

WORKING DRAFT

SENATE FILE NO. _____

Child support-income withholding amendments.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to child support enforcement; authorizing
 2 income withholding notices to be served by first class
 3 mail; providing a civil penalty for failure of a payor to
 4 withhold income as specified in an income withholding
 5 notice; conforming a provision; and providing for an
 6 effective date.

7

8 *Be It Enacted by the Legislature of the State of Wyoming:*

9

10 **Section 1.** W.S. 20-6-203 and 20-6-218(a) and (c) are
 11 amended to read:

12

13 **20-6-203. Notices; method of service.**

14

1 All notices required by this act shall be served by first
2 class mail or certified mail return receipt requested to
3 the last known address of the addressee or shall be
4 personally served as provided by the Wyoming Rules of Civil
5 Procedure. If mailed, notice shall be deemed given when
6 deposited in the United States mail, postage prepaid.
7 Proof of mailing shall be sufficient proof of notice. ~~The~~
8 ~~cost of mailing the notice is the responsibility of the~~
9 ~~obligee.~~

10 *****Staff Comment*****

11 Rule 4(1)(2) of the Wyoming Rules of Civil
12 Procedure (W.R.C.P.) requires service of process
13 by mail to include return receipt requested as
14 proof of receipt. The Wyoming Supreme Court in
15 *Oedekoven v. Oedekoven*, 475 P.2d 307 (Wyo. 1970)
16 held that a statute allowing service by certified
17 mail only does not eliminate the requirement
18 under Rule 4 of the W.R.C.P. that the mailing be
19 return receipt requested.
20

21
22 **20-6-218. Penalties.**

23
24 (a) A payor who fails to withhold income in the
25 amount specified in the notice to payor is liable for any
26 amount up to the accumulated amount the payor should have
27 withheld from the obligor's income. In addition, any payor
28 who violates this subsection is subject to a civil penalty

1 in an amount not to exceed two hundred dollars (\$200.00)
2 for each instance the payor fails to withhold income as
3 specified in the notice. The fee shall be collected in
4 accordance with subsection (b) of this section.

5

6 (c) Except for a violation of subsection (a) or (b)
7 of this section, an employer who complies in good faith
8 with an income withholding order shall not be subject to
9 civil liabilities.

10

11 **Section 2.** This act is effective July 1, 2006.

12

13

(END)