

HOUSE BILL 218

D4

(PRE-FILED)

5lr0340
CF SB 195

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

Requested: October 12, 2024

Introduced and read first time: January 8, 2025

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law – Child Support**

3 FOR the purpose of altering provisions relating to the commencement of a proceeding to
4 hold a person in contempt of court for the person's default in payment of periodic
5 child or spousal support under the terms of a court order and provisions relating to
6 the commencement of a contempt proceeding for failure to make a payment of child
7 or spousal support under a court order; authorizing the Child Support
8 Administration to take action to secure an assignment to the State of any rights to
9 support on behalf of a child receiving foster care maintenance payments under
10 certain circumstances; expanding provisions relating to the interception of lottery
11 prizes for the payment of child support arrearages to include the interception of
12 prizes from sports wagering or a fantasy competition; altering provisions relating to
13 the suspension of a child support obligor's license or privilege to drive for failure to
14 pay child support; altering provisions relating to the duties of health occupations
15 boards and the State Emergency Services Board to collect and maintain certain
16 information from license applicants; establishing that child support arrears
17 constitute a lien by operation of law against the net recovery of a personal injury
18 award up to the maximum lien amount and specifying related procedures; altering
19 certain provisions relating to earnings withholding; requiring an independent
20 contractor's employer to submit certain information to the Administration under
21 certain circumstances; altering provisions relating to the modification of a child
22 support award; requiring a court to terminate a child support order that was
23 previously established or assigned for a child receiving a foster care maintenance
24 payment under certain circumstances; altering provisions relating to the
25 determination of child support under the child support guidelines; and generally
26 relating to child support.

27 BY repealing and reenacting, with amendments,
28 Article – Courts and Judicial Proceedings

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Section 5–111
Annotated Code of Maryland
(2020 Replacement Volume and 2024 Supplement)

BY adding to
Article – Family Law
Section 5–525.3, 10–119.4, 10–139, and 12–104.2
Annotated Code of Maryland
(2019 Replacement Volume and 2024 Supplement)

BY repealing and reenacting, with amendments,
Article – Family Law
Section 10–101, 10–102, 10–108(c), 10–113.1, 10–119, 10–119.3(b), 10–122, 12–104,
12–201(c) and (n), 12–202(a), and 12–204(a)
Annotated Code of Maryland
(2019 Replacement Volume and 2024 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 16–203
Annotated Code of Maryland
(2020 Replacement Volume and 2024 Supplement)

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

Article – Courts and Judicial Proceedings

5–111.

A proceeding to hold a person in contempt of court for the person’s default in payment of periodic child or spousal support under the terms of a court order shall be commenced within [3] 7 years of the date each installment of support **ORIGINALLY** became due [and remained unpaid].

Article – Family Law

5–525.3.

(A) ONLY IN LIMITED CIRCUMSTANCES, WHERE THE ADMINISTRATION FINDS IT APPROPRIATE, MAY ACTION BE TAKEN TO SECURE AN ASSIGNMENT TO THE STATE OF ANY RIGHTS TO SUPPORT ON BEHALF OF A CHILD RECEIVING FOSTER CARE MAINTENANCE PAYMENTS UNDER THIS PART III OF THIS SUBTITLE.

(B) THE ADMINISTRATION MAY TAKE ACTION, WHEN APPROPRIATE, TO DISCONTINUE AN ASSIGNMENT OF RIGHTS TO SUPPORT AND TERMINATE EXISTING

1 SUPPORT ORDERS FOR A CHILD RECEIVING FOSTER CARE MAINTENANCE
2 PAYMENTS.

3 (C) THE SECRETARY OF HUMAN SERVICES SHALL ADOPT RULES AND
4 REGULATIONS TO IMPLEMENT THIS SECTION.

5 10–101.

6 (a) In this title the following words have the meanings indicated.

7 (b) “Administration” means the Child Support Administration of the Department
8 of Human Services.

9 (c) “Earnings” includes:

10 (1) any form of periodic payment to an individual, including:

11 (i) an annuity;

12 (ii) a pension;

13 (iii) Social Security payments;

14 (iv) workers’ compensation payments; and

15 (v) unemployment insurance benefits; [and]

16 (2) any commissions or fees paid in connection with the [obligor’s]
17 EMPLOYEE’S employment; AND

18 (3) ANY PAYMENT RECEIVED BY AN INDEPENDENT CONTRACTOR:

19 (I) FROM AN EMPLOYER FOR SERVICES PROVIDED BY THE
20 INDEPENDENT CONTRACTOR IN THE COURSE OF THE EMPLOYER’S TRADE OR
21 BUSINESS; AND

22 (II) THAT THE EMPLOYER REPORTS OR EXPECTS TO REPORT ON
23 IRS FORM 1099.

24 (d) “EMPLOYEE” MEANS AN INDIVIDUAL WHO IS EMPLOYED BY AN
25 EMPLOYER FOR A WAGE OR OTHER COMPENSATION IN THE TRADE OR BUSINESS OF
26 THE EMPLOYER.

27 (E) (1) “Employer” means any person who is paying earnings to an [obligor]
28 EMPLOYEE.

(2) “Employer” includes:

(I) a governmental entity; AND

(II) A PERSON WHO IS PAYING EARNINGS TO AN INDEPENDENT CONTRACTOR FOR SERVICES PROVIDED IN THE COURSE OF THE EMPLOYER’S TRADE OR BUSINESS THAT THE EMPLOYER REPORTS OR EXPECTS TO REPORT ON IRS FORM 1099.

(F) “INDEPENDENT CONTRACTOR” MEANS A PERSON WHO:

(1) PROVIDES SERVICES TO AN EMPLOYER IN THE COURSE OF THE EMPLOYER’S TRADE OR BUSINESS; AND

(2) RECEIVES EARNINGS FROM AN EMPLOYER THAT THE EMPLOYER REPORTS OR EXPECTS TO REPORT ON IRS FORM 1099.

[(e)] (G) “Local support enforcement office” means 1 of the following that is responsible for support enforcement:

(1) a county agency; or

(2) a component of the circuit court for a county.

[(f)] (H) (1) “Obligee” means any person who is entitled to receive support.

(2) “Obligee” includes a state.

[(g)] (I) “Obligor” means an individual who is required to pay support under a court order.

[(h)] (J) “Support” includes:

(1) child support;

(2) spousal support;

(3) support of destitute adult children; and

(4) support of destitute parents.

[(i)] (K) “Support enforcement agency” means 1 of the following that receives support payments under a court order:

(1) the Administration; or

(2) a local support enforcement office.

10–102.

A contempt proceeding for failure to make a payment of child or spousal support under a court order shall be [brought] **COMMENCED** within [3] **7** years of the date that [the payment] **EACH INSTALLMENT** of support **ORIGINALLY** became due.

10–108.

(c) (1) In this subsection, “notice of arrearage” means a written notice provided by the Administration:

(i) to an obligor who is in arrears in making child support payments;
and

(ii) relating to the arrearage.

(2) If the Administration sends a notice of arrearage within the first 120 days that the obligor is in arrears in making child support payments, the Administration shall include notice that continued arrearage may result in:

(I) revocation or denial of a license under § 10–119.3 of this subtitle;
AND

(II) **A LIEN BEING PLACED AGAINST A PERSONAL INJURY AWARD UNDER § 10–119.4 OF THIS SUBTITLE.**

10–113.1.

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

(2) “Agency” means the State Lottery and Gaming Control Agency.

(3) **“FANTASY COMPETITION” HAS THE MEANING STATED IN § 9–1D–01 OF THE STATE GOVERNMENT ARTICLE.**

(4) **“FANTASY COMPETITION OPERATOR” HAS THE MEANING STATED IN § 9–1D–01 OF THE STATE GOVERNMENT ARTICLE.**

(5) **“SPORTS WAGERING” HAS THE MEANING STATED IN § 9–1E–01 OF THE STATE GOVERNMENT ARTICLE.**

(6) (I) “SPORTS WAGERING LICENSEE” HAS THE MEANING STATED IN § 9–1E–01 OF THE STATE GOVERNMENT ARTICLE.

(II) “SPORTS WAGERING LICENSEE” INCLUDES:

1. A MOBILE SPORTS WAGERING LICENSEE, AS DEFINED IN § 9–1E–01 OF THE STATE GOVERNMENT ARTICLE;

2. AN ONLINE SPORTS WAGERING OPERATOR, AS DEFINED IN § 9–1E–01 OF THE STATE GOVERNMENT ARTICLE; AND

3. A SPORTS WAGERING FACILITY LICENSEE, AS DEFINED IN § 9–1E–01 OF THE STATE GOVERNMENT ARTICLE.

[(3)] (7) “Video lottery facility” has the meaning stated in § 9–1A–01 of the State Government Article.

[(4)] (8) “Video lottery operation licensee” has the meaning stated in § 9–1A–01 of the State Government Article.

(b) The Administration may certify to the Agency the name of any obligor who is in arrears in the amount of \$150 or more if:

(1) the Administration has accepted an assignment of support under § 5–312(b)(2) of the Human Services Article; or

(2) the recipient of support payments has filed an application for support enforcement services with the Administration.

(c) The certification shall contain:

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

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

(3) the amount of the arrearage.

(d) If an obligor who has been certified as an obligor wins a lottery prize to be paid by check directly by the Agency, the Agency shall send a notice to the obligor that:

(1) the obligor has won a prize to be paid by check directly by the [State Lottery and Gaming Control] Agency;

1 (2) the [State Lottery and Gaming Control] Agency has received
2 certification from the [Child Support] Administration of the obligor's child support
3 arrearage in the amount specified;

4 (3) State law requires the [State Lottery and Gaming Control] Agency to
5 withhold the prize and to pay it towards the obligor's support arrearage;

6 (4) the obligor has 15 days to appeal to the Administration if the obligor
7 disputes the existence or the amount of the arrearage; and

8 (5) on interception of the prize, the [State Lottery and Gaming Control]
9 Agency will transfer the prize or the part of the prize that equals the obligor's child support
10 arrearage to the Administration.

11 (e) If an obligor who owes child support and has been certified as an obligor wins
12 a prize at a video lottery facility [requiring], **FROM SPORTS WAGERING, OR IN A**
13 **FANTASY COMPETITION, AND THAT PRIZE REQUIRES** the issuance of Internal Revenue
14 Service form W-2G or a substantially equivalent form [by a video lottery operation
15 licensee], the video lottery operation licensee, **SPORTS WAGERING LICENSEE, OR**
16 **FANTASY COMPETITION OPERATOR** shall provide a notice to the obligor that:

17 (1) the obligor has won a prize to be paid by cash or check directly by the
18 video lottery operation licensee, **SPORTS WAGERING LICENSEE, OR FANTASY**
19 **COMPETITION OPERATOR**;

20 (2) the [State Lottery and Gaming Control] Agency has received
21 certification from the [Child Support] Administration of the obligor's child support
22 arrearage in the amount specified;

23 (3) State law requires the video lottery operation licensee, **SPORTS**
24 **WAGERING LICENSEE, OR FANTASY COMPETITION OPERATOR** to withhold the prize
25 and to pay it towards the obligor's child support arrearage;

26 (4) the obligor has 15 days to appeal to the Administration if the obligor
27 disputes the existence or the amount of the child support arrearage; and

28 (5) on interception of the prize, the video lottery operation licensee,
29 **SPORTS WAGERING LICENSEE, OR FANTASY COMPETITION OPERATOR** will transfer
30 the prize or the part of the prize that equals the obligor's child support arrearage to the
31 Administration.

32 (f) (1) The Agency [or the], video lottery operation licensee, **SPORTS**
33 **WAGERING LICENSEE, OR FANTASY COMPETITION OPERATOR** shall:

(i) withhold and transfer all or part of the prize up to the amount of the arrearage to the Administration; and

(ii) pay the excess to the obligor.

(2) The Agency [and a], video lottery operation licensee, **SPORTS WAGERING LICENSEE, AND FANTASY COMPETITION OPERATOR** shall honor interception requests in the following order:

(i) an interception request under this section;

(ii) an interception request under § 11–618 of the Criminal Procedure Article; and

(iii) an interception request under § 3–307 of the State Finance and Procurement Article.

(g) (1) On receipt of a notice from the Agency [or], video lottery operation licensee, **SPORTS WAGERING LICENSEE, OR FANTASY COMPETITION OPERATOR**, an obligor who disputes the existence or amount of the arrearage may appeal the transfer.

(2) If no appeal is filed within 15 days, the Administration may retain the withheld prize.

(3) If the obligor appeals the transfer, after a hearing by the Administration, the withheld prize shall be:

(i) paid to the obligor;

(ii) retained by the Administration; or

(iii) partly paid to the obligor and partly retained by the Administration, in the amounts specified.

(h) The Secretary of Human Services and the Director of the Agency may jointly adopt regulations to implement this section.

(i) A video lottery operation licensee, **SPORTS WAGERING LICENSEE, OR FANTASY COMPETITION OPERATOR** may not be held liable for an act or omission taken in good faith to comply substantially with the requirements of this section.

10–119.

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

(2) “License” has the meaning stated in § 11–128 of the Transportation Article.

(3) “Motor Vehicle Administration” means the Motor Vehicle Administration of the Department of Transportation.

(b) (1) Subject to the provisions of subsection (c) of this section, the Administration may notify the Motor Vehicle Administration of an obligor with a noncommercial license who is 60 days or more out of compliance, or an obligor with a commercial license who is 120 days or more out of compliance, with the most recent order of the court in making child support payments if:

(i) the Administration has accepted an assignment of support under § 5–312(b)(2) of the Human Services Article; or

(ii) the recipient of support payments has filed an application for support enforcement services with the Administration.

(2) Upon notification by the Administration under this subsection, the Motor Vehicle Administration:

(i) shall suspend the obligor’s license or privilege to drive in the State; and

(ii) may issue a work–restricted license or work–restricted privilege to drive in the State in accordance with § 16–203 of the Transportation Article.

(c) (1) Before supplying any information to the Motor Vehicle Administration under this section, the Administration shall:

(i) send written notice of the proposed action to the obligor, including notice of the obligor’s right to request an investigation on any of the following grounds:

1. the information regarding the reported arrearage is inaccurate;

2. **THE OBLIGOR’S INCOME IS NOT GREATER THAN 250% OF THE 2024 FEDERAL POVERTY GUIDELINES FOR AN INDIVIDUAL (\$37,650 PER YEAR), UNLESS THE OBLIGOR WAS JUDICIALLY DETERMINED TO BE VOLUNTARILY IMPOVERISHED UNDER § 12–204 OF THIS ARTICLE AT THE TIME THE MOST RECENT CHILD SUPPORT ORDER WAS ENTERED;**

3. suspension of the obligor’s license or privilege to drive would be an impediment to the obligor’s current or potential employment; or

[3.] 4. suspension of the obligor's license or privilege to drive would place an undue hardship on the obligor because of the obligor's:

A. documented disability resulting in a verified inability to work; or

B. inability to comply with the court order; and

(ii) give the obligor a reasonable opportunity to request an investigation of the proposed action of the Administration.

(2) (i) Upon receipt of a request for investigation from the obligor, the Administration shall conduct an investigation to determine if any of the grounds under paragraph (1)(i) of this subsection exist.

(ii) The Administration shall:

1. send a copy of the obligor's request for an investigation to the obligee by first-class mail;

2. give the obligee a reasonable opportunity to respond; and

3. consider the obligee's response.

(iii) Upon completion of the investigation, the Administration shall notify the obligor of the results of the investigation and the obligor's right to appeal to the Office of Administrative Hearings.

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

(ii) An appeal shall be made in writing and shall be received by the Office of Administrative Hearings within 20 days after the notice to the obligor of the results of the investigation.

(4) If, after the investigation or appeal to the Office of Administrative Hearings, the Administration finds that one of the grounds under paragraph (1)(i) of this subsection exists, the Administration may not send any information about the obligor to the Motor Vehicle Administration.

(5) The Administration may not send any information about an obligor to the Motor Vehicle Administration if:

(i) the Administration reaches an agreement with the obligor regarding a scheduled payment of the obligor's child support arrearage or a court issues an order for a scheduled payment of the child support arrearage; and

1 (ii) the obligor is complying with the agreement or court order.

2 (d) (1) If, after information about an obligor is supplied to the Motor Vehicle
3 Administration, the obligor's arrearage is paid in full, the obligor has demonstrated good
4 faith by paying the ordered amount of support for 6 consecutive months, the obligor is a
5 participant in full compliance in an employment program approved by the Administration,
6 or the Administration finds that one of the grounds under subsection (c)(1)(i) of this section
7 exists, the Administration shall notify the Motor Vehicle Administration to reinstate the
8 obligor's license or privilege to drive.

9 (2) The Administration may request that the Motor Vehicle
10 Administration expunge a record of a suspension of a license or privilege to drive for failure
11 to pay child support:

12 (i) for an obligor who is enrolled in and compliant with an
13 employment program approved by the Administration; or

14 (ii) if the information reported by the Administration that led to the
15 suspension was inaccurate.

16 (e) The Secretary of Human Services, in cooperation with the Secretary of
17 Transportation and the Office of Administrative Hearings, shall adopt regulations to
18 implement this section.

19 10-119.3.

20 (b) (1) Except as provided in paragraphs (2) and (3) of this subsection, a
21 licensing authority shall:

22 (i) require each applicant for a license to disclose the Social Security
23 number of the applicant; and

24 (ii) record the applicant's Social Security number on the application.

25 (2) The Department of Natural Resources shall:

26 (i) require an applicant for a recreational hunting or fishing license
27 to disclose only the last four digits of the Social Security number of the applicant instead of
28 the full Social Security number; and

29 (ii) record the applicant's partial Social Security number on the
30 application.

31 (3) Each health occupations board and the State Emergency Services
32 Board shall:

33 (i) require each applicant for a license to:

1 1. disclose the APPLICANT'S Social Security number [or], IF
2 THE APPLICANT HAS ONE;

3 2. IF THE APPLICANT DOES NOT HAVE A SOCIAL
4 SECURITY NUMBER, DISCLOSE THE Individual Taxpayer Identification Number of the
5 applicant; or

6 [2.] 3. [provide alternative documentation as permitted by the
7 Department of Health and Human Services under Section 466(a)(13) of the Social Security
8 Act] IF THE APPLICANT DOES NOT HAVE A SOCIAL SECURITY NUMBER OR AN
9 INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER, PROVIDE A SWORN STATEMENT,
10 SIGNED UNDER THE PENALTY OF PERJURY, THAT THE APPLICANT DOES NOT HAVE
11 A SOCIAL SECURITY NUMBER OR INDIVIDUAL TAXPAYER IDENTIFICATION
12 NUMBER, ALONG WITH THE LICENSE APPLICATION; and

13 (ii) [record] MAINTAIN the applicant's Social Security number,
14 Individual Taxpayer Identification Number, or [alternative documentation] AFFIDAVIT
15 provided under item (i) of this paragraph in the application file.

16 10-119.4.

17 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
18 INDICATED.

19 (2) "AWARD RECIPIENT" MEANS A PERSON WHO RECEIVES OR IS TO
20 RECEIVE A PERSONAL INJURY AWARD.

21 (3) "INTERCEPT DATE" MEANS THE DATE THAT THE AWARD
22 RECIPIENT IS NOTIFIED THAT MONEY IS BEING WITHHELD FOR SUPPORT ARREARS
23 FROM A PERSONAL INJURY AWARD.

24 (4) "MAXIMUM LIEN AMOUNT" REFERS TO THE MAXIMUM AMOUNT OF
25 A NET RECOVERY WHICH IS SUBJECT TO EXECUTION FOR SUPPORT ARREARS IN
26 ACCORDANCE WITH § 11-504(I)(2) OF THE COURTS ARTICLE.

27 (5) "NET RECOVERY" MEANS THE SUM OF MONEY TO BE DISTRIBUTED
28 TO AN AWARD RECIPIENT AFTER DEDUCTION OF ATTORNEY'S FEES AND EXPENSES,
29 MEDICAL BILLS, AND THE SATISFACTION OF ANY LIENS OR SUBROGATION CLAIMS
30 ARISING OUT OF THE SICKNESS, ACCIDENT, INJURY, OR DEATH THAT RESULTED IN
31 THE PERSONAL INJURY AWARD, INCLUDING THOSE ARISING UNDER:

32 (I) THE MEDICARE SECONDARY PAYER ACT, 42 U.S.C. §
33 1395y;

**(II) A PROGRAM OF THE MARYLAND DEPARTMENT OF HEALTH
FOR WHICH A RIGHT OF SUBROGATION EXISTS UNDER §§ 15-120 AND 15-121.1 OF
THE HEALTH – GENERAL ARTICLE;**

1 **(D) (1) IF THE AWARD RECIPIENT OWES CHILD SUPPORT ARREARS, ON**
2 **NOTICE BY THE ADMINISTRATION, THE PAYING AGENT SHALL:**

3 **(I) WITHHOLD THE LESSER OF THE AMOUNT OF THE ARREARS**
4 **OR THE MAXIMUM LIEN AMOUNT AND PROMPTLY FORWARD THE WITHHELD AMOUNT**
5 **TO THE ADMINISTRATION TO BE APPLIED TO THE AWARD RECIPIENT'S SUPPORT**
6 **ARREARAGE;**

7 **(II) PROMPTLY PAY ANY REMAINING PORTION OF THE NET**
8 **RECOVERY NOT SUBJECT TO OTHER LIENS TO THE AWARD RECIPIENT; AND**

9 **(III) SEND A NOTICE TO THE ADMINISTRATION AND THE AWARD**
10 **RECIPIENT OF:**

11 **1. THE AMOUNT PAID TO THE ADMINISTRATION; AND**

12 **2. THE AWARD RECIPIENT'S RIGHT TO CHALLENGE THE**
13 **WITHHOLDING UNDER THIS SECTION.**

14 **(2) THE AWARD RECIPIENT'S EXERCISE OF THE RIGHT TO**
15 **CHALLENGE THE WITHHOLDING DOES NOT RELIEVE THE PAYING AGENT OF THE**
16 **DUTY TO FORWARD PAYMENT TO THE ADMINISTRATION.**

17 **(3) THE PAYING AGENT MAY NOT CHARGE THE ADMINISTRATION A**
18 **FEE FOR ITS ACTIONS UNDER THIS SECTION.**

19 **(4) NOTHING IN THIS SECTION SHALL PROVIDE A BASIS FOR A PAYING**
20 **AGENT TO DELAY THE PAYMENT OF THE REMAINING PORTION OF THE NET**
21 **RECOVERY TO THE AWARD RECIPIENT.**

22 **(E) (1) (I) UPON RECEIPT OF THE FUNDS FROM THE PAYING AGENT,**
23 **THE ADMINISTRATION SHALL APPLY THE FUNDS TO THE OBLIGOR'S ARREARS.**

24 **(II) IF THE OBLIGOR HAS MORE THAN ONE CHILD SUPPORT**
25 **CASE WITH ARREARS, THE ADMINISTRATION SHALL ALLOCATE THE AMOUNT**
26 **RECEIVED AMONG ONE OR MORE OF THE OBLIGOR'S CASES AS DETERMINED**
27 **APPROPRIATE BY THE ADMINISTRATION.**

28 **(2) IF THE ADMINISTRATION DETERMINES THAT THE AMOUNT IT**
29 **RECEIVED EXCEEDS THE AMOUNT OF THE AWARD RECIPIENT'S ARREARS, THE**
30 **ADMINISTRATION SHALL PAY THE EXCESS AMOUNT TO THE OBLIGOR.**

1 **(F) (1) AN AWARD RECIPIENT MAY ASK THE ADMINISTRATION TO**
2 **INVESTIGATE THE WITHHOLDING BY FILING A WRITTEN REQUEST FOR**
3 **INVESTIGATION WITH THE ADMINISTRATION SETTING FORTH THE REASONS FOR**
4 **THE CHALLENGE.**

5 **(2) THE REQUEST MAY BE BASED SOLELY ON THE FOLLOWING:**

6 **(I) THERE IS NO ARREARAGE;**

7 **(II) THE AMOUNT OF THE ARREARAGE IS INCORRECT; OR**

8 **(III) THE AWARD RECIPIENT IS NOT THE INDIVIDUAL WHO OWES**
9 **THE ARREARS.**

10 **(3) (I) THE REQUEST FOR INVESTIGATION MUST BE RECEIVED BY**
11 **THE ADMINISTRATION WITHIN 30 DAYS AFTER THE INTERCEPT DATE.**

12 **(II) IF A TIMELY REQUEST FOR INVESTIGATION IS NOT**
13 **RECEIVED BY THE ADMINISTRATION, THE ADMINISTRATION MAY RETAIN THE**
14 **INTERCEPTED FUNDS FOR APPLICATION TO THE AWARD RECIPIENT'S ARREARS.**

15 **(4) AN AWARD RECIPIENT MAY WITHDRAW A REQUEST FOR**
16 **INVESTIGATION BY SUBMITTING A NOTICE OF THE WITHDRAWAL TO THE**
17 **ADMINISTRATION.**

18 **(G) (1) ON RECEIPT OF A REQUEST FOR INVESTIGATION FROM THE**
19 **AWARD RECIPIENT, THE ADMINISTRATION SHALL CONDUCT AN INVESTIGATION.**

20 **(2) (I) IF, AFTER THE INVESTIGATION, THE ADMINISTRATION**
21 **FINDS THAT THERE IS NO ARREARAGE, OR THAT THE AWARD RECIPIENT IS NOT THE**
22 **INDIVIDUAL WHO OWES THE ARREARS, THE ADMINISTRATION SHALL REFUND THE**
23 **FULL AMOUNT OF THE FUNDS RECEIVED FROM THE PAYING AGENT TO THE AWARD**
24 **RECIPIENT.**

25 **(II) IF, AFTER THE INVESTIGATION, THE ADMINISTRATION**
26 **FINDS THAT THERE IS AN ARREARAGE, BUT IT IS LESS THAN THE AMOUNT RECEIVED**
27 **FROM THE PAYING AGENT, THE ADMINISTRATION SHALL CORRECT ITS RECORDS**
28 **AND RELEASE THE EXCESS AMOUNT TO THE AWARD RECIPIENT.**

29 **(III) IF, AFTER THE INVESTIGATION, THE ADMINISTRATION**
30 **FINDS THAT THE AWARD RECIPIENT OWES ARREARS IN AN AMOUNT EQUAL TO OR**
31 **GREATER THAN THE AMOUNT RECEIVED FROM THE PAYING AGENT, THE**

1 ADMINISTRATION SHALL RETAIN THE INTERCEPTED FUNDS FOR APPLICATION TO
2 THE AWARD RECIPIENT'S ARREARS.

3 (3) (I) ON COMPLETION OF THE INVESTIGATION, THE
4 ADMINISTRATION SHALL SEND THE AWARD RECIPIENT A NOTICE BY FIRST-CLASS
5 MAIL OF THE OUTCOME OF THE INVESTIGATION.

6 (II) THE NOTICE SHALL INFORM THE AWARD RECIPIENT OF THE
7 RIGHT TO APPEAL THE ADMINISTRATION'S DECISION TO THE OFFICE OF
8 ADMINISTRATIVE HEARINGS WITHIN 30 DAYS AFTER THE DATE OF THE NOTICE.

9 (H) (1) IF AN AWARD RECIPIENT WHO TIMELY REQUESTED AN
10 INVESTIGATION DISAGREES WITH THE RESULTS OF THE INVESTIGATION, THE
11 AWARD RECIPIENT MAY APPEAL TO THE OFFICE OF ADMINISTRATIVE HEARINGS.

12 (2) AN APPEAL TO THE OFFICE OF ADMINISTRATIVE HEARINGS MAY
13 BE BASED SOLELY ON THE FOLLOWING:

14 (I) THERE IS NO ARREARAGE;

15 (II) THE AMOUNT OF THE ARREARAGE IS INCORRECT; OR

16 (III) THE AWARD RECIPIENT IS NOT THE INDIVIDUAL WHO OWES
17 THE ARREARS.

18 (3) AN APPEAL TO THE OFFICE OF ADMINISTRATIVE HEARINGS
19 AUTHORIZED UNDER THIS SECTION SHALL BE CONDUCTED IN ACCORDANCE WITH
20 TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

21 (4) AN AWARD RECIPIENT MAY WITHDRAW AN APPEAL REQUEST BY
22 SUBMITTING A NOTICE OF THE WITHDRAWAL TO THE OFFICE OF ADMINISTRATIVE
23 HEARINGS BEFORE THE HEARING DATE.

24 (5) (I) AFTER THE COMPLETION OF AN APPEAL, IF THE OFFICE OF
25 ADMINISTRATIVE HEARINGS FINDS THAT THERE IS NO ARREARAGE, OR THAT THE
26 AWARD RECIPIENT IS NOT THE INDIVIDUAL WHO OWES THE ARREARS, THE
27 ADMINISTRATION SHALL REFUND THE FULL AMOUNT OF THE FUNDS RECEIVED
28 FROM THE PAYING AGENT TO THE AWARD RECIPIENT.

29 (II) AFTER THE COMPLETION OF AN APPEAL, IF THE OFFICE OF
30 ADMINISTRATIVE HEARINGS FINDS THAT THERE IS AN ARREARAGE BUT IT IS LESS
31 THAN THE AMOUNT RECEIVED FROM THE PAYING AGENT, THE ADMINISTRATION

1 SHALL CORRECT ITS RECORDS AND RELEASE THE EXCESS AMOUNT TO THE AWARD
2 RECIPIENT.

3 (iii) AFTER THE COMPLETION OF AN APPEAL, IF THE OFFICE OF
4 ADMINISTRATIVE HEARINGS FINDS THAT THE AWARD RECIPIENT OWES ARREARS IN
5 AN AMOUNT EQUAL TO OR GREATER THAN THE AMOUNT RECEIVED FROM THE
6 PAYING AGENT, THE ADMINISTRATION SHALL RETAIN THE INTERCEPTED FUNDS
7 FOR APPLICATION TO THE AWARD RECIPIENT'S ARREARS.

8 (6) IF THE AWARD RECIPIENT DOES NOT FILE A TIMELY APPEAL TO
9 THE OFFICE OF ADMINISTRATIVE HEARINGS, THE ADMINISTRATION MAY RETAIN
10 THE FULL PAYMENT FROM THE PAYING AGENT FOR APPLICATION TO THE AWARD
11 RECIPIENT'S ARREARS.

12 (i) (1) THE ADMINISTRATION MAY UTILIZE THE PROCEDURES
13 ESTABLISHED IN THIS SECTION EXCLUSIVELY TO COLLECT DELINQUENT CHILD
14 SUPPORT.

15 (2) THIS SECTION MAY NOT BE CONSTRUED TO LIMIT OR PROHIBIT
16 THE ADMINISTRATION FROM COLLECTING DELINQUENT CHILD SUPPORT IN ANY
17 OTHER MANNER AUTHORIZED BY LAW.

18 (j) (1) A PAYING AGENT WHO, IN GOOD FAITH, MAKES A DISTRIBUTION
19 IN ACCORDANCE WITH THIS SECTION SHALL BE IMMUNE FROM ANY CIVIL,
20 CRIMINAL, OR ADMINISTRATIVE PENALTIES FOR MAKING AN ERRONEOUS
21 DISTRIBUTION TO THE ADMINISTRATION.

22 (2) NOTHING IN THIS SECTION SHALL GIVE RISE TO A CLAIM OR
23 CAUSE OF ACTION AGAINST A PAYING AGENT BY ANY PERSON WHO CLAIMS TO BE
24 THE INTENDED OBLIGEE OF THE OUTSTANDING LIEN FOR SUPPORT.

25 (k) THE SECRETARY OF HUMAN SERVICES MAY ADOPT REGULATIONS TO
26 CARRY OUT THIS SECTION.

27 10-122.

28 (a) The amount of the earnings withholding shall:

29 (1) be enough to pay the CURRENT AND ONGOING support and any
30 arrearage included in the payments required by the support order; and

31 (2) include any arrearage accrued since the support order.

(b) (1) (i) When arrearages under subsection (a)(2) of this section are part of an earnings withholding order or earnings withholding notice, the total arrearage withheld shall be in one lump-sum payment or apportioned over a period of time.

(ii) The amount of the arrearage withheld under subparagraph (i) of this paragraph shall be determined by the tribunal or, in a case in which the Administration is providing support services, by the Administration.

(2) The amount of arrears under subsection (a)(2) of this section apportioned to each payment shall be at least \$1 but not more than 25% of the current support payment.

(3) IF ARREARS REMAIN DUE AND OWING AFTER ALL CHILDREN WHO ARE THE SUBJECT OF A SUPPORT ORDER HAVE BECOME EMANCIPATED, EARNINGS WITHHOLDING SHALL CONTINUE AT THE RATE ESTABLISHED BEFORE THE EMANCIPATION, WITH THE FULL AMOUNT WITHHELD TO BE APPLIED TO THE EXISTING ARREARAGE UNTIL THE ARREARS ARE PAID IN FULL OR UNTIL A COURT MODIFIES THE REPAYMENT AMOUNT.

(c) If there is more than one earnings withholding order or earnings withholding notice against a single obligor, the Administration shall allocate amounts available for withholding, giving priority to current support, up to the limits imposed by the federal Consumer Credit Protection Act.

10-139.

(A) IN THIS SECTION, "DATE OF EMPLOYMENT" MEANS THE DATE ON WHICH AN INDEPENDENT CONTRACTOR COMMENCES PROVIDING SERVICES FOR AN EMPLOYER.

(B) SUBJECT TO THE PROVISIONS OF SUBSECTION (C) OF THIS SECTION, WITHIN 20 DAYS AFTER AN INDEPENDENT CONTRACTOR BEGINS EMPLOYMENT, THE INDEPENDENT CONTRACTOR'S EMPLOYER SHALL SUBMIT TO THE ADMINISTRATION:

(1) THE SOCIAL SECURITY NUMBER OF THE INDEPENDENT CONTRACTOR, OR IF THE INDEPENDENT CONTRACTOR DOES NOT HAVE A SOCIAL SECURITY NUMBER, THE INDIVIDUAL TAX IDENTIFICATION NUMBER OF THE INDEPENDENT CONTRACTOR;

(2) THE NAME OF THE INDEPENDENT CONTRACTOR;

(3) THE ADDRESS OF THE INDEPENDENT CONTRACTOR;

(4) THE DATE OF EMPLOYMENT;

1 **(5) THE EMPLOYER'S NAME AND ADDRESS;**

2 **(6) THE INDEPENDENT CONTRACTOR'S RATE OF COMPENSATION OR**
3 **EARNINGS;**

4 **(7) A STATEMENT INDICATING WHETHER THE INDEPENDENT**
5 **CONTRACTOR HAS HEALTH INSURANCE PROVIDED BY THE EMPLOYER; AND**

6 **(8) THE FEDERAL EMPLOYER IDENTIFICATION NUMBER OF THE**
7 **EMPLOYER.**

8 **(C) (1) THE EMPLOYER SHALL REPORT INFORMATION REQUIRED UNDER**
9 **SUBSECTION (B) OF THIS SECTION:**

10 **(I) BY MAIL;**

11 **(II) MAGNETICALLY OR ELECTRONICALLY; OR**

12 **(III) BY OTHER MEANS AS DETERMINED BY THE**
13 **ADMINISTRATION.**

14 **(2) IF AN EMPLOYER CHOOSES TO TRANSMIT DATA MAGNETICALLY**
15 **OR ELECTRONICALLY AT A RATE OF TWICE PER MONTH, THE REPORTS SHALL BE**
16 **SUBMITTED NOT LESS THAN 12 DAYS OR MORE THAN 16 DAYS APART.**

17 **(D) (1) AN EMPLOYER THAT FAILS TO REPORT AS REQUIRED SHALL BE:**

18 **(I) GIVEN A WRITTEN WARNING FOR THE FIRST VIOLATION;**
19 **AND**

20 **(II) SUBJECT TO A CIVIL PENALTY OF \$20 FOR EACH MONTH IN**
21 **WHICH A SUBSEQUENT VIOLATION OCCURS, OR \$500 IF THE FAILURE IS THE RESULT**
22 **OF A CONSPIRACY BETWEEN THE EMPLOYER AND THE INDEPENDENT CONTRACTOR**
23 **TO NOT SUPPLY THE REQUIRED REPORT OR TO SUPPLY A FALSE OR INCOMPLETE**
24 **REPORT, UNLESS THE ADMINISTRATION WAIVES THE PENALTY FOR CAUSE.**

25 **(2) ALL VIOLATIONS BY THE SAME EMPLOYING UNIT OCCURRING IN A**
26 **SINGLE MONTH SHALL BE CONSIDERED A SINGLE VIOLATION.**

27 **(E) (1) AN ASSESSMENT UNDER THIS SECTION IS FINAL UNLESS, WITHIN**
28 **15 DAYS AFTER THE MAILING OF THE ASSESSMENT, THE EMPLOYER APPLIES TO THE**
29 **ADMINISTRATION FOR A HEARING.**

(2) THE ADMINISTRATION MAY FORWARD THE APPLICATION TO THE OFFICE OF ADMINISTRATIVE HEARINGS FOR ADJUDICATION.

(F) AN EMPLOYER THAT IN GOOD FAITH REPORTS INFORMATION TO THE ADMINISTRATION IN ACCORDANCE WITH THIS SECTION IS NOT LIABLE FOR THE DISCLOSURE UNDER STATE LAW.

(G) THE SECRETARY OF HUMAN SERVICES MAY ADOPT RULES AND REGULATIONS TO IMPLEMENT THIS SECTION.

12–104.

(a) [The] EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, THE court may modify a child support award subsequent to the filing of a [motion] PETITION for modification and upon a showing of a material change of circumstance.

(b) The court may not retroactively modify a child support award prior to the date of the filing of the [motion] PETITION for modification.

(c) If a party becomes incarcerated, the court may determine that a material change of circumstance warranting a modification of child support has occurred, provided that the party's ability to pay child support is sufficiently reduced due to incarceration.

(D) THE COURT MAY MODIFY THE AMOUNT TO BE PAID TOWARD AN ARREARAGE AT ANY TIME WITHOUT A SHOWING OF A MATERIAL CHANGE OF CIRCUMSTANCE.

12–104.2.

THE COURT SHALL TERMINATE A CHILD SUPPORT ORDER THAT WAS PREVIOUSLY ESTABLISHED OR ASSIGNED FOR A CHILD RECEIVING A FOSTER CARE MAINTENANCE PAYMENT, WITHOUT A SHOWING OF A MATERIAL CHANGE OF CIRCUMSTANCE, ON THE FILING FOR A TERMINATION BY THE CHILD SUPPORT ADMINISTRATION, LOCAL OFFICE OF CHILD SUPPORT, OR LOCAL DEPARTMENT, AFTER THE SOCIAL SERVICES ADMINISTRATION, OR ITS DESIGNEE, DETERMINES THAT THE ORDER IS NO LONGER APPROPRIATE.

12–201.

(c) (1) “Adjusted actual income” means actual income minus:

[(1)] (I) preexisting reasonable child support obligations actually paid; [and

(2)] (II) except as provided in § 12-204(a)(2) of this subtitle, alimony or maintenance obligations actually paid; AND

(III) SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, A DEDUCTION FOR SUPPORT FOR EACH CHILD LIVING IN THE PARENT'S HOME, TO WHOM THE PARENT OWES A LEGAL DUTY OF SUPPORT, PROVIDED:

1. THE CHILD SPENDS AT LEAST 92 OVERNIGHTS PER YEAR IN THE PARENT'S HOME; AND

2. THE PARENT IS NOT OTHERWISE OBLIGATED TO PAY CHILD SUPPORT FOR THE CHILD IN ACCORDANCE WITH A COURT ORDER.

(2) FOR PURPOSES OF DETERMINING THE AMOUNT OF THE DEDUCTION UNDER PARAGRAPH (1)(III) OF THIS SUBSECTION:

(I) THE BASIC CHILD SUPPORT OBLIGATION FOR EACH ADDITIONAL ELIGIBLE CHILD IN THE PARENT'S HOME SHALL BE DETERMINED IN ACCORDANCE WITH § 12-204 OF THIS SUBTITLE, USING ONLY THE ACTUAL INCOME OF THE PARENT ENTITLED TO THE DEDUCTION; AND

(II) THE AMOUNT DETERMINED UNDER ITEM (I) OF THIS PARAGRAPH SHALL BE MULTIPLIED BY 0.75.

(3) THE COURT SHALL DECLINE TO AWARD A DEDUCTION UNDER PARAGRAPH (1)(III) OF THIS SUBSECTION IF THE COURT FINDS, AFTER CONSIDERING THE EVIDENCE AND THE BEST INTEREST OF THE CHILD FOR WHOM SUPPORT IS BEING DETERMINED, THAT THE APPLICATION OF THE DEDUCTION WOULD BE UNJUST OR INAPPROPRIATE.

(n) "Self-support reserve" means the adjustment to a basic child support obligation ensuring that a child support obligor maintains a minimum amount of monthly income, after payment of child support, federal and state income taxes, and Federal Insurance Contribution Act taxes, of at least 110% of the 2019 federal poverty [level] GUIDELINES for an individual (\$1,145).

12-202.

(a) (1) Subject to the provisions of paragraph (2) of this subsection and subsection (b) of this section, in any proceeding to establish or modify child support, whether pendente lite or permanent, the court shall use the child support guidelines set forth in this subtitle.

(2) (i) There is a rebuttable presumption that the amount of child support which would result from the application of the child support guidelines set forth in this subtitle is the correct amount of child support to be awarded.

(ii) The presumption may be rebutted by evidence that the application of the guidelines would be unjust or inappropriate in a particular case.

(iii) In determining whether the application of the guidelines would be unjust or inappropriate in a particular case, the court may consider:

1. the terms of any existing separation or property settlement agreement or court order, including:

A. any provisions for payment of mortgages [or], marital debts, [payment of] **OR** college education expenses[.];

B. the terms of any use and possession order or right to occupy the family home under an agreement[.];

C. any direct payments made for the benefit of the children required by **THE** agreement or order[.]; or

D. any other financial considerations set out in an existing separation or property settlement agreement or court order; **AND**

2. [the presence in the household of either parent of other children to whom that parent owes a duty of support and the expenses for whom that parent is directly contributing; and

3.] whether an obligor's monthly child support obligation would leave the obligor with a monthly actual income below 110% of the 2019 federal poverty [level] **GUIDELINES** for an individual (**LESS THAN \$1,145**).

(iv) [The presumption may not be rebutted solely on the basis of evidence of the presence in the household of either parent of other children to whom that parent owes a duty of support and the expenses for whom that parent is directly contributing.

(v)] 1. If the court determines that the application of the guidelines would be unjust or inappropriate in a particular case, the court shall make a written finding or specific finding on the record stating the reasons for departing from the guidelines.

2. The court's finding shall state:

1 A. the amount of child support that would have been required
2 under the guidelines;

3 B. how the order varies from the guidelines;

4 C. how the finding serves the best interests of the child **WHO**
5 **IS THE SUBJECT OF THE ORDER**; and

6 D. in cases in which items of value are conveyed instead of a
7 portion of the support presumed under the guidelines, the estimated value of the items
8 conveyed.

9 12–204.

10 (a) (1) The basic child support obligation shall be determined in accordance
11 with the schedule of basic child support obligations in subsection (e) of this section. The
12 basic child support obligation shall be divided between the parents in proportion to their
13 adjusted actual incomes.

14 (2) (i) If one or both parents have made a request for alimony or
15 maintenance in the proceeding in which a child support award is sought, the court shall
16 decide the issue and amount of alimony or maintenance before determining the child
17 support obligation under these guidelines.

18 (ii) If the court awards alimony or maintenance, the amount of
19 alimony or maintenance awarded shall be considered actual income for the recipient of the
20 alimony or maintenance and shall be subtracted from the income of the payor of the alimony
21 or maintenance under [§ 12–201(c)(2)] **§ 12–201(C)(1)(II)** of this subtitle before the court
22 determines the amount of a child support award.

23 **(3) THE AMOUNT OF THE DEDUCTION FOR THE SUPPORT OF**
24 **ADDITIONAL CHILDREN LIVING IN A PARENT’S HOME UNDER §**
25 **12–201(C)(1)(III) OF THIS SUBTITLE SHALL BE SUBTRACTED FROM THE PARENT’S**
26 **ACTUAL INCOME BEFORE THE COURT DETERMINES THE AMOUNT OF A CHILD**
27 **SUPPORT AWARD.**

28 Article – Transportation

29 16–203.

30 (a) In this section, “Child Support Administration” means the Child Support
31 Administration of the Department of Human Services.

32 (b) On notification by the Child Support Administration in accordance with §
33 10–119 of the Family Law Article that an obligor **WITH A NONCOMMERCIAL DRIVER’S**
34 **LICENSE** is 60 days or more out of compliance with the most recent **CHILD SUPPORT** order

1 [of the court in making child support payments], **OR AN OBLIGOR WITH A COMMERCIAL**
2 **DRIVER'S LICENSE IS 120 DAYS OR MORE OUT OF COMPLIANCE WITH THE MOST**
3 **RECENT CHILD SUPPORT ORDER**, the Administration:

4 (1) Shall suspend an obligor's license or privilege to drive in the State; and

5 (2) May issue a work-restricted license or work-restricted privilege to
6 drive.

7 (c) (1) Prior to the suspension of a license or the privilege to drive in the State
8 and the issuance of a work-restricted license or work-restricted privilege to drive under
9 subsection (b) of this section, the Administration shall send written notice of the proposed
10 action to the obligor, including notice of the obligor's right to contest the accuracy of the
11 information.

12 (2) Any contest under this subsection shall be limited to whether the
13 Administration has mistaken the identity of the obligor or the individual whose license or
14 privilege to drive has been suspended.

15 (d) (1) An obligor may appeal a decision of the Administration to suspend the
16 obligor's license or privilege to drive.

17 (2) At a hearing under this subsection, the issue shall be limited to whether
18 the Administration has mistaken the identity of the obligor or the individual whose license
19 or privilege to drive has been suspended.

20 (e) The Administration shall reinstate an obligor's license or privilege to drive in
21 the State if:

22 (1) The Administration receives a court order to reinstate the license or
23 privilege to drive; or

24 (2) The Child Support Administration notifies the Administration that:

25 (i) The individual whose license or privilege to drive was suspended
26 is not [in arrears in making child support payments] **60 DAYS OUT OF COMPLIANCE WITH**
27 **THE MOST RECENT CHILD SUPPORT ORDER IF THE INDIVIDUAL HAS A**
28 **NONCOMMERCIAL DRIVER'S LICENSE, OR 120 DAYS OUT OF COMPLIANCE WITH THE**
29 **MOST RECENT CHILD SUPPORT ORDER IF THE INDIVIDUAL HAS A COMMERCIAL**
30 **DRIVER'S LICENSE;**

31 (ii) The obligor has paid the support arrearage in full;

32 (iii) The obligor has demonstrated good faith by paying the ordered
33 amount of support for 6 consecutive months;

1 (iv) The obligor is a participant in full compliance in an employment
2 program approved by the Child Support Administration; or

3 (v) One of the grounds under § 10–119(c)(1)(i) of the Family Law
4 Article exists.

5 (f) The Secretary of Transportation, in cooperation with the Secretary of Human
6 Services and the Office of Administrative Hearings, shall adopt regulations to implement
7 this section.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2026.