

HOUSE BILL NO. _____

Child support-income withholding.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to child support enforcement; amending
 2 responsibilities for preparation and mailing of income
 3 withholding orders and related notices as specified;
 4 amending penalties for noncompliance as specified; and
 5 providing for an effective date.

6

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

8

9 **Section 1.** W.S. 20-6-202(a)(xi), 20-6-203,
 10 20-6-206(a)(ii), 20-6-208(a)(intro), 20-6-210(a)(intro),
 11 (iii), (b)(iii)(intro), (vi) and (c), 20-6-211(a)(intro),
 12 (b) and (c), 20-6-212(d), 20-6-213(b), 20-6-214(c) and
 13 20-6-218(b), by creating new subsections (c) and (d) and by
 14 renumbering (c) as (e) are amended to read:

15

16 **20-6-202. Definitions.**

17

1 (a) As used in this act:

2

3 (xi) "Notice to payor" means the notice provided
4 ~~by W.S. 20-6-210~~ to the employer pursuant to the income
5 withholding order;

6

7 **20-6-203. Notices; method of service.**

8

9 All notices required by this act shall be served by
10 certified mail return receipt requested or first class mail
11 to the last known address of the addressee or shall be
12 personally served as provided by the Wyoming Rules of Civil
13 Procedure. If mailed, notice shall be deemed given when
14 deposited in the United States mail, postage prepaid. Proof
15 of mailing shall be sufficient proof of notice.

16

17 **20-6-206. Contents of income withholding order.**

18

19 (a) The income withholding order shall:

20

21 (ii) Order the payor to comply with all the
22 terms of the notice to payor and all subsequent notices
23 ~~from the clerk~~ served upon the payor;

24

1 **20-6-208. Notice to obligor of income withholding**
2 **order.**

3

4 (a) Except where an income withholding order becomes
5 effective immediately, the ~~clerk shall send notice~~ income
6 withholding order shall be sent in accordance with W.S.
7 20-6-210(a) to the obligor no later than fifteen (15) days
8 after the date when:

9

10 **20-6-210. Notice to payor.**

11

12 (a) The notice to payor shall be prepared and the
13 original notice filed with the clerk ~~before an income~~
14 ~~withholding order is~~ and a copy of the notice mailed to the
15 payor. ~~The notice to payor shall be prepared~~ and to the
16 obligor by:

17

18 (iii) The obligee or the department in all other
19 cases.

20

21 (b) The notice to payor shall state:

22

23 (iii) That the amount actually withheld for
24 support combined with the fee authorized by W.S.

1 20-6-212(c) ÷ shall not exceed the maximum amount authorized
2 by 15 U.S.C. § 1673.

3

4 (vi) That the ~~income withholding order~~ notice to
5 payor is binding upon the payor until further notice ~~from~~
6 the clerk is received as provided in accordance with W.S.
7 20-6-210(a);

8

9 (c) Notwithstanding any other provision of law, the
10 uniform income withholding order and notice to payor is
11 deemed to meet the requirements of this ~~section~~ act.

12

13 **20-6-211. Service of income withholding order;**
14 **amended notice to payor; notice to labor organizations;**
15 **penalty.**

16

17 (a) The ~~clerk~~ obligee or the department shall prepare
18 and mail to any known current or subsequent payor and the
19 obligor ~~certified copies~~ a copy of the income withholding
20 order and the notice to payor, upon or after the occurrence
21 of one (1) of the following:

22

23 (b) If the payor's address is not known on the dates
24 specified in subsection (a) of this section, the ~~clerk~~

1 ~~shall send~~ notice to payor shall be sent in accordance with
2 W.S. 20-6-210(a) no later than fifteen (15) days after
3 determining the payor's address. At any time following
4 service to the payor of the income withholding order and
5 notice to payor under subsection (a) of this section, and
6 if no support has been assigned, the obligee or the
7 department may prepare, ~~and deliver to~~ file with the clerk
8 of the court and mail to the payor and the obligor an
9 amended notice to payor decreasing the amount to be
10 withheld from the obligor's income. ~~The clerk shall mail a~~
11 ~~certified copy of the amended notice to the payor and to~~
12 ~~the obligor.~~ The amended notice is binding upon the payor
13 from the date of receipt.

14

15 (c) In addition to subsection (a) of this section and
16 in those cases in which it is known that the obligor may be
17 placed in employment with a payor by a labor or other
18 private or public employment referral organization
19 referring individuals to employment and operating within
20 this state, the ~~clerk~~ obligee or the department may
21 prepare, file with the clerk of court and mail to the
22 referring organization certified copies of the income
23 withholding order and the notice to payor or an amended
24 notice to payor pursuant to subsection (b) of this section.

1 The ~~clerk~~obligee or the department shall send notice to
2 payor under this subsection within the dates specified
3 under subsection (a) of this section. The referring
4 organization shall at the time of placement, forward the
5 notice to payor to each payor with which the organization
6 places the obligor. Upon forwarding the notice to payor, a
7 labor or other nongovernmental organization shall notify
8 the district court that the income withholding order has
9 been forwarded to the payor. The district court shall, at
10 the time it sends the withholding order and the notice to
11 payor to the referring organization, include a self-
12 addressed, stamped return envelope for the referring
13 organization's use for notification to the district court.
14 Additional envelopes shall be available to the referring
15 organization upon request. Any labor or other
16 nongovernmental organization failing to provide
17 notification to any payor at the time of placement as
18 required by this subsection is liable for an amount of up
19 to fifty dollars (\$50.00) that the payor should have
20 withheld from the obligor's income. The department of
21 employment may be reimbursed by the department of family
22 services for its costs incurred under this act.

23

24 **20-6-212. Duties of the payor; administrative fee.**

1

2 (d) If the payor has received more than one (1)
3 ~~income withholding order from the clerk~~ notice to payor,
4 all withheld amounts may be combined into a single payment
5 in which case the payor shall separately identify the
6 amount which is to be credited to each obligor. Upon
7 request, the clerk of court or the department may provide
8 assistance to a payor in determining the amount to be
9 credited to each obligor.

10

11 **20-6-213. Notice to clerk of changes.**

12

13 (b) The obligee or the department shall give written
14 notice to the clerk of the receipt of any other support
15 payments including but not limited to, any federal offset
16 or partial payment of any arrearage.

17

18 **20-6-214. Duties of clerk of court.**

19

20 (c) When there exists more than one (1) current order
21 for support, the clerk ~~may~~ shall distribute payments
22 received pursuant to W.S. 20-6-206(b).

23

24 **20-6-218. Penalties.**

1

2 (b) Payors shall pay in compliance with the
3 instructions specified in the notice to payor and in
4 accordance with the duties specified in W.S. 20-6-212. No
5 payor shall use the existence of an income withholding
6 order authorized by this act as grounds to discharge,
7 discipline or otherwise penalize an obligor or as grounds
8 to refuse to employ a person. ~~Any payor who violates this~~
9 ~~subsection is subject to a civil penalty in an amount the~~
10 ~~court determines of not more than two hundred dollars~~
11 ~~(\$200.00).~~ The ~~penalty~~ penalties imposed under this section
12 shall be collected from the violator, paid to the state
13 treasurer and credited as provided in W.S. 8-1-109. Before
14 the court imposes a civil penalty, the payor accused of a
15 violation shall be notified, in writing, of the specific
16 nature of the alleged violation and the time and place, at
17 least ten (10) days from the date of the notice, when a
18 hearing of the matter shall be held. After hearing or upon
19 failure of the accused to appear at the hearing, the court
20 shall determine the amount of the civil penalty to be
21 imposed in accordance with the limitation in this
22 ~~subsection~~ section.

23

1 (c) Any payor who violates this section is subject to
 2 a civil penalty in an amount of not more than two hundred
 3 dollars (\$200.00).

4
 5 (d) Penalties under this section shall not be imposed
 6 unless service of the notice to payor was completed by
 7 sending by certified mail return receipt requested to, or
 8 by personal service upon, the employer.

9
 10 ~~(e)~~ (e) Except for a violation of subsection (b) of
 11 this section, an employer who complies in good faith with
 12 an income withholding order shall not be subject to civil
 13 liabilities.

14
 15 **Section 2.** W.S. 20-6-210(b)(iii)(A) and (B) is
 16 repealed.

17
 18 **Section 3.** This act is effective July 1, 2007.

19
 20 (END)