

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

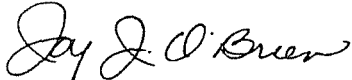
Legislative Document

No. 1377

S.P. 503

In Senate, April 26, 1989

Reference to the Committee on Judiciary suggested and ordered printed.


JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator BALDACCI of Penobscot.
Cosponsored by Representative DUFFY of Bangor.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-NINE

An Act to Regulate Child Support Enforcement by the Department of Human Services.



1 Be it enacted by the People of the State of Maine as follows:

3 Sec. 1. 19 MRSA §273, first ¶, as enacted by PL 1967, c. 325,
5 §2, is amended to read:

7 The father's liabilities for past education and necessary
9 support are limited to a period of 6 5 years next preceding the
11 commencement of an action.

13 Sec. 2. 19 MRSA §305 is enacted to read:

15 §305. Limitation on recovery

17 An action to collect child support from an obligated parent
19 is limited as to time as in section 273.

21 Sec. 3. 19 MRSA c. 7, sub-c. VI is enacted to read:

23 SUBCHAPTER VI

25 CHILD SUPPORT INTERMEDIARY SERVICES

27 §521. Child support intermediary services

29 1. Office established. The Office of Child Support
31 Intermediary Services is established within the Executive
33 Department and is autonomous from any other state agency. Its
35 purpose is to represent the best interests of individuals
37 involved in the State's child support system as a class and to
39 investigate and resolve complaints against state agencies that
41 may be infringing on the rights of individuals involved in the
43 State's child support system.

45 2. Appointment of director of child support intermediary
47 services. The director shall be appointed by the Governor,
49 subject to review by the joint standing committee of the
51 Legislature having jurisdiction over human resource matters and
to confirmation by the Legislature and shall serve at the
pleasure of the Governor. Any vacancy shall be filled by similar
appointment.

3. Powers and duties. The director may:

A. Provide intermediary services to individual citizens in
matters relating to those child support services provided by
and under the jurisdiction of State Government;

B. Advise, consult and assist the executive and legislative
branches of State Government, especially the Governor, on
activities of State Government related to child support.
The director shall be solely advisory in nature, shall not
be delegated any administrative authority or responsibility

1 nor supplant existing avenues for recourse or appeals. The
3 director may make recommendations regarding any function
5 intended to improve the quality of child support services in
7 State Government. If findings, comments or recommendations
9 of the director vary from, or are in addition to, those of
11 the bureau, department or other state agency, the statements
13 of the director shall be sent to the respective branches of
15 State Government as attachments to those submitted by the
17 bureau, department or other state agency. Recommendations
19 may take the form of proposed budgetary, legislative or
21 policy actions;

23 C. Review and evaluate, on a continuing basis, state and
25 federal policies and programs relating to the provision of
27 child support services conducted or assisted by any state
29 departments or agencies for the purpose of determining the
31 value and impact on individuals involved in the State's
33 child support system;

35 D. Receive and address inquiries, complaints, problems or
37 requests for information and assistance regarding the
39 State's child support services;

41 E. Conduct research, gather facts and evaluate procedures
43 and policies regarding the State's child support services;

45 F. Consult with and advise state agencies on operational
47 and managerial issues or specific or special situations
49 regarding child support services and recommend remedial
51 actions when necessary through direct oral communication,
memoranda, reports or meetings;

G. Serve as a coordinator of communication and cooperation
for all components of the State's child support services
system, especially among state agencies, whenever desirable
or necessary;

H. Make referrals for service to relevant state agencies
when appropriate;

I. Set priorities in order to effectively carry out the
purposes of this subchapter; and

J. Inform the public to encourage a better public
understanding of the current status of the State's child
support system by collecting and disseminating information,
conducting or commissioning studies and publishing the
results, and by issuing publications and reports.

4. Confidentiality of records. No information or records
maintained by the office relating to a complaint or investigation
may be disclosed unless the director authorizes the disclosure

1 and the disclosure is otherwise permitted pursuant to Title 22,
3 section 4008. The director shall not disclose the identity of
any complainant unless:

5 A. The complainant or the complainant's legal
7 representative consents in writing to the disclosure; or

9 B. A court orders the disclosure.

11 A complainant or the complainant's legal representative, in
13 providing the consent, may specify to whom the identity may be
disclosed and for what purposes, in which event no other
disclosure is authorized.

15 5. Administration. The director shall administer, in
17 accordance with current fiscal and accounting rules of the State
19 and in accordance with the philosophy, objectives and authority
21 of this subchapter, any funds appropriated for expenditure by the
23 director or any grants or gifts which may become available,
25 accepted and received by the director; make an annual report
27 which shall be submitted directly to the Commissioner of Human
Services, the Governor and the joint standing committee of the
Legislature having jurisdiction over human resource matters, not
later than March 1st of each year, concerning its work,
recommendations and interests of the previous fiscal year and
future plans; and make any interim reports as the director
considers advisable. Copies of these reports shall be available
to all Legislators and other state agencies upon request.

29 6. Expenses of director. The director, within established
31 budgetary limits and as allowed by law, shall authorize and
33 approve travel, subsistence and related necessary expenses of the
director or other members of the office, incurred while traveling
on official business.

35 7. Review. This office shall be reviewed 2 years after the
37 effective date of this section by the joint standing committee of
39 the Legislature having jurisdiction over human resource matters
and the joint standing committee of the Legislature having
jurisdiction over audit and program review matters.

43 **STATEMENT OF FACT**

45 This bill reduces the period for which a parent is obligated
47 for past child support from 6 to 5 years. In addition, the bill
49 establishes the Office of Child Support Intermediary Services to
51 provide independent services to citizens involved with state
agencies in child support matters, advise the Governor and the
Legislature on child support matters and generally coordinate and
provide expertise on available services.