



# 127th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2015

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**Legislative Document**

**No. 1330**

H.P. 905

House of Representatives, April 14, 2015

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**An Act To Enhance Efficiency in the Collection of Child Support Obligations**

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Submitted by the Department of Health and Human Services pursuant to Joint Rule 204.  
Reference to the Committee on Judiciary suggested and ordered printed.

*R. B. Hunt*  
ROBERT B. HUNT  
Clerk

Presented by Representative SANDERSON of Chelsea.  
Cosponsored by Senator BRAKEY of Androscoggin.

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

2           **Sec. 1. 14 MRSA §3128-A, sub-§3**, as amended by PL 2011, c. 34, §1, is further  
3       amended to read:

4           **3. Duration.** The order continues in effect for one year or until the obligor finds  
5       work, whichever occurs first.

6           **Sec. 2. 19-A MRSA §2001, sub-§5, ¶D**, as enacted by PL 1995, c. 694, Pt. B, §2  
7       and affected by Pt. E, §2, is amended to read:

8           D. Gross income may include the difference between the amount a party is earning  
9       and that party's earning capacity when the party voluntarily becomes or remains  
10      unemployed or underemployed, if sufficient evidence is introduced concerning a  
11      party's current earning capacity. In the absence of evidence in the record to the  
12      contrary, a party that is personally providing primary care for a child under the age of  
13      3 years 6 months is deemed not available for employment. The court shall consider  
14      anticipated child care and other work-related expenses in determining whether to  
15      impute income, or how much income to impute, to a party providing primary care to  
16      a child between the ages of 3 6 months and 12 years. A party who is incarcerated in a  
17      correctional or penal institution is deemed available only for employment that is  
18      available through such institutions.

19           **Sec. 3. 19-A MRSA §2006, sub-§5, ¶A**, as enacted by PL 1995, c. 694, Pt. B, §2  
20       and affected by Pt. E, §2, is amended to read:

21           A. When the parent who is not the primary care provider is legally obligated to  
22       support a child in that party's household other than the child for whom a support order  
23       is being sought, an adjustment must be made to that party's parental support  
24       obligation. The adjustment is made by using the nonprimary residential care  
25       provider's annual gross income to compute a theoretical support obligation under the  
26       support guidelines for each child in that household. Neither the child support  
27       received by nor the financial contributions of the other parent of each child in the  
28       household are considered in the theoretical support calculation. The obligation is  
29       then subtracted from the annual gross income, and the adjusted income is the amount  
30       used to calculate support. The adjustment is used in all appropriate cases, except  
31       when the result would be a reduction in an award previously established.

32           **Sec. 4. 19-A MRSA §2302, sub-§4**, as enacted by PL 2001, c. 255, §1, is  
33       repealed.

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

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

**Sec. 6. 19-A MRSA §2961, sub-§1, ¶B,** as enacted by PL 2003, c. 436, §10, is amended to read:

B. The individual submits to the jurisdiction of this State by consent in a record, by entering a general appearance or by filing a responsive document having the effect of waiving any contest to personal jurisdiction;

**Sec. 7.** 19-A MRSA §3101-E, as enacted by PL 1997, c. 669, §21, is repealed.

**Sec. 8. 19-A MRSA §3254, first ¶,** as amended by PL 2003, c. 436, §44, is further amended to read:

If a child support order issued by a tribunal of this State is modified by a tribunal of another state that assumed jurisdiction pursuant to the Uniform Interstate Family Support Act, a tribunal of ~~the~~ this State:

**Sec. 9.** 19-A MRSA §3311, sub-§4-A is enacted to read:

**4-A. Foreign central authority.** "Foreign central authority" means the entity designated by a foreign country as defined in section 2802, subsection 3-A to perform the functions specified in the Convention.

## SUMMARY

This bill amends laws concerning the collection of child support obligations. It removes from the duration of an order to seek work the provision "or until the obligor finds work." It changes the time frame in which a primary care provider of a child is deemed to be unavailable for employment from 3 years to the first 6 months of the child's life. It allows, when appropriate, an adjustment of child support obligations for a child in the party's household other than the child for whom a support order is being sought, even if that adjustment results in a reduction of a previously established award. It repeals the automatic suspension of the child support obligation of assisted obligors, and it corrects an inconsistency in amounts withheld from an obligor's withholding from \$2 per week to \$2 per pay period.