

ENROLLMENT(S)

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(5)

AN ACT
D.C. ACT 11-272

*Codification
District of
Columbia
Code
1997 Supp.*

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 20, 1996

To amend, on a temporary basis, the District of Columbia Child Support Enforcement Amendment Act of 1985 to require the court to base findings of good cause not to impose immediate withholding of earnings or income for child support on a written determination that immediate withholding is not in the best interest of the child and, in cases where support orders are being modified, to also require proof of timely payment of previously ordered child support; to require child support court orders to include a provision that directs absent parents to keep the IV-D Program informed of the parent's health insurance coverage and policy information; to require the court to issue to the absent parent advance notice of intent to impose wage withholding in cases where wages are not subject to immediate withholding; to require the court to issue to employers notice to withhold within 15 calendar days of the date of the support order in the case of immediate withholding; and to establish notice requirements consistent with federal law in interstate withholding cases where the District of Columbia is the initiating or responding state.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Child Support Enforcement Temporary Amendment Act of 1996".

Sec. 2. The District of Columbia Child Support Enforcement Amendment Act of 1985, effective February 24, 1987 (D.C. Law 6-166; D.C. Code § 30-501 *et seq.*), is amended as follows:

(a) Section 6 (D.C. Code § 30-505) is amended as follows:

- (1) By striking the word "and" at the end of the paragraph (1);
- (2) By adding a new paragraph (1A) to read as follows:

"(1A) In the case of a support order that is issued or modified on or after November 1, 1990, a finding of good cause not to require immediate withholding shall be based on at least:

"(A) A written explanation by the court of why immediate wage

**Note, Section
30-505**

ENROLLED ORIGINAL

withholding would not be in the best interest of the child; and

"(B) If the modification of a support order is at issue, a written explanation that there is proof of timely payment of previously ordered support obligations;"

(3) By striking the period at the end of paragraph (2) and inserting the phrase "; and" in its place; and

(4) By adding a new paragraph (3) to read as follows:

"(3) A provision that directs the absent parent to keep the IV-D Program informed of the absent parent's current employer, and whether the parent has access to health coverage at a reasonable cost and, if so, the health policy information."

(b) Section 8(b) (D.C. Code § 30-507(b)) is amended as follows:

**Note, Section
30-507**

(1) Paragraph (3) is amended by striking the word "and" at the end.

(2) Paragraph (4)(B) is amended by striking the period at the end and inserting a semicolon in its place.

(3) New paragraphs (5) and (6) are added to read as follows:

"(5) In the case of a support order that is issued or modified on or after November 1, 1990, a finding of good cause not to require immediate withholding shall be based on at least:

"(A) A written explanation by the court of why immediate wage withholding would not be in the best interest of the child; and

"(B) If the modification of a support order is at issue, a written explanation that there is proof of timely payment of previously ordered support obligations; and

"(6) A provision that directs the absent parent to keep the IV-D Program informed whether the absent parent has access to health coverage at a reasonable cost and, if so, the health policy information."

(c) Section 10 (D.C. Code § 30-509) is amended by adding a new subsection (d) to read as follows:

**Note, Section
30-509**

"(d)(1) In the case of wages not subject to immediate withholding, including cases subject to a finding of good cause or a written agreement, the court shall issue advance notice of initiated withholding to the absent parent on the earliest of the following dates:

"(A) If the absent parent's address is known:

"(i) Within 15 days of the date on which the arrearages equal support payable for 1 month;

"(ii) The date on which the absent parent requests payment to begin, if the date is approved by the court; or

"(iii) A date established by the court pursuant to child support procedures; or

"(B) If the parent's address is not known, within 15 calendar days of locating the parent.

"(2) The advance notice shall include the information set forth in subsection (c) of this section."

ENROLLED ORIGINAL

(d) Section 12 (D.C. Code § 30-511) is amended as follows:

Note, Section
30-511

(1) By adding a new subsection (a-1) to read as follows:

"(a-1) In the case of immediate wage withholding, the Clerk of the Court shall issue a notice to withhold within 15 days of the date the support order is issued if the employer's address is known, or if the employer's address is unknown, within 15 days of locating the employer's address."; and

(2) The lead-in language of subsection (b) is amended by striking the phrase "subsection (a)" and inserting the phrase "subsections (a) and (a-1)" in its place.

(e) Section 23 (D.C. Code § 30-522) is amended as follows:

Note, Section
30-522

(1) The lead-in language of subsection (a)(3) is amended to read as follows:

"(3) The Clerk of the Court shall issue a notice to withhold pursuant to section 12 and, within 15 calendar days of locating the obligor or the holder, the Clerk of the Court shall issue a notice of intent to withhold pursuant to section 10, which shall include the following:".

(2) Subsection (d) is amended by inserting, after the second sentence, the following sentence: "If required by the initiating jurisdiction, the Clerk of the Court shall provide the information necessary to carry out the withholding within 30 calendar days of receipt of the initiating jurisdiction's request for information.".

(f) Section 24 (D.C. Code § 30-523) is amended as follows:

Note, Section
30-523

(1) By designating the existing text as subsection (a); and

(2) By adding a new subsection (b) to read as follows:

"(b) Within 20 calendar days of a determination that a withholding is required in a particular case and receipt of information necessary to carry out the withholding, the Clerk of the Court shall notify the IV-D agency in the jurisdiction in which the obligor is employed to implement interstate withholding. The notice shall include all information necessary to carry out the withholding, including:

"(1) The amount requested to be withheld;

"(2) A certified copy of the support order with all modifications;

"(3) A certified copy of any income withholding order or notice still in effect;

and

"(4) If appropriate, a sworn statement of the obligee or certified statement of the IV-D agency of the arrearages.".

Sec. 3. This legislation will ensure that the District of Columbia's Child Support Enforcement Program ("Program") will continue to be eligible for federal funds and will not require the Program to expend any additional funds.

Sec. 4. (a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility and Management Assistance Authority Act of

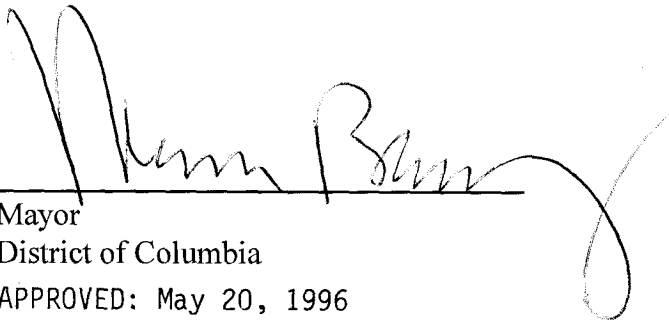
ENROLLED ORIGINAL

1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(c)), and a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect or on the effective date of the Child Support Enforcement Amendment Act of 1996, whichever occurs first.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED: May 20, 1996



COUNCIL OF THE DISTRICT OF COLUMBIA

COUNCIL PERIOD ELEVEN

RECORD OF OFFICIAL COUNCIL VOTE

Docket No.

B11-652

☐ ITEM ON CONSENT CALENDAR☒ ACTION & DATE

ADOPTED FIRST READING, 4-2-96

☒ VOICE VOTE

APPROVED

RECORDED VOTE ON REQUEST

LIGHTFOOT AND RAY

ABSENT

☐ ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Clarke					Jarvis					Smith, Jr.				
Brazil					Lightfoot					Thomas, Sr.				
Chavous					Mason					Whittington				
Cropp					Patterson									
Evans					Ray									

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

Secretary to the Council

Date

☐ ITEM ON CONSENT CALENDAR☒ ACTION & DATE

ADOPTED FINAL READING, 5-7-96

☒ VOICE VOTE

APPROVED

RECORDED VOTE ON REQUEST

JARVIS, RAY AND THOMAS

ABSENT

☐ ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Clarke					Jarvis					Smith, Jr.				
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X-indicates no

AB-Absent

NV-Present not voting

CERTIFICATION RECORD

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COUNCIL PERIOD ELEVEN

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Docket No. B11-652☐ ITEM ON CONSENT CALENDAR☒ ACTION & DATE

ADOPTED FIRST READING, 4-2-96

☒ VOICE VOTE

APPROVED

RECORDED VOTE ON REQUEST

ABSENT

LIGHTFOOT AND RAY

☐ ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Clarke					Jarvis					Smith, Jr.				
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X - Indicates Vote

AB - Absent

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CERTIFICATION RECORD

Secretary to the Council

Date

☐ ITEM ON CONSENT CALENDAR☒ ACTION & DATE

ADOPTED FINAL READING, 5-7-96

☒ VOICE VOTE

APPROVED

RECORDED VOTE ON REQUEST

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X indicates no

AB-Absent

NV-Present not voting

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Secretary to the Council

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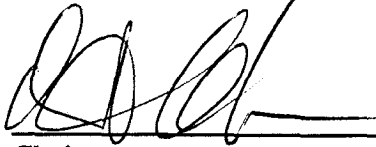
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