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Title 07 DEPARTMENT OF HUMAN RESOURCES

Subtitle 07 CHILD SUPPORT ENFORCEMENT ADMINISTRATION

07.07.17 Passport Denial and Revocation Program

Authority: Family Law Article, §10-114, Annotated Code of Maryland; 42 U.S.C. §654(31)

Notice of Proposed Action

[14-051-P]

The Secretary of Human Resources proposes to amend Regulations .03 and .04, repeal Regulation .05, and amend and recodify existing Regulations .06, and .07 to be Regulations .05 and .06 under **COMAR 07.07.17 Passport Denial and Revocation Program**.

Statement of Purpose

The purpose of this action is to revise the regulations to require payment of arrears in full before the Administration reinstates a passport privilege, and to allow the Administration to reinstate a passport upon receipt of a payment that is less than the amount of arrears if the obligor demonstrates that a passport is required for employment purposes.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Andrea Shuck, Regulations Coordinator, Department of Human Resources, 311 W. Saratoga St., room 265, Baltimore, MD 21201, or call 410-767-2149, or email to andrea.shuck@maryland.gov, or fax to 410-333-0637. Comments will be accepted through March 10, 2014. A public hearing has not been scheduled.

.03 Obligor's Request for Investigation.

A. — B. (text unchanged)

C. An obligor may request an investigation on a claim that the:

(1) Support obligation does not exist; [or]

(2) Amounts specified in the notice are incorrect and the arrearage does not exceed \$2,500[.]; or

(3) *Passport is required for employment purposes and neither the obligor nor the obligor's employer is able to pay the arrears in full.*

D. — E. (text unchanged)

.04 Administration's Response to Investigation Request.

A. (text unchanged)

B. If the Administration determines that the child support arrears were in excess of \$2,500 as of the date of the notice, the Administration shall notify the obligor that to prevent passport denial or revocation, the obligor shall [arrange to] pay the arrears [as provided for in Regulation .05 of this chapter] *in full*.

C. If the Administration determines that *a support obligation does not exist* or the obligor owed arrears in an amount of \$2,500 or less as of the date of the notice, the Administration shall update the records to reflect the results of the investigation.

D. *If the Administration determines that a passport is needed for employment purposes, and that neither the obligor nor the obligor's employer is able to pay the arrears in full, the Administration may request that the Office of Child Support Enforcement withdraw the passport denial or revocation upon a payment that is less than the full amount of arrears.*

[.06] .05 Obligor's Appeal of Passport Denial or Revocation.

A. — B. (text unchanged)

C. The obligor may appeal only on the claim that [an arrearage]:

(1) [Does not exist; or] *An arrearage does not exist;*

(2) [Does exist,] *An arrearage does exist but never exceeded the \$2,500 threshold; or*

(3) *A passport is required for employment purposes and neither the obligor nor the obligor's employer is able to pay the arrears in full.*

D. (text unchanged)

[.07] .06 Administration's Request to Withdraw Passport Denial.

The Administration shall [notify] *request that* the Office of Child Support Enforcement [to] withdraw the passport denial if the:

A. (text unchanged)

B. Obligor has:

(1) (text unchanged)

(2) [Entered into an arrearage payment schedule agreement] *Provided documentation from the employer that a passport is required for employment purposes and that the Administration has been paid an agreed upon amount that is less than the full amount of arrears; [or]*

C. Obligor has appealed the passport denial to OAH and OAH has ruled in favor of the obligor[.]; or

D. *The Secretary of the Department or a designee of the Secretary determines that the passport denial or revocation would result in undue hardship.*

TED DALLAS
Secretary of Human Resources