

§3128-A. Order to seek employment

1. Order; exceptions. If a child support obligor claims inability to pay in a disclosure proceeding under section 3125 or Title 19-A, section 2361, the court may order the obligor to seek employment or participate in work activities as defined by section 407(d) of the Social Security Act, and make progress reports on that activity to the court or the Department of Human Services unless:

A. The obligor proves by a preponderance of the evidence that the obligor is engaged in diligent, bona fide efforts to seek work; or [PL 1995, c. 419, §8 (NEW).]

B. The obligor proves by a preponderance of the evidence that the obligor does not have the ability to seek work. [PL 1995, c. 419, §8 (NEW).]

[PL 1997, c. 537, §8 (AMD); PL 1997, c. 537, §§9, 62 (AFF).]

2. Contents. The order must contain, but is not limited to, the following directives:

A. That the obligor seek employment within a specified amount of time; [PL 1995, c. 419, §8 (NEW).]

B. That the obligor file weekly with the court or the Department of Human Services, as applicable, a report on any new employment of the obligor or at least 5 new attempts by the obligor to find employment; [PL 1995, c. 419, §8 (NEW).]

C. That the obligor include in the report filed pursuant to paragraph B the name, address and telephone number of the new employer or the names, addresses and telephone numbers of the employers with whom the obligor attempted to seek employment and the names of the individuals the obligor contacted to inquire about or apply for employment; and [PL 1995, c. 419, §8 (NEW).]

D. That failure to comply with the order is evidence, absent good cause, of willful nonpayment of child support for which the obligor may be held in contempt. [PL 1995, c. 419, §8 (NEW).]

[PL 1995, c. 419, §8 (NEW).]

3. Duration. The order continues in effect for one year.

[PL 2015, c. 186, §1 (AMD).]

4. Subsequent orders. The court may issue any order or combination of orders under this chapter to enforce an order under this section.

[PL 1995, c. 419, §8 (NEW).]

5. Report. If an obligor is ordered to report to the Department of Human Services pursuant to subsection 2, the Department of Human Services shall monitor compliance with the order and may petition the court to enforce the order.

[PL 1995, c. 419, §8 (NEW).]

6. Failure to report. Failure to report or otherwise comply with an order under this section, absent good cause, is evidence of willful nonpayment of child support for which the obligor may be held in contempt under section 3136.

[PL 1995, c. 419, §8 (NEW).]

7. Representation of the Department of Human Services; training. The Commissioner of Human Services may designate employees of the department who are not attorneys to represent the department in District Court in a proceeding filed under this section. The Commissioner shall ensure that appropriate training is provided to all employees designated to represent the department under this subsection.

[PL 1995, c. 419, §8 (NEW).]

8. Rulemaking. The Department of Human Services shall adopt rules to implement its responsibilities under this section.

[PL 1995, c. 419, §8 (NEW).]

9. Repeal.

[PL 1997, c. 537, §10 (RP); PL 1997, c. 537, §62 (AFF).]

SECTION HISTORY

PL 1995, c. 419, §8 (NEW). PL 1995, c. 694, §D18 (AMD). PL 1995, c. 694, §E2 (AFF). PL 1997, c. 537, §§8,10 (AMD). PL 1997, c. 537, §§9,62 (AFF). PL 2011, c. 34, §1 (AMD). PL 2015, c. 186, §1 (AMD).

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