

# HOUSE BILL 234

D4

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By: **Delegate Henson**

Introduced and read first time: January 17, 2020

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Child Support – Suspension of Payments and Arrears for Incarcerated Obligor**  
3 **– Modifications**

4 FOR the purpose of altering a condition relating to an incarcerated obligor’s term of  
5 imprisonment under which the obligor’s child support payment is not considered past  
6 due and arrearages will not accrue; and generally relating to child support and  
7 incarcerated obligors.

8 BY repealing and reenacting, with amendments,

9 Article – Family Law

10 Section 12–104.1

11 Annotated Code of Maryland

12 (2019 Replacement Volume)

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

### Article – Family Law

16 12–104.1.

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

18 (2) “Administration” has the meaning stated in § 10–101 of this article.

19 (3) “Obligee” has the meaning stated in § 10–101 of this article.

20 (4) “Obligor” has the meaning stated in § 10–101 of this article.

21 (b) A child support payment is not past due and arrearages may not accrue during  
22 any period when the obligor is incarcerated, and continuing for 60 days after the obligor’s

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 release from confinement, if:

2 (1) the obligor [was sentenced to a term of imprisonment of 18 consecutive  
3 months or more] **WILL BE INCARCERATED FOR MORE THAN 180 CONSECUTIVE**  
4 **CALENDAR DAYS;**

5 (2) the obligor is not on work release and has insufficient resources with  
6 which to make payment; and

7 (3) the obligor did not commit the crime with the intent of being  
8 incarcerated or otherwise becoming impoverished.

9 (c) (1) In any case in which the Administration is providing child support  
10 services under Title IV, Part D of the Social Security Act, the Administration may, without  
11 the necessity of any motion being filed with the court, adjust an incarcerated obligor's  
12 payment account to reflect the suspension of the accrual of arrearages under subsection (b)  
13 of this section.

14 (2) Before making an adjustment under paragraph (1) of this subsection,  
15 the Administration shall send written notice of the proposed action to the obligee, including  
16 the obligee's right to object to the proposed action and an explanation of the procedures for  
17 filing an objection.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
19 October 1, 2020.