

Department of Legislative Services
Maryland General Assembly
2007 Session

FISCAL AND POLICY NOTE
Revised

House Bill 636

(Prince George's County Delegation)

Judiciary

Judicial Proceedings

Prince George's County - Task Force to Improve Child Support Compliance PG
426-07

This bill establishes a Task Force to Improve Child Support Compliance in Prince George's County. The task force must develop a plan and draft legislation to improve child support compliance in Prince George's County among noncustodial parents who: are more than \$10,000 in arrears in child support payments; and have failed to make a child support payment for 12 or more consecutive or nonconsecutive months. Additionally, the task force must consider methods to increase paternity establishment, court order establishment, and the option of privatization of child support enforcement services to improve compliance in Prince George's County. Staff for the task force will be provided by the Child Support Enforcement Administration (CSEA). Findings and recommendations are due to the Governor and the General Assembly by July 1, 2008.

The bill takes effect July 1, 2007 and terminates on July 31, 2008.

Fiscal Summary

State Effect: Any expense reimbursements for task force members are assumed to be minimal and absorbable with existing resources. CSEA should be able to provide staffing with existing resources.

Local Effect: None. The bill calls for local representatives to serve on the task force.

Small Business Effect: None.

Analysis

Current Law: CSEA is authorized to undertake a variety of actions to enforce the orders to noncustodial parents to pay child support:

Attachment and Seizure of Financial Accounts: If a child support obligor is \$500 or more in arrears of a child support obligation and has not paid support for more than 60 days, CSEA may initiate an action to attach and seize the arrearage amount from one or more financial accounts of the obligor. Before attaching and seizing the accounts, CSEA must send a notice to the obligor by first class mail at the obligor's last known address regarding the enforcement actions that could be taken. CSEA must then send a notice to the financial institution by certified mail, return receipt requested, or by another acceptable method, containing specified information regarding the obligor and the arrearage.

Suspension of Driver's License: CSEA may notify the Motor Vehicle Administration (MVA) of any obligor who is 60 days or more out of compliance with the most recent court order for child support payments. Upon notification, the MVA is required to suspend the obligor's driver's license or privilege and may issue a work-restricted driver's license or privilege. Before sending any information to the MVA, CSEA must send written notice of the proposed action to the obligor (by first class mail, although not specified in statute), including the obligor's right to request an investigation on grounds as specified in statute.

Suspension of Occupational License: CSEA is authorized to request a licensing authority to suspend or deny an individual's occupational license if the individual is in arrears by more than 120 days under the most recent child support order and the individual is subject to jurisdiction because (1) CSEA has accepted an assignment of support from a recipient of temporary cash assistance; (2) the support recipient has filed an application for support enforcement services; or (3) the individual has failed to comply with a subpoena issued by CSEA. After a licensing authority is notified of CSEA's request, the licensing authority must suspend the individual's license or deny the license to an individual who is a license applicant.

Earnings Withholding Orders: CSEA is authorized to serve an earnings withholding notice on an obligor's employer if a court has issued a support order and CSEA is providing child support services, or if the obligor requests an earnings withholding notice. The support recipient or CSEA may request an earnings withholding order if the obligor accrues support payment arrears amounting to more than 30 days of support. When CSEA serves an employer with an earnings withholding notice, CSEA must notify the obligor of the earnings withholding notice and provide other specified information.

The notice and information must be sent by first class mail to the obligor's last known home address and place of employment.

State Income Tax Refund and Lottery Prize Interception: CSEA may certify to the State Comptroller or the State Lottery Agency any obligor who is in arrears amounting to more than \$150 under a child support court order, if CSEA has accepted an assignment of support or the support recipient has filed an application for support enforcement services with CSEA. Upon receiving certification, the Comptroller must withhold and pay to the CSEA any income tax refund due to the obligor, up to the amount of the arrearage, and pay the excess to the obligor. The Comptroller must notify the obligor of the amount paid to CSEA and the rights of the obligor to appeal the interception. On receipt of the notice of certification to the Comptroller, an obligor who disputes the existence or the arrearage amount may ask CSEA to investigate.

If the obligor wins a lottery prize to be paid by check by the State Lottery Agency, the agency must notify the obligor that it has received certification from CSEA of the child support arrearage and that the agency proposes to transfer the prize or the appropriate portion to CSEA if a timely appeal is not filed. If the prize exceeds the arrearage, the agency must immediately pay the excess to the obligor. Upon receipt of a notice from the State Lottery Agency, an obligor who disputes the existence or amount of the support arrearage may appeal to CSEA. If no appeal is filed, the State Lottery Agency must transfer the amount of the support arrearage to CSEA.

Background: CSEA advises that in fiscal 2006, 56,369 child support cases were open in Prince George's County. The number of current cases (where no arrears were owed) was 27,540. The number of cases where arrears were owed was 28,829. The number of cases with arrears greater than \$10,000 and where no payments were made within the last 12 months was 4,365.

Obligors with large arrears and no consistent payment history have posed a difficult and persistent problem to child support enforcement agencies. This bill requires the task force to explore new methods for improving the regularity and consistency of child support payments so the children to whom the support is owed may have a reliable source of income.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Prince George's County, Department of Human Resources, Judiciary (Administrative Office of the Courts), Department of Legislative Services

Fiscal Note History: First Reader - February 20, 2007
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Analysis by: Karen D. Morgan

Direct Inquiries to:
(410) 946-5510
(301) 970-5510