

ENROLLED ACT NO. 89, HOUSE OF REPRESENTATIVES

FIFTY-NINTH LEGISLATURE OF THE STATE OF WYOMING
2007 GENERAL SESSION

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

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

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

20-6-202. Definitions.

(a) As used in this act:

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

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

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

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

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(a) The income withholding order shall:

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

20-6-210. Notice to payor.

(a) The notice to payor shall be prepared and the original notice filed with the clerk ~~before an income withholding order is~~ and a copy of the notice mailed or served pursuant to W.S. 20-6-203 to the payor. ~~The notice to payor shall be prepared~~ and to the obligor by:

(iii) The department, acting pursuant to W.S. 20-6-105(a)(ii), or the obligee in all other cases.

(b) The notice to payor shall state:

(iii) That the amount actually withheld for support combined with the fee authorized by W.S. 20-6-212(c) ~~÷~~ shall not exceed the maximum amount authorized by 15 U.S.C. § 1673;

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

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

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

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(a) The ~~clerk~~department, acting pursuant to W.S. 20-6-105(a)(ii), or the obligee shall prepare, file with the clerk and mail to any known current or subsequent payor and the obligor ~~certified copies~~a copy of the income withholding order and the notice to payor, upon or after the occurrence of one (1) of the following:

(b) If the payor's address is not known on the dates specified in subsection (a) of this section, the ~~clerk shall send~~ notice to payor shall be sent in accordance with W.S. 20-6-210(a) no later than fifteen (15) days after determining the payor's address. At any time following service to the payor of the income withholding order and notice to payor under subsection (a) of this section, and if no support has been assigned, the department, acting pursuant to W.S. 20-6-105(a)(ii), or the obligee may prepare, and deliver to file with the clerk of the court and mail to the payor and the obligor an amended notice to payor decreasing the amount to be withheld from the obligor's income. ~~The clerk shall mail a certified copy of the amended notice to the payor and to the obligor.~~ The amended notice is binding upon the payor from the date of receipt.

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

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to payor under this subsection within the dates specified under subsection (a) of this section. The referring organization shall at the time of placement, forward the notice to payor to each payor with which the organization places the obligor. Upon forwarding the notice to payor, a labor or other nongovernmental organization shall notify the district court that the income withholding order has been forwarded to the payor. The district court shall, at the time it sends the withholding order and the notice to payor to the referring organization, include a self-addressed, stamped return envelope for the referring organization's use for notification to the district court. Additional envelopes shall be available to the referring organization upon request. Any labor or other nongovernmental organization failing to provide notification to any payor at the time of placement as required by this subsection is liable for an amount of up to fifty dollars (\$50.00) that the payor should have withheld from the obligor's income. The department of employment may be reimbursed by the department of family services for its costs incurred under this act.

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

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

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

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(b) The department, acting pursuant to W.S. 20-6-105(a)(ii), or the obligee shall give written notice to the clerk of the receipt of any other support payments including but not limited to, any federal offset or partial payment of any arrearage.

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

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

20-6-218. Penalties.

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

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

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

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

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

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Section 3. This act is effective July 1, 2007.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk