

50(B)(2) OF THE CODE IS DECEASED, INCAPACITATED, OR OTHERWISE UNAVAILABLE TO RESIDE WITH THE OBLIGOR AND THE CHILD;

(ii) the obligor has been supporting the child for at least the 12 months immediately preceding a request for settlement under this section; and

(iii) the gross income of the obligor is less than 225 percent of the federal poverty level, as defined by the United States Department of Health and Human Services.

(2) FOR PURPOSES OF PARAGRAPH (1)(I)2 OF THIS SUBSECTION, AN INDIVIDUAL WHO HAS MADE AN ASSIGNMENT UNDER ARTICLE 88A, § 50(B)(2) OF THE CODE MAY NOT BE CONSIDERED INCAPACITATED OR OTHERWISE UNAVAILABLE DUE SOLELY TO A CHANGE IN LEGAL OR PHYSICAL CUSTODY OF THE CHILD.

(2) (3) (i) If the Administration does not accept in full settlement of an arrearage in child support payments an amount that is less than the total arrearage under this subsection, the Administration shall notify the obligor of the decision and of the obligor's right to appeal the decision to the Office of Administrative Hearings.

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

(c) The Secretary of Human Resources, in cooperation with the Office of Administrative Hearings, may adopt regulations to implement this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2006.

Approved May 2, 2006.

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## CHAPTER 338

(House Bill 656)

AN ACT concerning

### **Criminal Procedure - Defendant with an Alcohol or Drug Dependency - Commitment Procedures**

FOR the purpose of removing a limitation that a certain commitment made by a court for treatment for a defendant with an alcohol or drug dependency applies only to certain defendants for whom no sentence of incarceration is currently in effect or detainer is currently lodged; requiring that the Department of Health and Mental Hygiene, on receiving an order to treat a defendant with an alcohol or drug dependency, order a certain report of pending cases, warrants, and detainers of the defendant; requiring the Department to forward a copy of the report to the court that committed the defendant, the defendant, and the defendant's last attorney of record; providing that a court may not order a