

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND AND TWELVE

—
S.P. 549 - L.D. 1650

An Act Concerning the Collection of Child Support Obligations

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.

In House of Representatives, 2012

Read twice and passed to be enacted.

..... Speaker

In Senate, 2012

Read twice and passed to be enacted.

..... President

Approved 2012

..... Governor