

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

*Codification
District of
Columbia
Official Code*

2001 Edition

2006 Spring
Supp.

West Group
Publisher

To amend, on a temporary basis, Title 16 of the District of Columbia Official Code to conform the general garnishment provisions to the income withholding requirements applicable to support orders, to provide for the enforcement of support orders by withholding according to applicable criteria, to require the Superior Court of the District of Columbia (“Court”) to order that certain support payments be made through the Collection and Disbursement Unit, and to require that payments under support orders subject to enforcement by the IV-D agency be made in equal monthly installments; and to amend the District of Columbia Child Support Enforcement Amendment Act of 1985 to revise and update applicable definitions, to fully establish the IV-D agency as the District’s Collection and Disbursement Unit, to specify the support payments that must be made through the Collection and Disbursement Unit, to revise the requirements for the content of support orders, to clarify and revise the criteria for withholding and the process through which withholding shall be implemented, to transfer responsibility for implementing withholding from the Court to the IV-D agency, to state the amounts that shall be withheld for current support and arrearages and provide a means for requesting a change in these amounts, to authorize the Court to enforce orders to withhold issued by the IV-D agency, to clarify that a notice of withholding to the obligor is only required in cases of initiated withholding being enforced by the IV-D agency, to eliminate escrow provisions relating to objections to withholding, to clarify the definition of a mistake of fact for the purpose of an objection to withholding, to specify that the time frame for resolving an objection to withholding begins on the date of service of the objection on the opposing party, to clarify the required contents of the notice or order to withhold to the holder, to require the holder to notify the IV-D agency of a termination of the obligor’s employment, to expand the time frame during which a holder must submit payments to the Collection and Disbursement Unit and specify when withholding must begin, to authorize both the Court and the IV-D agency to notify the holder to terminate the withholding, to require the IV-D agency to issue an order to withhold to an obligor’s new employer within 2 business days of receipt of updated employment information, to require the pro-ration of all types of payments among the support orders of multiple obligees, to clarify the requirements of interstate withholding, to clarify that the IV-D

agency is the District's centralized parent locator service and require persons and entities to provide the IV-D agency with specified information, to clarify that an administrative proceeding before the IV-D agency is not available to challenge notices or orders to withhold, and to make other conforming amendments.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Income Withholding Transfer and Revision Temporary Amendment Act of 2005".

Sec. 2. Title 16 of the District of Columbia Official Code is amended as follows:

(a) The table of contents for Chapter 5 is amended by adding the phrase "§ 16-571.01. Enforcement of support orders by attachment or garnishment." after the phrase "§ 16-571. Definitions."

(b) A new section 16-571.01 is added to read as follows:

"§ 16-571.01. Enforcement of support orders by attachment or garnishment.

"Notwithstanding any other provision of this subchapter, a notice or order to withhold issued to enforce a support order pursuant to Subchapter I of Chapter 2 of Title 46 shall have priority over any other legal process and shall be implemented according to the procedures, limitations, and requirements of that act."

(c) Section 16-573(b) is amended by striking the phrase "; except that, in the case of child support judgments, the employer shall continue to withhold the payments from the judgment debtor until receipt of an order of the court terminating the withholding".

(d) Section 16-577 is amended by striking the period at the end of the second sentence and adding the phrase ", except that a notice or order to withhold issued pursuant to Subchapter I of Chapter 2 of Title 46 shall have priority over any other legal process and shall be subject to the limitations stated in section 303(b) of the Consumer Credit Protection Act, approved May 29, 1968 (82 Stat. 163; 15 U.S.C. § 1673(b))." in its place.

(e) Section 16-582 is amended by adding the sentence "Unless otherwise specified, this subchapter does not apply to notices or orders to withhold issued pursuant to Subchapter I of Chapter 2 of Title 46." at the end.

(f) Section 16-911(a)(1) is amended by striking the phrase "and shall enforce support orders through withholding as required under section 46-207" and inserting the phrase "and all support orders shall be enforceable by withholding as provided in section 46-207" in its place.

(g) Section 16-916 is amended to add a new subsection (c-4) to read as follows:

"(c-4) All support orders subject to enforcement by the IV-D agency pursuant to title IV, part D of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. § 651 *et seq.*), shall require the payment of support in equal monthly amounts on the first day of each month. If a support order does not require the payment of support in this manner and the

support order is or becomes subject to enforcement by the IV-D agency, the IV-D agency may direct the payor, upon notice to both parents, to pay the support in equal monthly amounts on the first day of each month; provided, that the total of the monthly amounts required to be paid in one year cumulatively equals the total support required to be paid annually under the support order.”.

(h) Section 16-916.01(o)(3A) is amended by striking the phrase “specific facility,” and inserting the phrase “specific facility (except where the parent is incarcerated for contempt for failure to pay child support pursuant to section 46-225.02),” in its place.

Sec. 3. The District of Columbia Child Support Enforcement Amendment Act of 1985, effective February 24, 1987 (D.C. Law 6-166; D.C. Official Code § 46-201 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 46-201) is amended to read as follows:

Note,
§ 46-201

“Sec. 2. Definitions.

“For the purposes of this act, the term:

“(1) "Business day" means a day on which District offices are open for regular business.

“(2) "Caretaker" means a parent, relative, guardian, or other person whose needs are included in a public assistance payment for a dependent child and who is using those payments for the benefit of the dependent child.

“(3) "Collection and Disbursement Unit" or “CDU” means the centralized unit operated by the IV-D agency for the collection and disbursement of support payments as required under section 454B of title IV, part D of the Social Security Act, approved August 22, 1996 (110 Stat. 2207; 42 U.S.C. § 654B).

“(4) "Court" means the Superior Court of the District of Columbia.

“(5) "Custodian" means the parent, relative, guardian, or other person with whom the dependent child resides.

“(6) "Dependent child" means any child whose support is required by D.C. Official Code § 16-916, or any child to whom a responsible relative owes a duty of support.

“(7) "Duty of support" means:

(A) Any duty of support imposed by statute or by common law;

(B) Any duty of support imposed by court order, decree, or judgment, whether interlocutory or final; and

(C) Any duty of reimbursement imposed by law for monies expended by the District for support, including public assistance and foster care.

“(8) "Earnings" means any remuneration based on employment, including, but not limited to, wages, salaries, annuities, retirement benefits, unemployment compensation, and disability benefits.

“(9) "Entity" means a partnership, firm, association, corporation, sole

proprietorship, company, organization, or other business, including a governmental or nonprofit organization.

“(10) "IV-D agency" means the Child Support Services Division of the Office of the Attorney General for the District of Columbia, or successor organizational unit, that is responsible for administering or supervising the administration of the District's State Plan under title IV, part D, of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. § 651 *et seq.*), pertaining to parent locator services, paternity establishment, and the establishment, modification, and enforcement of support orders.

“(11) "Holder" means any person, firm, association, corporation, government official, or other entity that is believed to possess property of an obligor, including earnings or other income.

“(12) "Mayor" means the Mayor of the District of Columbia or the Mayor's designee.

“(13) "Notice to withhold" means a written notice informing a holder that an obligor's support order is enforceable by withholding and directing the holder to implement the withholding.

“(14) "Obligee" means a person or entity who is entitled to receive support pursuant to a support order.

“(15) "Obligor" means a person who is required to pay support pursuant to a support order.

“(16) "Order to withhold" means an order that requires a holder to turn over earnings or other income in a specified amount to a specified payee rather than to an individual to whom the earnings or other income would otherwise be payable.

“(17) "Other income" means any income available to an individual, whether or not derived from remuneration based on employment.

“(18) "Public assistance" means assistance granted under the District's Temporary Assistance for Needy Families Program or Program on Work, Employment, and Responsibility pursuant to the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-201.01 *et seq.*).

“(19) "Responsible relative" means a person obligated under law for the support of a dependent child.

“(20) "Support order" means a judgment, decree, or order, whether temporary, final, or subject to modification, issued by a court or an administrative agency of competent jurisdiction, for the support and maintenance of a child, including a child who has attained the age of majority under the law of the issuing state, or a child and the parent with whom the child is living, which provides for monetary support, health care, arrearages, or reimbursement and which may include related costs and fees, interest and penalties, income withholding, attorneys' fees, and other relief.”.

(b) Section 3a (D.C. Official Code § 46-202.01) is amended to read as follows:

Note,
§ 46-202.01

“Sec. 3a. Collection and Disbursement Unit.

”(a) The IV-D agency is established as the centralized Collection and Disbursement Unit for the collection and disbursement of support payments and shall operate the CDU either directly or through a contract or cooperative agreement with another entity.

“(b) The Collection and Disbursement Unit shall collect and disburse support payments under the following support orders, and obligors and holders required to pay support pursuant to these orders shall submit payments to the CDU for disbursement to the obligee:

“(1) All support orders enforced by the IV-D agency pursuant to title IV, part D of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. § 651 *et seq.*);

“(2) All support orders not enforced by the IV-D agency where the support order was initially issued in the District on or after January 1, 1994, and for which withholding of the obligor's earnings or other income has commenced; and

“(3) All other support orders for which the Court has ordered that payments be made through the Collection and Disbursement Unit, or for which withholding of the obligor's earnings or other income has commenced.

“(c) The IV-D agency shall operate the Collection and Disbursement Unit in coordination with the automated system the IV-D agency maintains pursuant to section 27j.

“(d)(1) The Collection and Disbursement Unit shall use automated procedures, electronic processes, and computer-driven technology, to the maximum extent that is feasible, efficient, and economical, for the collection and disbursement of support payments, including procedures:

“(A) For receipt of payments from obligors, holders, and other states, and for disbursements to obligees, the IV-D agency, and the IV-D agencies of other states;

“(B) For accurate identification of payments;

“(C) To ensure prompt disbursement of each obligee's share of any payment; and

“(D) To furnish to any obligor or obligee, upon request, timely information on the current status of support payments required to be made through the Collection and Disbursement Unit pursuant to subsection (b) of this section.

“(2) The Collection and Disbursement Unit shall not be required to convert and maintain, in automated form, records of payments made before August 22, 1996, for support orders subject to withholding that are not enforced by the IV-D agency.

“(e) The Collection and Disbursement Unit shall disburse all amounts payable within 2 business days after receipt from the employer or other holder if sufficient information identifying the payee is provided. The Collection and Disbursement Unit may delay the disbursement of collections toward arrearages until any appeal with respect to such arrearages has been resolved.”.

ENROLLED ORIGINAL

(c) Section 5(d) (D.C. Official Code § 46-204(d)) is amended by adding a new paragraph (3) to read as follows:

**Note,
§ 46-204**

“(3) Incarceration for contempt for failure to pay child support pursuant to section 26b shall not constitute a change in circumstances sufficient to warrant a modification of support under subsection (a) of this section.”.

(d) Section 6 (D.C. Official Code § 46-205) is amended to read as follows:

**Note,
§ 46-205**

“Sec. 6. Contents of support order.

“All support orders, whether they are original orders or modifications of existing orders, shall contain the following:

“(1) A provision requiring the withholding of support payments from the obligor’s earnings or other income in accordance with this act;

“(2) Notice that the support order shall be enforceable by withholding as specified in sections 8 and 8a;

“(3) Notice that payments required by a support order specified in section 3a(b) shall be made through the Collection and Disbursement Unit and any other payments shall be considered a gift and shall not offset the duty of support;

“(4) A provision that directs the parties to file and update the information specified in section 27b with the IV-D agency and the Court in accordance with that section;

“(5) Terms providing for the payment of the child's medical expenses, whether or not health insurance is available to pay for those expenses, which shall include a provision directing the obligor and obligee to notify the IV-D agency and the Court of the following:

“(A) Any change in either the obligor's or the obligee's access to health insurance coverage for the child or the reasonableness of the costs of coverage; and

“(B) All health insurance policy information necessary to enroll the child in the health insurance to which the obligor or obligee has access;

“(6) Notice that if the obligor is required under the support order to provide health insurance coverage for a child, the obligor's employer will, upon receipt of notice of the health insurance coverage provision, enroll the child in health insurance coverage and deduct the premiums from the obligor's earnings in accordance with sections 2 and 3 of the Medicaid Benefits Protection Act of 1994, effective March 14, 1995 (D.C. Law 10-202; D.C. Official Code §§ 1-307.41, 1-307.42), and the Medical Support Establishment and Enforcement Amendment Act of 2004, effective March 30, 2004 (D.C. Law 15-130; D.C. Official Code § 46-251.01 *et seq.*);

“(7) Notice that the amount and name of the obligor and obligee of all support orders entered, modified, registered, or enforced in the District after December 23, 1997 shall be reported to a consumer credit reporting agency if the obligor owes overdue support in the amount of \$1,000 or more;

“(8) The name, address, and telephone number of the obligor’s current employer; and

“(9) Notice that an order to withhold may be changed upon a motion by a party or the IV-D agency for a reapportionment of periodic arrears payments pursuant to section 9(c).”.

(e) Section 6a (D.C. Official Code § 46-205.01) is amended as follows:

Note,
§ 46-205.01

(1) The section heading is amended by striking the phrase “child and spousal”.

(2) The text is amended by striking the word “Superior”.

(f) Section 7 (D.C. Official Code § 46-206) is amended as follows:

Note,
§ 46-206

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

“(a) In any case brought in Court under D.C. Official Code § 11-1101(a)(1), (3), (10), or (11) involving the establishment of support, the Clerk of the Court shall issue notice to the alleged responsible relative stating that a hearing to determine the matter of support has been scheduled. This hearing shall be scheduled within 45 days after the date the application is filed.”.

(2) Re-designate subsection (b-1) as subsection (f).

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

“(c) The notice shall include the following:

“(1) The name of the person for whom support is being claimed;

“(2) A demand that the alleged responsible relative attend a hearing and the date, time, and place of the hearing;

“(3) An explanation of the possible consequences of the alleged responsible relative's failure to attend the scheduled hearing;

“(4) A demand that the alleged responsible relative bring to the hearing any record in the relative's possession of earnings received in the past 2 years, including receipts for earnings provided by an employer, or any wage and tax statements prepared by an employer setting forth earnings for tax purposes;

“(5) Notice that the alleged responsible relative may be represented by counsel at any stage of the proceedings;

“(6) An explanation that a request for a continuance may result in the setting of interim support or the posting of collateral; and

“(7) A copy of the complaint or petition.”.

(4) A new subsection (e) is added to read as follows:

“(e) Where a party is seeking a modification of a support order:

“(1) The Clerk of the Court shall issue notice to the opposing party:

“(A) Stating that a hearing to determine the matter of support has been scheduled;

“(B) Containing the information stated in subsection (c) of this section; and

“(C) Including a copy of the motion for modification;

“(2) The hearing shall be scheduled within 45 days after the date the application

is filed; and

“(3) Personal service on the opposing party may be made in accordance with subsection (b) or (f) of this section.”.

(g) Section 8 (D.C. Official Code § 46-207) is amended to read as follows:

Note,
§ 46-207

“Sec. 8. Enforcement by withholding.

“(a) All support orders, whether they are original orders or modifications of existing orders, that are effective on or after January 1, 1994, or that are effective on or after November 1, 1990 in cases being enforced by the IV-D agency pursuant to title IV, part D of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. § 651 *et seq.*), shall be immediately enforceable by withholding, unless the Court finds there is good cause not to require immediate withholding or the parties agree in writing to an alternative method of payment.

“(b) A finding of good cause not to require immediate withholding pursuant to subsection (a) of this section shall be based on at least:

“(1) A written finding and explanation by the Court establishing the reasons that immediate withholding would not be in the best interests of the child; and

“(2) Proof of timely payment of previously ordered support in cases involving the modification of support orders.

“(c) A written agreement to an alternative method of payment shall be signed by the parties, and by the IV-D agency for support orders being enforced by the IV-D agency. The agreement shall be submitted to the Court for its review and approval, and entered into the Court's record.

“(d) All support orders being enforced by the IV-D agency that are not immediately enforceable by withholding under subsection (a) of this section, including support orders subject to a finding of good cause or a written agreement to an alternative method of payment, shall become enforceable by withholding on the earliest of:

“(1) The date the obligor requests that the withholding begin;

“(2) The date the custodian requests that the withholding begin; provided, that the IV-D agency approves the request pursuant to procedures the IV-D agency adopts for determining that withholding is in the best interests of the child; or

“(3) The date on which arrearages equal one month of support payments.

“(e) A support order shall be enforceable by withholding pursuant to subsection (a) or (d) of this section regardless of whether or not the Court has entered an order authorizing withholding as a means of enforcement.

“(f) All support orders not enforceable by withholding under subsection (a) or (d) of this section shall be enforceable by withholding on the effective date of a court order authorizing the withholding. The Court shall enter an order authorizing withholding, at the request of a party, upon a showing that:

“(1) Arrearages equal one month of support payments; or

“(2) Withholding is in the best interests of the child.”.

(h) A new section 8a is added to read as follows:

“Sec. 8a. Implementation of withholding.

“(a) The IV-D agency shall implement withholding for support orders enforceable by withholding pursuant to section 8 by issuing an order to withhold in the format prescribed by federal law and serving this order on the holder of the obligor’s earnings or other income as follows:

“(1) For support orders that are immediately enforceable by withholding pursuant to section 8(a), within 2 business days after the date the support order is received if the holder's address is known, or, if the holder's address is unknown, within 2 business days after receiving or locating the holder's address.

“(2) For support orders that become enforceable by withholding pursuant to section 8(d), within 2 business days after the date the support order becomes enforceable by withholding if the holder's address is known, or, if the holder's address is unknown, within 2 business days after receiving or locating the holder's address.

“(3) For support orders enforceable by withholding pursuant to section 8(f), within 2 business days of receipt of a written request from the Court or a party that includes a copy of the support order and the order authorizing the withholding; provided, that the holder’s address is known, or if the holder’s address is unknown, within 2 business days after receiving the holder’s address.

“(b) If an obligor changes employment while a withholding is in effect, the IV-D agency shall serve an order to withhold on the new holder within 2 business days after receiving or locating the new holder’s address.

“(c) For the purpose of this section, the IV-D agency shall be deemed to have received the holder’s address on the date the IV-D agency’s computerized support enforcement system receives notice of income or an income source from a court, a state, a holder, the Federal Parent Locator Service, or another source recognized by the IV-D agency, or the date information regarding a newly hired employee is entered into the District of Columbia Directory of New Hires pursuant to section 27f. The Court shall provide the IV-D agency with information it receives concerning the name or address of a holder within 2 business days after receiving the information.

“(d) The IV-D agency shall use the automated system it maintains pursuant to section 27j to the maximum extent that is feasible to assist and facilitate the collection and disbursement of support payments and the implementation of withholding, including:

“(1) Transmission of orders to withhold to employers and other holders;

“(2) Ongoing monitoring to promptly identify failures to make timely payment of support; and

“(3) Automatic use of enforcement procedures if payments are not timely made.

“(e) Any person or entity may serve a notice to withhold in the format prescribed by

federal law on a holder of an obligor's earnings or other income to inform the holder that the obligor's support order is enforceable by withholding and to require the holder to implement withholding in accordance with this act. A person or entity serving a notice to withhold shall provide a copy of the support order and the order authorizing the withholding to the holder with the notice.

"(f) Notices and orders to withhold may be served without prior notice to the obligor, by in-person delivery, certified mail, first-class mail, facsimile, or electronically, if the holder can receive electronic notices."

(i) Section 9 (D.C. Official Code § 46-208) is amended to read as follows:

"Sec. 9. Withholding.

Note,
§ 46-208

"(a) Notwithstanding any other provision of Subchapter II or III of Chapter 5 of Title 16, where a notice or order to withhold is served on a holder of an obligor's earnings or other income, the withholding shall be for an amount sufficient to satisfy the obligor's periodic support obligation, an amount equal to 25% of the periodic support obligation if the obligor owes overdue support, and other costs or fees required by the support order.

"(b) When an obligor is no longer subject to a periodic support obligation but owes overdue support, the withholding shall be for the amount of the obligor's most recent periodic support obligation.

"(c) Upon a motion by a party or the IV-D agency, the Court may order withholding of an amount that differs from the amount required for overdue support pursuant to subsection (a) or (b) of this section if the Court finds that the amount required would:

"(1) Cause a substantial hardship to the obligor; or

"(2) Result in an unreasonable delay in the full payment of the overdue support.

"(d) A notice or order to withhold served on a holder in accordance with this act shall have priority over any other legal process under District law, and shall not exceed the limitations set forth under section 303(b) of the Consumer Credit Protection Act, approved May 29, 1968 (82 Stat. 163; 15 U.S.C. § 1673(b)).

"(e) The Collection and Disbursement Unit shall establish procedures for the prompt return to an obligor of any amounts it receives that have been improperly withheld.

"(f) Nothing in this act shall be construed to require a judicial or administrative hearing before the implementation of withholding.

"(g) An order to withhold issued in accordance with this act shall be binding on each present and future holder upon whom it is served until the holder is notified of its termination in writing by the Court or the IV-D agency. Upon a motion filed by a party or the IV-D agency, the Court may enforce an order to withhold issued by the IV-D agency in the same manner as the Court may enforce a judicial order, including civil contempt.

"(h) Where a party or entity registers a support order entered in another jurisdiction for enforcement pursuant to the Uniform Interstate Family Support Act of 1995, effective February 9, 1996 (D.C. Law 11-81; D.C. Official Code § 46-301.01 *et seq.*), withholding shall be

implemented in the same manner and subject to the same procedures as a support order entered in the District of Columbia.”.

(j) Section 10 (D.C. Official Code § 46-209) is amended to read as follow:

Note,
§ 46-209

“Sec. 10. Notice of withholding to the obligor.

“(a) If a support order becomes enforceable by withholding pursuant to section 8(d), the IV-D agency shall send a notice of withholding to the obligor and shall certify the date the notice is mailed.

“(b) The notice of withholding to the obligor shall include the following:

“(1) Notice that withholding has commenced;

“(2) A statement of any arrearage that has accrued, the amount of the support obligation that is accruing, and the periodic amount required to be paid in the future;

“(3) A statement of the amount of the obligor's earnings or other income that shall be withheld;

“(4) A statement that the withholding shall apply to any current and subsequent employer or period of employment;

“(5) A statement that the obligor has the right to object to the withholding, a statement of the procedures available for objecting to the withholding, and a statement that the only basis for objecting to the withholding is a mistake of fact as defined in section 11(c);

“(6) A statement of the actions that will be taken if the obligor objects to the withholding; and

“(7) A statement of the information given to the holder pursuant to section 12.

“(c) The IV-D agency shall send the notice of withholding to the obligor within 15 days after serving the order to withhold on the holder.”.

(k) Section 11 (D.C. Official Code § 46-210) is amended to read as follows:

Note,
§ 46-210

“Sec. 11. Objections to withholding.

“(a) An obligor may object to a withholding commenced pursuant to section 8a by filing a motion to quash the withholding with the Court within 15 days after the earlier of the date the notice of withholding was mailed or the date the first payment was withheld.

“(b) The Court shall resolve any motion to quash the withholding within 90 days after service of the motion on the opposing party, unless, upon a showing of good cause, the Court finds that additional time is needed to resolve the motion.

“(c) The only ground for an objection to a withholding is a mistake of fact, which is defined as:

“(1) A mistake in the amount of arrears;

“(2) A mistake in the identity of the obligor; or

“(3) A mistake in the amount of the withholding that causes the amount withheld to exceed the limits specified in section 9 or section 303(b) of the Consumer Credit Protection Act, approved May 29, 1968 (82 Stat. 163; 15 U.S.C. § 1673(b)).

“(d) Payment of arrearages after the date of issuance of a notice of withholding to the

obligor pursuant to section 10 is not a defense to the withholding.

“(e) The Court shall deny the motion in all cases except where the identity of the obligor is mistaken or, if applicable, where arrearages have never equaled one month of support payments, and shall notify the obligor.

“(f) If the Court determines that the amount to be withheld exceeds the limits of section 9 or section 303(b) of the Consumer Credit Protection Act, the Court shall serve or direct the IV-D agency to serve an order to withhold on the holder that complies with those limits.

“(g) The Court shall deny any request to stay the withholding pending resolution of an objection or appeal.”.

(l) Section 12 (D.C. Official Code § 46-211) is amended to read as follows:

Note,
§ 46-211

“Sec. 12. Notice to withhold to the holder.

“A notice or order to withhold served pursuant to section 8a shall be issued in the format required by federal law and shall state the following:

“(1) The amount to be withheld, including any fee deducted and retained under section 13;

“(2) That the amount to be withheld shall not exceed the limits imposed under section 303(b) of the Consumer Credit Protection Act, approved May 29, 1968 (82 Stat. 163; 15 U.S.C. § 1673(b));

“(3) That the holder shall withhold from the obligor’s earnings or other income the amount specified in the notice or order to withhold, pay the withheld amount to the Collection and Disbursement Unit within 7 business days after the date the income would have been paid to the obligor, and report to the Collection and Disbursement Unit the date on which the amount was withheld;

“(4) That the holder shall begin withholding no later than the first pay period occurring 10 days after the date the notice or order to withhold was issued;

“(5) That the holder may deduct and retain an additional \$ 2 for processing costs or, if applicable, an amount permitted under section 13(e);

“(6) That the withholding is binding on the holder until further notice;

“(7) That the holder may be fined in accordance with section 20(c) for discharging an obligor from employment, refusing to employ an obligor, or taking disciplinary action against an obligor because of the withholding;

“(8) That, if the holder fails to withhold support payments from earnings or other income or remit these payments to the Collection and Disbursement Unit as required under this act, the holder shall be liable as specified in section 14;

“(9) That the withholding has priority over any other legal process under District law;

“(10) That the holder may combine withheld amounts from more than one obligor in a single payment and separately identify the portion of the payment that is attributable to each obligor;

“(11) That the holder shall withhold according to the requirements of section 13; and

“(12) That the holder shall give notice to the IV-D agency of a termination of the obligor’s employment as required by section 17.”.

(m) Section 13 (D.C. Official Code § 46-212) is amended to read as follows:

Note,
§ 46-212

“Sec. 13. Holder's duty to withhold and make payments.

“(a) Except as provided in subsection (e) of this section, a holder that receives a notice or order to withhold issued in accordance with this act shall withhold the specified amount and make payment to the Collection and Disbursement Unit no later than 7 business days after the date the amount would have been paid or credited to the obligor. The holder shall begin withholding no later than the first pay period occurring 10 days after the date the notice or order to withhold was issued.

“(b) If a holder receives notice of any legal proceeding challenging the withholding or the judgment or order of support on which it is based, the holder shall continue to withhold and submit the payments to the Collection and Disbursement Unit until the holder receives written notice from the Court or the IV-D agency directing the holder to cease the withholding.

“(c) Any payment made by a holder in conformity with this section shall discharge the liability of the holder to the obligor to the extent of the payment.

“(d) A holder upon whom a notice or order to withhold has been served may deduct and retain from the obligor’s earnings or other income an additional \$ 2 for each deduction made in accordance with the notice or order to withhold. Where the total amount to be withheld, together with a fee, exceeds the limitations set forth in section 303(b) of the Consumer Credit Protection Act, approved May 29, 1968 (82 Stat. 163; 15 U.S.C. § 1673(b)), the holder shall reduce the amount of the withholding to conform with these limitations, but the amount of the fee shall not be reduced by reason of the limitations.

“(e) Notwithstanding any other provision of this act, if a holder receives a notice or order to withhold issued by another state, the holder shall apply the income withholding law of the state of the obligor's principal place of employment in determining:

“(1) The holder's fee for processing the notice or order to withhold;

“(2) The maximum amount permitted to be withheld from the obligor's income;

“(3) The time periods within which the holder must implement the withholding and forward the support payment;

“(4) The priorities for withholding and allocating income withheld for multiple support obligees; and

“(5) Any withholding terms or conditions not specified in the notice or order to withhold.”.

(n) Section 14 (D.C. Official Code § 46-213) is amended as follows:

Note,
§ 46-213

(1) Subsection (a) is amended as follows:

(A) Strike the phrase “income or other earnings” and insert the phrase

“earnings or other income” in its place.

(B) Strike the phrase “obligor,” and insert the phrase “obligor, obligee,” in its place.

(C) Strike the phrase “responsible relative,”.

(2) Subsection (b) is amended by striking the phrase “failure to withhold” and inserting the phrase “failure to withhold or make payment” in its place.

(o) Section 15 (D.C. Official Code § 46-214) is amended to read as follows:

Note,
§ 46-214

“Sec. 15. Termination of withholding.

“(a) Withholding shall terminate:

“(1) When the support obligation has been terminated and the total arrearage has been satisfied;

“(2) When the holder, by reason of termination of employment or other reason, no longer holds earnings or other income payable to the obligor;

“(3) When the payee has failed to give notice to the Court and the IV-D agency of a change of address as required by section 27b, and the holder receives written notice from the Court or the IV-D agency that withholding is no longer required; or

“(4) When the holder receives written notice from the Court or the IV-D agency that withholding is no longer required based on information received from another jurisdiction.

“(b) The Court shall provide the IV-D agency with a copy of each notice of termination it issues to a holder within 2 business days after issuance.

“(c) If, because of the failure of a payee to give notice to the Court and the IV-D agency of a change in address as required by section 27b, the Collection and Disbursement Unit is unable, for a 3-month period, to deliver payments received pursuant to a notice or order to withhold, the IV-D agency shall send written notice to the holder to cease the withholding. The Collection and Disbursement Unit shall prorate and apply the undeliverable payments to satisfy amounts the obligor owes under other support orders, and shall prioritize these payments in accordance with section 18. If the obligor does not owe support under an additional support order, the Collection and Disbursement Unit shall apply the payments to any fees or debts owed to the IV-D agency and return the balance of the undeliverable payments, if any, to the obligor.”.

(p) Section 16 (D.C. Official Code § 46-215) is amended by striking the phrase “of withholding issued by the Court” and inserting the phrase “to withhold issued by the IV-D agency” in its place.

Note,
§ 46-215

(q) Section 17 (D.C. Official Code § 46-216) is amended as follows:

Note,
§ 46-216

(1) Subsection (a) is amended by striking the word “Court” and inserting the phrase “IV-D agency” in its place.

(2) Subsection (b) is amended to read as follows:

“(b) The IV-D agency shall serve an order to withhold on the obligor’s new employer within 2 business days after receipt of information regarding the obligor’s new place of employment, or within 2 business days after the date information regarding the obligor is

entered into the District of Columbia Directory of New Hires pursuant to section 27f, whichever occurs first.”.

(r) Section 18(b) (D.C. Official Code § 46-217(b)) is amended to read as follows:

Note,
§ 46-217

“(b) If current support payments do not exceed the limits of section 303(b) of the Consumer Credit Protection Act, the Collection and Disbursement Unit shall prorate payments toward health insurance coverage, medical support, arrearages, and other costs and fees among the orders and prioritize these payments in accordance with section 108 of the Medical Support Establishment and Enforcement Amendment Act of 2004, effective March 30, 2004 (D.C. Law 15-130; D.C. Official Code § 46-251.08), and applicable federal requirements.”.

(s) Section 19 (D.C. Official Code § 46-218) is amended to read as follows:

Note,
§ 46-218

“Sec. 19. Voluntary income withholding.

“(a) An obligor may obtain voluntary income withholding by filing with the IV-D agency a request for withholding and, if the support order is from another jurisdiction, a certified copy of the support order.

“(b) Upon receipt of a request under subsection (a) of this section, the IV-D agency shall serve an order to withhold on the holder specified in the obligor’s request. Payments shall be made through the Collection and Disbursement Unit.”.

(t) Section 20 (D.C. Official Code § 46-219) is amended as follows:

Note,
§ 46-219

(1) Subsection (a) is amended as follows:

(A) Strike the phrase “employee or” wherever it appears.

(B) Strike the word “child” after the phrase “purposes of paying”.

(2) Subsection (b) is amended by striking the phrase “the notice to the holder pursuant to section 12,” and inserting the phrase “a notice or order to withhold,” in its place.

(3) Subsection (d) is amended by striking the word “child” after the phrase “duty of”.

(u) Section 21 (D.C. Official Code § 46-220) is amended by striking the word “order” after the phrase “satisfy the withholding”.

Note,
§ 46-220

(v) Section 22 (D.C. Official Code § 46-221) is amended by striking the phrase “notice of withholding” and inserting the phrase “notice or order to withhold” in its place.

Note,
§ 46-221

(w) Section 23 (D.C. Official Code § 46-222) is amended to read as follows:

Note,
§ 46-222

“Sec. 23. Interstate withholding.

“(a) Upon receipt of notice from another state that withholding is required to enforce a support order, including all documents and information necessary to carry out the withholding, the IV-D agency shall implement the withholding in accordance with section 8a.

“(b) If the IV-D agency determines that the obligor is no longer employed in the District of Columbia, the IV-D agency shall provide the initiating jurisdiction with the name and address of the obligor and the obligor's new employer, if known.

“(c) The IV-D agency, upon receiving a certified copy of a modification of a support order entered or registered in the District of Columbia, shall initiate necessary procedures to

amend or modify a withholding that is based on the support order that has been modified.”.

(x) Section 24 (D.C. Official Code § 46-223) is amended to read as follows:

Note,
§ 46-223

“Sec. 24. Initiation of withholding in other jurisdictions.

“(a) When an obligor under a support order derives income in another jurisdiction, the IV-D agency, the Court, or any other appropriate person or entity may serve a notice or order to withhold on a holder in the jurisdiction where the obligor receives income.

“(b) In any case being enforced by the IV-D agency pursuant to title IV, part D of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C.S. § 651 *et seq.*), where the IV-D agency determines that the obligor derives income in another jurisdiction and that interstate withholding is necessary to enforce the support order, the IV-D agency shall, within 20 days of this determination, notify the IV-D agency in the jurisdiction in which the obligor derives income 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 copy of the support order with all modifications; and

“(3) A statement of arrears, if appropriate.”.

(y) Section 25(c) (D.C. Official Code § 46-224(c)) is amended by striking the phrase “subsection (a)” and inserting the phrase “subsection (b)” in its place.

Note,
§ 46-224

(z) Section 25b (D.C. Official Code § 46-224.02) is amended to read as follows:

Note,
§ 46-224.02

“Sec. 25b. Parent locator service.

“(a) The IV-D agency is established as the District’s centralized Parent Locator Service to locate parents of children in need of support.

“(b) An officer or employee of the District shall cooperate with the IV-D agency to determine the location of a parent who is not supporting his or her child. The officer or employee shall provide any pertinent information that relates to the location, income, or property of a parent, notwithstanding any District statute, ordinance, or rule that makes the information confidential.

“(c) A company, corporation, partnership, association, union, organization, or entity doing business in the District shall provide the IV-D agency with the following available information, if the IV-D agency certifies that the information shall be used to locate a parent of a child in need of support and that the information obtained will be treated as confidential by the IV-D agency unless the parent's name is published or reported to a consumer credit reporting agency pursuant to section 26:

“(1) Full name of the parent;

“(2) Name and address of the parent's employer;

“(3) Social security number of the parent;

“(4) Date of birth of the parent;

“(5) Home address of the parent;

“(6) Amount of wages earned by the parent; and

“(7) Number of dependents claimed by the parent on state and federal income withholding forms.

“(d) A person may not knowingly refuse to give the IV-D agency information that will assist the IV-D agency in locating the parent of a child.

“(e) A person who knowingly refuses to provide information or provides false information that has been requested pursuant to subsection (c) of this section, upon conviction, shall be imprisoned for not more than 3 months, fined not more than \$1,000, or both.”.

(aa) Section 26b (D.C. Official Code § 46-225.02) is amended to read as follows:

Note,
§ 46-225.02

“Sec. 26b. Criminal contempt remedy for failure to pay child support.

“(a) The Mayor or a party who has a legal claim to child support may initiate a criminal contempt action for failure to pay the support by filing a motion in the civil action in which the support order was established.

“(b)(1) Upon a finding by the Court that an obligor has willfully failed to obey a lawful support order, the Court may:

“(A) Commit the obligor to jail for a term not to exceed 180 days;

“(B) Order the obligor to participate in a rehabilitative program, if the Court determines that participation would assist the obligor in complying with the support order and access to such program is available;

“(C) Order the obligor to accept appropriate available employment or participate in job search and placement activities; or

“(D) Place the obligor on probation under such conditions as the Court may determine and in accordance with the provisions of the criminal procedure law.

“(2) The Court may direct that an obligor's commitment may be served upon certain specified days or parts of days. The Court may suspend all or part of a sentence and may, at any time within the term of the sentence, revoke the suspension and commit the obligor for the remainder of the original sentence. A period of commitment shall not prevent the Court from committing the obligor for a subsequent failure to comply with a support order.

“(3) For the purposes of paragraph (1)(B) of this subsection, the term "rehabilitative program" shall include work preparation and skill programs, non-residential alcohol and substance abuse programs, and educational programs.

“(c) The Court shall order the obligor to pay the petitioner's attorney's fees as well as court costs, unless good cause can be demonstrated on the record against this result.

“(d) For purposes of this section, failure to pay child support, as ordered, shall constitute prima facie evidence of a willful violation. This presumption may be rebutted if the obligor was incarcerated, hospitalized, or disabled during the period of nonsupport. These circumstances do not constitute an exhaustive list of circumstances that may be used to rebut the presumption of willfulness.

“(e) The Court shall not deny a request for relief pursuant to this section unless the facts and circumstances constituting the reasons for its determination are set forth in a written

memorandum of decision.”.

(bb) Section 27 (D.C. Official Code § 46-226) is amended as follows:

Note,
§ 46-226

(1) Subsection (a) is amended by striking the phrase “notice of income withholding,” and inserting the phrase “notice or order to withhold,” in its place.

(2) Subsection (b) is amended by striking the phrase “an income withholding notice” and inserting the phrase “a notice or order to withhold” in its place.

(cc) Section 27c (D.C. Official Code § 46-226.03) is amended as follows:

Note,
§ 46-226.03

(1) Subsection (a) is amended as follows:

(A) Paragraph (2) is amended by inserting a comma after the word “company”.

(B) Paragraph (4)(H) is amended by striking the phrase “Department of Public Works, Bureau of Motor Vehicle Services;” and inserting the phrase “Department of Motor Vehicles;” in its place.

(C) Paragraph (6) is amended to read as follows:

“(6) Order income withholding, including the amount of periodic support payments and any additional amount for health insurance coverage, medical support, overdue support payments, and other costs or fees required under a support order;”.

(2) Subsection (b) is amended by striking the period at the end and inserting the phrase “, except that the IV-D agency shall provide notice of withholding to the obligor only as required pursuant to section 10.” in its place.

(3) Subsection (c) is amended by adding the sentence “This subsection shall not apply to IV-D agency actions related to the withholding of earnings or other income under this act.” at the end.

(4) Subsection (e) is amended as follows:

(A) Strike the phrase “Family Division of the Superior” in the first sentence.

(B) Strike the word “Superior” wherever it appears in the third sentence.

(5) Subsection (f) is amended by striking the word “Superior” wherever it appears.

(dd) Section 27f (D.C. Official Code § 46-226.06) is amended as follows:

Note,
§ 46-226.06

(1) Subsection (f) is amended to read as follows:

“(f) Within 2 business days after the date a report under subsection (b) of this section is entered into the District of Columbia Directory of New Hires, the IV-D agency shall transmit an order to withhold to the employer in accordance with this act, unless the employee's income is not subject to withholding.”.

(2) Subsection (i) is amended by adding the phrase “of the District of Columbia” after the phrase “Superior Court”.

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(ee) Section 27g(a) (D.C. Official Code § 46-226.07(a)) is amended by striking the sentence “For the purposes of this section, the term “business day” means a day on which District government offices are open for regular business.”.

**Note,
§ 46-226.07**

(ff) Section 27i (D.C. Official Code § 46-226.09) is amended as follows:

**Note,
§ 46-226.09**

(1) Strike the phrase “assistance under TANF” and insert the phrase “public assistance” in its place.

(2) Strike the word “Superior”.

Sec. 4. Fiscal impact statement.

The Council adopts the June 20, 2005 fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

(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), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.

Chairman
Council of the District of Columbia

Mayor
District of Columbia