section 10–119.1 and 10–119.2

19 Annotated Code of Maryland

20 (2006 Replacement Volume and 2008 Supplement)

21 BY adding to

22 Article – Family Law

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.



Section 10–119.1 and 10–119.2
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 10–119.1 and 10–119.2 of Article – Family Law of the Annotated Code of Maryland be repealed.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Family Law

10–119.1.

(A) IN THIS SECTION, “CONCILIATION CONFERENCE” MEANS A CONFERENCE CONDUCTED AT A SITE DESIGNATED BY THE PROGRAM ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION TO PROVIDE AN OPPORTUNITY FOR THE PARTIES TO RESOLVE ISSUES ASSOCIATED WITH AN ACTION TO MODIFY OR ENFORCE A DUTY OF SUPPORT PRIOR TO GOING TO A COURT PROCEEDING.

(B) NOTWITHSTANDING § 13–405 OF THE STATE PERSONNEL AND PENSIONS ARTICLE, A CHILD SUPPORT ENFORCEMENT PRIVATIZATION PROGRAM MAY OPERATE IN BALTIMORE CITY.

(C) THE SECRETARY OF THE DEPARTMENT MAY ENTER INTO CONTRACTS WITH PRIVATE COMPANIES TO PRIVATIZE CHILD SUPPORT ENFORCEMENT SERVICES IN BALTIMORE CITY, INCLUDING:

(1) LOCATING ABSENT PARENTS;

(2) ESTABLISHING PATERNITIES;

(3) ESTABLISHING SUPPORT ORDERS;

(4) COLLECTING AND DISBURSING SUPPORT PAYMENTS;

(5) REVIEWING AND MODIFYING CHILD SUPPORT ORDERS; AND

(6) EXCEPT FOR LEGAL REPRESENTATION IN ACCORDANCE WITH § 10–115 OF THIS SUBTITLE AND AS OTHERWISE PROVIDED BY LAW, ENFORCING SUPPORT OBLIGATIONS.

(D) SUBJECT TO SUBSECTION (G) OF THIS SECTION, THE SECRETARY MAY:

1 (1) ENTER INTO CONTRACTS TO TRANSFER CHILD SUPPORT
2 ENFORCEMENT SERVICES IN BALTIMORE CITY TO ONE OR MORE PRIVATE
3 CONTRACTORS;

4 (2) PROVIDE FOR THE REIMBURSEMENT OF ANY PRIVATE
5 CONTRACTOR;

6 (3) ESTABLISH PROCEDURES FOR THE ORDERLY TRANSITION TO
7 ANY FUTURE PRIVATE CONTRACTOR SELECTED UNDER THIS SUBSECTION;

8 (4) REQUIRE ANY PRIVATE CONTRACTOR TO OFFER
9 EMPLOYMENT ON TERMS DEEMED BY THE SECRETARY TO BE FAIR AND
10 EQUITABLE TO ANY EXISTING STATE EMPLOYEES WORKING FOR AN EXISTING
11 CONTRACTOR WHO ARE AFFECTED BY THE TRANSFER OF CHILD SUPPORT
12 ENFORCEMENT SERVICES UNDER THIS SECTION AND TO RETAIN ANY
13 EMPLOYEES WHO ACCEPT THE OFFER:

14 (I) FOR THE DURATION OF THE PROGRAM UNLESS THERE
15 IS CAUSE FOR DISMISSAL; AND

16 (II) AT A SALARY AND BENEFIT LEVEL COMPARABLE TO THE
17 SALARY AND BENEFITS TO WHICH THEY WERE ENTITLED AT THE TIME OF THE
18 TRANSFER;

19 (5) REQUIRE ANY PRIVATE CONTRACTOR TO ADOPT A GRIEVANCE
20 PROCEDURE FOR EMPLOYEES WHO ARE RETAINED BY THE PRIVATE
21 CONTRACTOR UNDER ITEM (4) OF THIS SUBSECTION;

22 (6) PROHIBIT THE REIMBURSEMENT OF ANY PRIVATE
23 CONTRACTOR FROM CHILD SUPPORT COLLECTIONS; AND

24 (7) ASSIST AN EMPLOYEE WHO DECLINES AN OFFER OF
25 EMPLOYMENT WITH A PRIVATE CONTRACTOR TO IDENTIFY A COMPARABLE
26 POSITION IN THE STATE PERSONNEL MANAGEMENT SYSTEM TO WHICH THE
27 EMPLOYEE MAY TRANSFER.

28 (E) A REQUEST FOR PROPOSAL TO TRANSFER CHILD SUPPORT
29 ENFORCEMENT SERVICES ISSUED UNDER THIS SECTION SHALL:

30 (1) COMPLY WITH THE PROVISIONS OF DIVISION II OF THE STATE
31 FINANCE AND PROCUREMENT ARTICLE;

32 (2) SET FORTH THE GOALS OF THE PRIVATIZATION; AND

1 (3) SPECIFY THE INCENTIVES WHICH WILL BE AVAILABLE TO THE
2 CONTRACTOR.

3 (F) THE SECRETARY MAY ADOPT REGULATIONS NECESSARY TO CARRY
4 OUT THE PROVISIONS OF THIS SECTION.

5 ~~(G) A FORMER STATE EMPLOYEE WHO DECLINES AN OFFER OF~~
6 ~~EMPLOYMENT WITH A PRIVATE CONTRACTOR UNDER THIS SECTION SHALL BE~~
7 ~~CONSIDERED LAID OFF AND SHALL BE ENTITLED TO ALL RIGHTS SPECIFIED~~
8 ~~UNDER TITLE 11, SUBTITLE 2 OF THE STATE PERSONNEL AND PENSIONS~~
9 ~~ARTICLE.~~

10 ~~(H)~~ (G) IN ACCORDANCE WITH SUBSECTION (I) OF THIS SECTION, THE
11 PRIVATIZATION PROGRAM MAY CONDUCT A CONCILIATION CONFERENCE.

12 ~~(H)~~ (H) (1) IF A COMPLAINT IS FILED TO MODIFY OR ENFORCE A
13 DUTY OF SUPPORT IN THE CIRCUIT COURT OF A JURISDICTION IN WHICH THE
14 PROGRAM IS LOCATED, THE COURT MAY ISSUE A WRIT OF SUMMONS TO ORDER
15 THE PARTIES TO APPEAR AND TO PRODUCE DOCUMENTS AT A CONCILIATION
16 CONFERENCE.

17 (2) IF A PARTY FAILS TO APPEAR OR FAILS TO PRODUCE THE
18 DOCUMENTS REQUIRED UNDER THIS SUBSECTION, A REPRESENTATIVE OF THE
19 PROGRAM MAY APPLY, ON AFFIDAVIT, TO THE COURT FOR A BODY
20 ATTACHMENT.

21 (3) IF A PARTY FAILS OR REFUSES TO OBEY A COURT ORDER TO
22 APPEAR OR PRODUCE THE DOCUMENTS REQUIRED UNDER THIS SUBSECTION AT
23 A CONCILIATION CONFERENCE, THE COURT MAY ISSUE A BODY ATTACHMENT OR
24 COMPEL COMPLIANCE IN ANY OTHER MANNER AVAILABLE TO THE COURT TO
25 ENFORCE ITS ORDER.

26 **10-119.2.**

27 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
28 MEANINGS INDICATED.

29 (2) “CONCILIATION CONFERENCE” MEANS A CONFERENCE
30 CONDUCTED AT A PERFORMANCE INCENTIVE MODEL OFFICE TO PROVIDE AN
31 OPPORTUNITY FOR THE PARTIES TO RESOLVE ISSUES ASSOCIATED WITH AN
32 ACTION TO MODIFY OR ENFORCE A DUTY OF SUPPORT PRIOR TO GOING TO A
33 COURT PROCEEDING.

1 (3) **“PERFORMANCE INCENTIVE MODEL OFFICE” MEANS ANY**
2 **JURISDICTION THAT IS NOT DESIGNATED AS A PRIVATIZED JURISDICTION IN**
3 **PROVIDING CHILD SUPPORT ENFORCEMENT SERVICES.**

4 (b) **SUBJECT TO THE PROVISIONS OF THIS SUBSECTION, THE**
5 **SECRETARY OF HUMAN RESOURCES SHALL ESTABLISH CHILD SUPPORT**
6 **PERFORMANCE INCENTIVE MODEL OFFICES IN ALL JURISDICTIONS THAT ARE**
7 **NOT PRIVATIZED JURISDICTIONS AS ESTABLISHED IN § 10-119.1 OF THIS**
8 **SUBTITLE.**

9 (c) **NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE**
10 **SECRETARY SHALL HAVE SOLE AUTHORITY OVER THE CHILD SUPPORT**
11 **ENFORCEMENT SERVICES IN A PERFORMANCE INCENTIVE MODEL, INCLUDING:**

12 (1) **LOCATION OF PARENTS;**

13 (2) **ESTABLISHING PATERNITIES;**

14 (3) **ESTABLISHING CHILD SUPPORT ORDERS;**

15 (4) **COLLECTING AND DISBURSING SUPPORT PAYMENTS;**

16 (5) **REVIEWING AND MODIFYING CHILD SUPPORT ORDERS;**

17 (6) **ENFORCING SUPPORT OBLIGATIONS;**

18 (7) **PROVIDING LEGAL REPRESENTATION IN ACCORDANCE WITH §**
19 **10-115 OF THIS SUBTITLE; AND**

20 (8) **ESTABLISHING CONTRACTUAL AGREEMENTS WITH PRIVATE**
21 **OR PUBLIC ENTITIES TO PROVIDE CHILD SUPPORT SERVICES.**

22 ~~(d) (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ALL~~
23 ~~EMPLOYEES HIRED IN A PERFORMANCE INCENTIVE MODEL OFFICE AFTER~~
24 ~~SEPTEMBER 30, 2009, SHALL BE IN THE MANAGEMENT SERVICE OR SPECIAL~~
25 ~~APPOINTMENTS IN THE STATE PERSONNEL MANAGEMENT SYSTEM.~~

26 ~~(2) IF A POSITION IN A PERFORMANCE INCENTIVE MODEL OFFICE~~
27 ~~IS HELD BY A CLASSIFIED SERVICE EMPLOYEE PRIOR TO ITS DESIGNATION AS A~~
28 ~~PERFORMANCE INCENTIVE MODEL OFFICE, THE POSITION REMAINS A~~
29 ~~CLASSIFIED SERVICE POSITION OR ITS EQUIVALENT IN THE STATE PERSONNEL~~
30 ~~MANAGEMENT SYSTEM UNTIL THE POSITION BECOMES VACANT, AT WHICH~~
31 ~~TIME THE POSITION SHALL BECOME A MANAGEMENT SERVICE OR SPECIAL~~
32 ~~APPOINTMENT POSITION.~~

1 ~~(E)~~ (D) THE SECRETARY SHALL ESTABLISH A PERFORMANCE
2 INCENTIVE PROGRAM TO PROVIDE MONETARY INCENTIVES TO EMPLOYEES IN A
3 PERFORMANCE INCENTIVE MODEL OFFICE.

4 ~~(F)~~ (E) IN ACCORDANCE WITH SUBSECTION (G) OF THIS SECTION, A
5 PERFORMANCE INCENTIVE MODEL OFFICE MAY CONDUCT A CONCILIATION
6 CONFERENCE.

7 ~~(G)~~ (F) (1) IF A COMPLAINT IS FILED TO MODIFY OR ENFORCE A
8 DUTY OF SUPPORT IN THE CIRCUIT COURT OF A JURISDICTION IN WHICH A
9 PERFORMANCE INCENTIVE PROGRAM IS LOCATED, THE COURT MAY ISSUE A
10 WRIT OF SUMMONS TO ORDER THE PARTIES TO APPEAR AND TO PRODUCE
11 DOCUMENTS AT A CONCILIATION CONFERENCE.

12 (2) IF A PARTY FAILS TO APPEAR OR FAILS TO PRODUCE THE
13 DOCUMENTS REQUIRED UNDER THIS SUBSECTION, A REPRESENTATIVE OF THE
14 PERFORMANCE INCENTIVE MODEL OFFICE MAY APPLY, ON AFFIDAVIT, TO THE
15 COURT FOR A BODY ATTACHMENT.

16 (3) IF A PARTY FAILS OR REFUSES TO OBEY A COURT ORDER TO
17 APPEAR OR PRODUCE THE DOCUMENTS REQUIRED UNDER THIS SUBSECTION AT
18 A CONCILIATION CONFERENCE, THE COURT MAY ISSUE A BODY ATTACHMENT OR
19 COMPEL COMPLIANCE IN ANY OTHER MANNER AVAILABLE TO THE COURT TO
20 ENFORCE ITS ORDER.

21 ~~(H)~~ (G) THE POWERS OF THE SECRETARY TO CARRY OUT THE
22 PROVISIONS OF THIS SECTION SHALL BE CONSTRUED LIBERALLY.

23 SECTION 3. AND BE IT FURTHER ENACTED, That, on or before December
24 31, 2010, and December 21, 2011, the Secretary of Human Resources shall evaluate
25 the Child Support Enforcement Privatization Program in Baltimore City and
26 Performance Incentive Model Offices in all other jurisdictions and, in accordance with
27 § 2-1246 of the State Government Article, report on the evaluation to the Senate
28 Finance Committee and the House Appropriations Committee.

29 SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take
30 effect October 1, 2009.