ENROLLMENT(S)

(5)

COUNCIL OF THE DISTRICT OF COLUMBIA

D.C. LAW 11- 47

"Child Support Enforcement Temporary Amendment Act of 1995".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P.L. 93-198 "the Act", the Council of the District of Columbia adopted Bill No. 11-287 on first and second readings, June 6, 1995 and June 20, 1995, respectively. Following the signature of the Mayor on July 6, 1995, pursuant to Section 404(e) of "the Act", and was assigned Act No. 11-88 and published in the July 14, 1995, edition of the D.C. Register (Vol. 42 page 3620) and transmitted to Congress on July 11, 1995 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 11-47, effective September 20, 1995.

DAVID A. CLARKE
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

July	11,12,13,14,17,18,19,20,21,24,25,26,27,28,31
Aug.	1,2,3,4
Sept.	5,6,7,8,11,12,13,14,15,18,19

Codification

District of Columbia Code

AN ACT

(__1996_____ Supplement)

D.C. ACT 11-88

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 6, 1995

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 a
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 1995".

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:　　　　　　　　　　Note, Section
30-505

(1) By adding the word "and" at the end of the paragraph (1)(B);

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

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"(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:

(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 of 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:

"(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.".

(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) Subsection (a)(3) is amended to read as follows:

"(a)(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:" and

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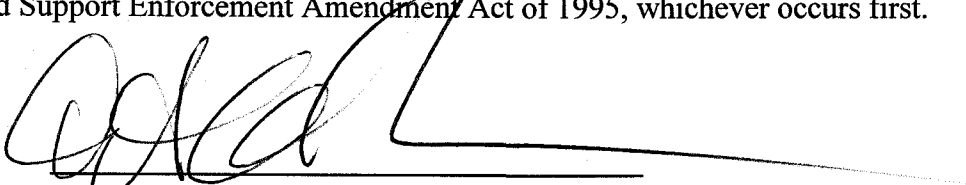
       "(4) If appropriate, a sworn statement of the obligee or certified statement of the IV-D agency of the arrearages.".

Sec. 3. (a) This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) 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 either the District of Columbia Register, the District of Columbia Statutes-at-Large, or the District of Columbia Municipal
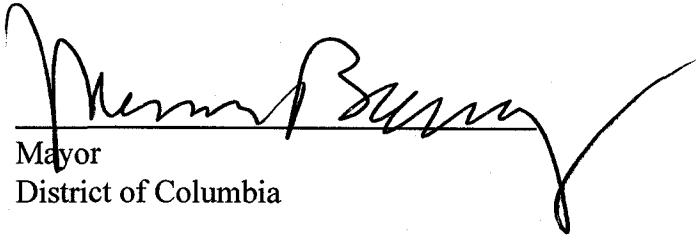
Regulations.

    (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 1995, whichever occurs first.

Chairman
Council of the District of Columbia

Mayor
District of Columbia

APPROVED: July 6, 1995

COUNCIL OF THE DISTRICT OF COLUMBIA

COUNCIL PERIOD ELEVEN

RECORD OF OFFICIAL COUNCIL VOTE

Docket No. **B11-287**

[ ] ITEM ON CONSENT CALENDAR

[X] ACTION & DATE _____ **ADOPTED FIRST READING, 06-06-95**

[X] VOICE VOTE _____ **APPROVED**
X RECORDED VOTE ON REQUEST

ABSENT _____ **BRAZIL, EVANS 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.				
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   June 22, 1995
                                                          Date

[X] ITEM ON CONSENT CALENDAR

[X] ACTION & DATE _____ **ADOPTED FINAL READING, 06-20-95**

[X] VOICE VOTE _____ **APPROVED**
RECORDED VOTE ON REQUEST

ABSENT _____ **ALL PRESENT**

[ ] 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 no   AB-Absent   NV-Present not voting

CERTIFICATION RECORD

_____   _____
Secretary to the Council   June 22, 1995
                                                          Date

[ ] ITEM ON CONSENT CALENDAR

[ ] ACTION & DATE _____

[ ] VOICE VOTE _____
RECORDED VOTE ON REQUEST

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