

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

Amend the bill by striking out the title and substituting the following:

**'An Act Concerning the Collection of Child Support Obligations'**

Amend the bill by striking out everything after the title and before the summary and inserting the following:

**'Emergency preamble. Whereas,** acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** currently child support obligations are automatically suspended during the period a child support obligor receives public assistance; and

**Whereas,** current law prohibits the collection of child support debts from child support obligors who are receiving public assistance; and

**Whereas,** lump sum payments to child support obligors should be available for satisfying past-due child support debts, even while obligors are receiving public assistance; and

**Whereas,** amending the law to allow the interception of lump sum payments will benefit children due child support; and

**Whereas,** the Department of Health and Human Services will amend its rules to ensure that a child support obligor receiving public assistance does not lose benefits based on a lump sum payment when the lump sum payment is intercepted and used to pay past-due child support; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 19-A MRSA §2302, sub-§2,** as enacted by PL 2001, c. 255, §1, is amended to read:

**2. Child support obligation during period that obligor is assisted obligor.** For the period during which an obligor is an assisted obligor and for 2 weeks thereafter, the assisted obligor's child support obligation is automatically suspended. At the end of the 2 weeks, the obligor's child support obligation resumes automatically at the same level at which it was suspended unless modified by an order entered pursuant to subsection 3.

A debt previously incurred under section 2301 may not be collected from a responsible parent while that parent is an assisted obligor, except that such a debt may be collected from nonrecurring lump sum income, as defined in Title 22, section 3762, subsection 11, paragraph A, of a responsible parent while that parent is an assisted obligor.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect July 1, 2012.'

## SUMMARY

This amendment replaces the bill. The bill repeals the law that automatically suspends child support obligations while the obligor receives public assistance. This amendment allows the Department of Health and Human Services to intercept, while the obligor is receiving public assistance, tax refunds, lottery winnings and other lump sum awards to be applied to prior child support debts incurred by the obligor. Current law prohibits such collections.

This amendment replaces the emergency preamble and emergency clause to make the law take effect July 1, 2012.