

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Clarify the Requirements of Income Withholding Orders

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

Sec. 1. 19-A MRSA §2651, sub-§3, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

3. Immediate income withholding; implementation of orders. An immediate income withholding order may be implemented by the department for a recipient of the department's support enforcement services, by a support obligee who does not receive the department's support enforcement services or by a support obligor. An immediate income withholding order is implemented by serving an attested copy of the order, along with the notice required under section 2655, upon the obligor's payor of income.

Sec. 2. 19-A MRSA §2652, sub-§3, as amended by PL 1997, c. 537, §50 and affected by §62, is further amended to read:

3. Payor instructions. An instruction to the payor that, upon receipt of a copy of the withholding order and the notice required under section 2655, the payor shall:

- A. Immediately begin to withhold the obligor's income when the obligor is usually paid;
- B. Send each amount withheld to the department at the address set forth in the order within 7 business days of the withholding; and
- C. Identify each amount sent to the department by indicating the department's support enforcement member number, if known;

Sec. 3. 19-A MRSA §2652, sub-§§5 and 6, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, are amended to read:

5. Limitation on withholding. A notice that the amount of the withholding may not exceed the limitations imposed by 15 United States Code, Section 1673(b); ~~and~~

6. Fees. A notice to the obligor and payor of income that the payor of income shall withhold and send to the department a fee of \$2 per week in addition to the amount withheld for child support; and

Sec. 4. 19-A MRSA §2652, sub-§7 is enacted to read:

7. Notice of income withholding order. A notice that when the department, an obligee or an obligor implements a withholding order issued under this subchapter, the party that implements the withholding order is required to provide the obligor's payor of income with the payor notice required under section 2655 at the time of service of the withholding order and instructions on where to obtain the payor notice.

Sec. 5. 19-A MRSA §2655, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

§ 2655. Payor notice

The department shall ~~develop~~ and make available to the public a payor notice that conforms to standard formats prescribed by the federal Secretary of Health and Human Services and complies with the requirements of the Social Security Act, Title IV-D and the regulations issued under that Act. Whenever the department, an obligee or an obligor implements a withholding order issued under this subchapter, the party that implements the withholding order shall provide the obligor's payor of income with the payor notice at the time of service of the withholding order.

The department shall make available to the courts the payor notice required under this section and notify the courts as to where an obligee or an obligor seeking to implement a withholding order issued under this subchapter can obtain the required payor notice.

Sec. 6. 19-A MRSA §2671, as enacted by PL 1997, c. 537, §52 and affected by §62, is repealed.

SUMMARY

This bill amends the laws pertaining to the requirements of income withholding orders. It adds the requirement that the court notify any individual or department implementing a withholding order of the requirement to serve the obligor's payor of income with both the income withholding order and the payor notice required under the Maine Revised Statutes, Title 19-A, section 2655. It eliminates the need for the court to issue an income withholding order that conforms with standard formats prescribed by the federal Secretary of Health and Human Services and instead requires the court to instruct an obligee or an obligor seeking to implement a withholding order on where to obtain the payor notice. The bill also requires the Department of Health and Human Services to make available to the public a payor notice that conforms to the standard formats prescribed by the federal Secretary of Health and Human Services and to notify the courts as to where an obligee or an obligor seeking to implement a withholding order can obtain the payor notice.